

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 3, 1915.

(Legislative day of Tuesday, March 2, 1915.)

The recess having expired, the House (at 10 o'clock and 30 minutes a. m.) resumed its session.

The SPEAKER. The House will be in order. The Clerk will call the Unanimous Consent Calendar.

POST-OFFICE BUILDING, WILDWOOD, N. J.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 20243) to acquire a site and erect a building thereon for the use of the United States post office at Wildwood, N. J.

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

Mr. MANN. I object.

RECLAMATION OF CERTAIN ARID LANDS, NEVADA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21377) to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes.

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

Mr. MANN. Mr. Speaker, reserving the right to object, what is the number of the bill?

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

H. R. 21377.

Mr. MANN. I object.

CORRECTION OF STATEMENT.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Kentucky. Mr. Speaker, on the first day of last month I addressed the House relative to some matters pertaining to the District of Columbia.

During the course of my remarks I said:

Not long ago the Washington Star said editorially that Squire Dent's compensation should be large, because he, while auditor, could not practice law. The editor of the Star seems to have overlooked the fact that the auditor was then practicing law for one of the owners of the Star in the case of Gaddis v. Noyes. It is also true that the auditor uses his public office in practicing law.

Mr. Speaker, at the time I made that statement I entertained not the slightest doubt in my own mind that I had seen in the Star the statement to the effect that Auditor Dent was not engaged in the practice of law.

While my statement that he was actually engaged in the practice was correct, yet it develops that a contrary statement was not made by the Star.

Having had my attention invited to that particular part of what I said I have sent to the Congressional Library and had the files of the Star thoroughly gone through, with the result that there can not be found in the Star the statement that Auditor Dent was not engaged in the practice of law.

I am not now able to recall where I saw that statement, but I am entirely satisfied that it was not made in the Star; and, in justice to the editor of the Star, I now wish to make correction of what I said upon the former occasion.

EXTENSION OF REMARKS.

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Nebraska. Mr. Speaker, I ask unanimous consent to print in the RECORD an address by ex-President Taft, on neutrality, and also a letter from Prof. Francke, of Harvard University, on the same subject.

The SPEAKER. The gentleman from Nebraska [Mr. STEPHENS] asks unanimous consent to extend his remarks in the RECORD by printing an address by ex-President Taft, and also one by Prof. Francke on the subject of neutrality. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed with amendments bill of the following title, had insisted upon its amendments, asked a conference upon said bill and amendments, and had appointed

Mr. ASHURST, Mr. MYERS, and Mr. CLAPP as the conferees on the part of the Senate:

An act (H. R. 20150) 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.

The message also announced that the Senate had passed with amendments the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had agreed to the amendments of the House to the bill (H. R. 16510) to provide for recognizing the services of certain officers of the Army and Navy, late members of the Isthmian Canal Commission, to extend to them the thanks of Congress, to authorize their promotion, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

An act (H. R. 21121) to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914.

The message also announced that the Senate had passed with amendments bill of the following title, had insisted upon its amendments, asked a conference with the House on said bill and amendments, and had appointed Mr. FLETCHER, Mr. RANSELL, and Mr. NELSON as the conferees on the part of the Senate:

An act (H. R. 20189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the President had approved and signed bills and joint resolution of the following titles:

January 28, 1915:

H. R. 19076. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

February 15, 1915:

H. R. 19424. An act to extend the time for the completion of the municipal bridge at St. Louis, Mo.;

H. R. 20818. An act to authorize the Brunot Island Bridge Co. to construct, maintain, and operate a bridge across the back channel of the Ohio River; and

H. R. 20933. An act extending the time for completion of the bridge across the Mississippi River at Memphis, Tenn., authorized by an act entitled "An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at Memphis, Tenn.," approved August 23, 1912.

February 17, 1915:

H. R. 9584. An act to authorize the Secretary of the Treasury of the United States to sell the present old post office and the site thereof in the city of Jersey City, N. J.; and

H. R. 18783. An act to increase the limit of cost of the United States post-office building and site at St. Petersburg, Fla.

February 18, 1915:

H. R. 16896. An act for the relief of Col. Richard H. Wilson, United States Army.

February 24, 1915:

H. R. 17765. An act to regulate details of majors in the Ordnance Department;

H. R. 17982. An act to make Nyando, N. Y., a port through which merchandise may be imported for transportation without appraisement;

H. R. 18172. An act to increase the limit of cost of the United States post-office building at Seymour, Ind.; and

H. J. Res. 391. Joint resolution authorizing the Secretary of Commerce to postpone the sale of fur-seal skins now in the possession of the Government until such time as in his discretion he may deem such sale advisable.

On February 25, 1915:

H. R. 19376. An act confirming patents heretofore issued to certain Indians in the State of Washington;

H. R. 19545. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 20562. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

On February 27, 1915:

H. R. 17122. An act for the relief of John Burrows;

H. R. 17168. An act to authorize the North Alabama Traction Co., its successors and assigns, to construct, maintain, and oper-

ate a bridge across the Tennessee River at or near Decatur, Ala.;

H. R. 17907. An act granting the consent of Congress to the Interstate Bridge & Terminal Co., of Muscatine, Iowa, to build a bridge across the Mississippi River; and

H. R. 18745. An act in relation to the location of a navigable channel of the Calumet River in Illinois.

On March 1, 1915:

H. R. 21161. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1916, and for other purposes.

On March 3, 1915:

H. R. 12303. An act to amend section 3246 of the Revised Statutes of the United States, as amended by section 5 of the act of March 1, 1879;

H. R. 15557. An act for the relief of Anna Miller;

H. R. 16305. An act to reimburse Henry Weaver, postmaster at Delmar, Ala., for money and stamps stolen from said post office at Delmar and repaid by him to the Post Office Department;

H. R. 21318. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes; and

H. R. 21491. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

On March 1, 1915:

S. 7402. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On March 2, 1915:

S. 6980. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 7213. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On March 3, 1915:

S. 5295. An act to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes;

S. 6631. An act to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China.

On February 25, 1915:

S. 5629. An act for the relief of certain persons who made entry under the provisions of section 6, act of May 29, 1908.

On February 27, 1915:

S. 2518. An act granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply; and

S. 3897. An act to authorize the Great Northern Railway Co. to revise the location of its right of way, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 21121. An act to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914;

H. R. 2642. An act authorizing the President to reinstate Joseph Elliot Austin as an ensign in the United States Navy;

H. R. 12909. An act for the relief of James W. McGreevey;

H. J. Res. 366. Joint resolution authorizing the Secretary of War to use any allotment made under the provisions of an act approved October 2, 1914, and entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," for the improvement of East River and Hell Gate, N. Y.;

H. R. 4545. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 1698. An act to amend an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplemental thereto;

H. R. 15038. An act proposing an amendment to the Federal reserve act relative to acceptances, and for other purposes;

H. R. 20894. An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes;

H. R. 1090. An act for the relief of Alonzo D. Cadwallader;

H. R. 9734. An act for the relief of Victoria Coffman;

H. R. 7205. An act for the relief of H. S. Hathaway;

H. R. 3430. An act for the relief of Lottie Rapp;

H. R. 12229. An act for the relief of William A. Wallace;

H. R. 2662. An act for the relief of Andrew J. Lawrence;

H. R. 9701. An act for the relief of F. W. Theodore Schroeter;

H. R. 19909. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes; and

H. R. 20189. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 7555. An act to authorize the construction of a bridge across the Suwanee River in the State of Florida;

S. J. Res. 238. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the forty-ninth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the months of September and October, 1915, and for other purposes incident to said encampment;

S. 7743. An act to incorporate the Ellen Wilson Memorial Homes;

S. 3878. An act to validate certain homestead entries;

S. 2278. An act granting the El Paso & Rock Island Railway Co. a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes;

S. 7566. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 7598. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6981. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7509. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 7597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS 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 bills:

H. R. 11394. An act for the relief of Joseph A. Powers;

H. R. 10172. An act for the relief of L. V. Thomas;

H. R. 4001. An act for the relief of Daniel J. Ryan;

H. R. 13123. An act for the relief of Charles H. Rayfield, alias Charles H. Czarnowsky;

H. R. 15869. An act to provide for the establishment and maintenance of mining experiment and mine safety stations for making investigations and disseminating information among employees in mining, quarrying, metallurgical, and other mineral industries, and for other purposes;

H. R. 15414. An act for the relief of David Mowen;

H. R. 15220. An act to amend sections 4888 and 4889 of the Revised Statutes relating to patents;

H. R. 15000. An act authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Huntingdon, Tenn.;

H. R. 14931. An act for the relief of Arthur Brose;

H. R. 14167. An act for the relief of Emily J. Byrd;

H. R. 12780. An act to provide for the payment of the claim of J. O. Modisette for services performed for the Chickasaw Indians of Oklahoma; and

H. R. 12464. An act providing for the expenditure of part of the unexpended balance of the appropriation of \$10,000 made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa.

CONVEYING THE APPRECIATION OF CONGRESS.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to discharge the Committee on Foreign Affairs from consideration of Senate joint resolution No. 191. The House has reported a resolution to the same effect.

The SPEAKER. The gentleman asks unanimous consent to discharge the Committee on Foreign Affairs from the consideration of the resolution, which the Clerk will report, and immediately consider the same.

The Clerk read as follows:

Resolved, etc., That the thanks of Congress be, and they are hereby, presented to their excellencies Señor Domicio da Gama, Señor Rómulo S. Naón, and Señor Eduardo Suárez for their generous services as mediators in the controversy between the Government of the United States of America and the leaders of the warring parties in the Republic of Mexico.

Sec. 2. That the President of the United States is hereby authorized and requested to cause to be made and presented to their excellencies Señor Domicio da Gama, Señor Rómulo S. Naón, and Señor Eduardo Suárez suitable gold medals, appropriately inscribed, which shall express the high estimation in which Congress holds the services of these distinguished statesmen, and the Republics which they represent, in the promotion of peace and order in the American continent.

Sec. 3. That the sum of \$3,000, or so much thereof as may be necessary, for the purchase or manufacture of said medals is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection?

Mr. MOORE. Mr. Speaker, reserving the right to object, I would like to know what is conveyed to a man to whom the thanks of Congress are tendered in this way? What rights does he secure? Here are three gentlemen whom you propose to thank by an act of Congress. What special privileges do they have as the result of that act?

Mr. FLOOD of Virginia. They do not acquire any rights, except that they receive the thanks of Congress.

Mr. MOORE. Are they not given the freedom of the floor of the House of Representatives?

Mr. FLOOD of Virginia. Yes.

The SPEAKER. They are thanking Congress instead of Congress thanking them.

Mr. MANN. Oh, no.

Mr. FLOOD of Virginia. It does give them the right to the floor if Congress thanks them by name.

Mr. MOORE. We did this yesterday in two or three cases. Will the gentleman from Virginia give us some special reason why Congress should take this unusual step?

Mr. FLOOD of Virginia. Because these gentlemen devoted a good part of a whole summer in an earnest, unselfish, and splendid effort to restore peaceful relations in the neighboring Republic of Mexico and to adjust any misunderstanding between this country and Mexico.

Mr. MOORE. Did they do that at the request of the House, or any other legislative body in the United States?

Mr. FLOOD of Virginia. They did not; but they did it at the initiative, as I understood at the time, of these gentlemen themselves. They spent a great deal of time and labor and unselfish devotion to this effort to accomplish the purpose that everybody in this country was very much interested in and had deeply at heart.

Mr. MOORE. These were the gentlemen who assembled at Niagara Falls for the purpose of negotiating, if possible, for peace in Mexico?

Mr. FLOOD of Virginia. Yes.

Mr. MOORE. Did they accomplish what they went for?

Mr. FLOOD of Virginia. That is a matter of opinion. They did not restore peace in Mexico. They accomplished a great deal, and a great deal for which we ought to be very thankful to them, and this resolution but expresses those thanks. But whether they accomplished their purpose or failed, they made the effort, an unselfish and a laborious effort, and would still be entitled to our gratitude.

Mr. MOORE. Did they meet at their own suggestion or at the suggestion of the President?

Mr. FLOOD of Virginia. My understanding at the time was that the suggestion came from one of these gentlemen, and it was very gladly accepted by the executive department of the Government.

Mr. MOORE. It was at their own suggestion?

Mr. FLOOD of Virginia. It was at their initiative that the effort to bring about a better condition of affairs was undertaken.

Mr. MOORE. Did the Government contribute to the expenses of those negotiations?

Mr. FLOOD of Virginia. The Government contributed to some of the expenses. We had representatives before the mediators.

Mr. MOORE. The Government did contribute to this conference, the purpose of which was to bring about peace in Mexico, which was not accomplished?

Mr. FLOOD of Virginia. Yes.

Mr. MOORE. Does the gentleman think we ought to begin to give votes of thanks to gentlemen who perform voluntary,

or even paid, service? Yesterday we thanked some gentlemen for having performed paid services for the United States. Does the gentleman think we ought to give them the privileges of the floor of the House of Representatives as frequently as it now appears we propose to do, two propositions of this kind coming along in two days?

Mr. FLOOD of Virginia. These gentlemen, of course, rendered no paid service.

Mr. MANN. If the gentleman will yield, as long as these gentlemen are representatives of foreign countries they have the privileges of the floor now, under the rules of the House.

Mr. MOORE. And this would give them that privilege after their services as representatives of foreign countries cease.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

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

PRIVATE CLAIMS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13722) to relieve Congress from the adjudication of private claims against the Government.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

INTERNATIONAL ENGINEERING CONGRESS.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 307) authorizing the President to extend invitations to other nations to appoint delegates or representatives to the International Engineering Congress to be held at San Francisco, Cal., September 20 to 25, inclusive, 1915.

The joint resolution was read, as follows:

Resolved, etc., That the President is hereby authorized to extend invitations to other nations to appoint delegates or representatives to the International Engineering Congress to be held at San Francisco, Cal., September 20 to 25, inclusive, 1915: *Provided*, That no appropriation shall be granted for the expenses of delegates or for other expenses incurred in connection with the said congress.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Subsequently—

Mr. MANN. Mr. Speaker, we have passed House joint resolution 307. As that carried in the Diplomatic and Consular appropriation bill I ask unanimous consent to reconsider the vote by which it was passed, and that the joint resolution lie on the table. It will save work for the clerks.

The SPEAKER. The gentleman from Illinois asks unanimous consent to reconsider the vote by which House joint resolution 307 was passed and that the joint resolution lie on the table. Is there objection?

There was no objection.

POST OFFICE, GARDEN CITY, KANS.

Mr. NEELEY of Kansas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 7188) to increase the limit of cost of the United States post-office building at Garden City, Kans.

The SPEAKER. The gentleman from Kansas asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the limit of cost of the United States post-office building at Garden City, Kans., be, and the same is hereby, increased \$6,050, or so much thereof as may be necessary to meet the additional cost of construction of said building in order to make the building more substantial and fireproof, as estimated by the contractor for additional fireproof construction and other betterments.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Florida asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

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

CERTAIN TOWN SITES IN MONTANA.

Mr. PLATT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4180) to validate title to certain town sites in the State of Montana, which bill is identical with H. R. 20498, and to consider the bill in the House as in Committee of the Whole and pass it.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to accept for surface rights only Northern Pacific lieu-land selection heretofore made and designated as Glasgow, Mont., land office, serial No. 021480, for the following-described land: South half of the southeast quarter of section 3, in township 35 north, of range 49 east, Montana meridian; south half of the northeast quarter of section 9, in township 35 north, of range 50 east, Montana meridian; northeast quarter of the northeast quarter of section 17, in township 35 north, of range 51 east, Montana meridian; and issue patents thereto, which patents shall contain a reservation to the United States of all the coal in said lands, as provided by section 3 of the act of June 22, 1910 (36 Stat., p. 584).

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

UNALLOTTED LANDS OF CREEK INDIANS.

Mr. MURRAY. Mr. Speaker, I move to suspend the rules and pass House joint resolution 380, withholding from allotment the unallotted or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes, with an amendment.

Mr. UNDERWOOD. I suggest to the gentleman that he ask unanimous consent first. It will save time.

Mr. MURRAY. I know there will be objection to that.

The SPEAKER. The gentleman from Oklahoma moves to suspend the rules and pass House joint resolution 380 with amendments which will be read into it as a part of it.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the unallotted land or public domain of the Creek Nation or Tribe of Indians, including any land the title to which has been or may be recovered for the Creek Nation in any pending or other suit or otherwise, be, and the same is hereby, withheld from allotment to members of said nation or tribe, and that the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cause such land to be sold or leased for the benefit of the Creek Nation or Tribe of Indians under such rules and regulations as he may prescribe, the proceeds of such sale or lease to be paid into the Treasury of the United States to the credit of said Creek Nation; *Provided*, That the Secretary of the Interior is hereby authorized to pay each and every citizen of the Creek Nation who has not been allotted lands in said nation and who were duly, legally, and properly enrolled prior to the enrollment of the list included in Senate Document No. 478, Sixty-third Congress, second session, the sum of \$1,040, in lieu of an allotment of land in said nation. Said sum of \$1,040 to be paid to each and every person out of any funds in the Treasury of the United States to the credit of the Muskogee (Creek) Nation.

The SPEAKER. Is a second demanded?

Mr. CAMPBELL. I demand a second.

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

Mr. CAMPBELL. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kansas objects, and the Chair will appoint the gentleman from Oklahoma [Mr. MURRAY] and the gentleman from Kansas [Mr. CAMPBELL] as tellers.

The House divided; and the tellers reported that there were 52 ayes and 6 noes.

So a second was ordered.

Mr. UNDERWOOD. Mr. Speaker, the legislative bill is here, and I ask that it be taken up now without affecting the status of this bill.

LEGISLATIVE APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I present a conference report on the bill H. R. 19909, the legislative, executive, and judicial appropriation bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from South Carolina presents the conference report on the legislative appropriation bill. The Chair desires to say that gentlemen having these quick-action bills ought to have the bills at hand, with an engrossed copy, if possible, where they can lay their hands on it. There are 100 or 200 bills lying around, and it takes the Clerk a good while to hunt them up. In the second place, when there is a motion to suspend the rules and privileged matters come in the Chair will stop what is going on and take up the privileged matter. The gentleman from South Carolina asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 1510).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 19909) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 18, and 64, and agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Legislative Reference: To enable the Librarian of Congress to employ competent persons to gather, classify, and make available in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress and committees and Members thereof, \$25,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$30,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: Restore the amount stricken out by said amendment, and on page 55 of the bill, after line 26, insert the following: "For additional amount required for salaries and expenses of collectors of internal revenue, deputy collectors, surveyors, clerks, messengers, and janitors in internal-revenue offices until December 31, 1915, \$315,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: Strike out of lines 17, 18, 19, and 20 of the matter inserted by said amendment the following: "not to exceed \$4 per diem in lieu of subsistence to employees while officially engaged away from their designated posts of duty, being for the fiscal year ending June 30, 1916," and insert in lieu thereof the following: "per diem in lieu of subsistence pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914"; and the Senate agree to the same.

JOSEPH T. JOHNSON,

JOSEPH W. BYRNS,

WILLIAM M. CALDER,

Managers on the part of the House.

THOMAS S. MARTIN,

LEE S. OVERMAN,

J. H. GALLINGER,

Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 19909) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1916, submit the following written statement in explanation of the effect of the action agreed upon and recommended by the conference committee in the accompanying conference report as to each of the said amendments, namely:

Nos. 1, 2, and 18: Appropriates for mileage of Senators, Representatives, Delegates, and Commissioners in accordance with existing law and as proposed by the Senate.

No. 21: Appropriates \$25,000, as proposed by the Senate, for the legislative reference service of the Library of Congress, and strikes out the proposed reappropriation of the unexpended balance of the appropriation for the current year and the authority to acquire material, and for other expenses incidental to the work.

No. 35: Strikes out the appropriation of \$160,000, proposed by the Senate, for expenses incident to the formal opening of the Panama Canal.

No. 41: Appropriates \$30,000, instead of \$75,000, as proposed by the Senate, for emergency clerical services in the Department of State.

Nos. 63, 64, and 65, relating to the Internal-Revenue Service: Appropriates \$315,000 additional for salaries and expenses of collectors of internal revenue, deputy collectors, surveyors, clerks, messengers, and janitors in internal-revenue offices for service until December 31, 1915, on account of the war-revenue act; appropriates \$2,200,000, as proposed by the Senate, instead of \$2,600,000, as proposed by the House, for salaries and expenses of revenue agents, fees and expenses of gaugers, and salaries and expenses of storekeepers and storekeepers gaugers; inserts the provision, proposed by the Senate, with reference to gauging, branding, marking, and stamping by United States gaugers of rectified spirits; and appropriates \$292,000, as proposed by the Senate, for expenses under the act of December 17, 1914, restricting the sale of opium.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
WILLIAM M. CALDER,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to print in the RECORD some figures on the bill.

The SPEAKER. Without objection, permission will be granted. There was no objection.

The figures are as follows:

Amount of bill as passed Senate	\$37,211,503.50
Amount of bill as passed House	36,454,633.50
Amount added by Senate	756,870.00
Senate recedes from	305,983.75
House recedes from	450,886.25
Amount of bill as finally agreed upon	36,904,799.75
Amount of 1915 law	37,630,229.70
Reduction of bill as agreed on under 1915 law	725,429.95
Amount of 1916 estimates	40,727,518.27
Reduction of bill as agreed on under estimates	3,822,718.52

UNALLOTTED LANDS OF THE CREEK INDIANS.

Mr. MURRAY. Mr. Speaker, this resolution in brief is a resolution to provide for the withdrawal for allotment of about 2,800 acres of land of the Creek Nation, and pay these individuals, there being only five, \$1,040 in lieu of the allotment. The Creek treaty provided that each and every citizen should have \$1,040 worth of property. These lands are well worth \$30,000,000.

Mr. CAMPBELL. Will the gentleman yield?

Mr. MURRAY. I can not yield, I have but a few minutes.

Mr. CAMPBELL. The gentleman said that the resolution provided for a payment of \$1,040. I thought it was only \$800.

Mr. MURRAY. But I have put an amendment into my motion. The Creek treaty provided that each member of the tribe should receive \$1,040 worth of property. We provide that they shall be paid this money, and withdraw the remaining lands, worth \$30,000,000, and distribute the proceeds equally among the members of the Creek tribe. Mind you, there are a great many of the tribe that have only received \$800 and no land. We enrolled by an amendment in the Indian bill last Congress several hundred members and gave them \$800. The treaty stipulates \$1,040, and the Government has agreed that they shall be equalized up to \$1,040, so that if the Government does not exhaust that equalization there will be a claim against the Government amounting to about \$3,000,000. If these lands can be withdrawn there will be a sufficient amount to equalize all the allotments and discharge the obligation of the Government and give a payment of something like \$200 in addition to all the Indians.

It is one of those resolutions that there is only one side to except the side of the oil men, who feel that they can get a better deal through the probate court than they can with the department, if it is withdrawn, where it will have to go. I reserve the balance of my time.

Mr. CAMPBELL. Mr. Speaker, I yield four minutes to the gentleman from Virginia [Mr. WATSON].

Mr. WATSON. Mr. Speaker, this question is not one which should be rushed through in the closing hours of a legislative session. It is a question of law and not a question of public policy. If there were time left to debate it upon its merits there would be no danger of its passing this House or Congress. It is a question, Mr. Speaker, between the cupidity of a whole tribe of Indians on the one side and the legal rights of five members of that tribe on the other. This proposition has the indorsement of the attorney of the Creek Nation, because he, not unnaturally perhaps, desires to achieve pecuniary benefits for his clients. It very naturally has the indorsement of the Representative of that community in Congress, because it

is a much easier matter for the gentleman to consult the interest of 18,711 people than to hear the small voice of a few defenseless people who are about to be stripped of their legal rights.

Every member of the Creek Nation, which I understand numbers 18,715, has been allotted his part of the public domain. Only five individuals of that nation remain to be allotted their share of the tribal land. Some of these have not only received land of the value of \$1,040, as suggested by the gentleman from Oklahoma but 160 acres, their distributive share of land, upon which minerals and oil were known to exist or have been since discovered, and thus many thousands of dollars have gone into the coffers of individuals beyond their just proportion of the communal property.

Now it so happens, after these people have gotten not only the 160 acres of land upon which oil has been discovered and which they do not now propose to disgorge, when they find that oil has been discovered on the lands of these other defenseless people, they want to come in and share in the enhanced value of their land.

Mr. Speaker, I want to say to this House that this bill is nothing in the world but an attempt to postpone the settlement of a lawsuit which has been in the courts for some time past. That litigation was approaching its conclusion. To my mind, as a lawyer, there was but one issue to ensue, and that was the full establishment of the legal rights of these people. It is sought through this joint resolution, at the eleventh hour, to complicate the issues of this litigation and force these unfortunate people into the courts for perhaps three or five years to establish their legal rights.

I repeat, it is an effort on the part of the proponents of this measure simply to postpone the settlement of an ordinary lawsuit by means of a joint resolution, to be pushed through both Houses of Congress in its closing hours.

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

Mr. WATSON. Yes.

Mr. NORTON. Does the gentleman maintain that the passage of this resolution will deprive anyone out there of vested rights?

Mr. WATSON. I would say to the gentleman, Mr. Speaker, that it is impossible for any resolution of Congress to deprive these people of their vested legal rights.

Mr. NORTON. What legal rights will it take from them?

Mr. WATSON. I would say, furthermore, to the gentleman that it is impossible for this resolution to vest the Creek Nation with any legal rights which it does not now possess. The only practical effect of this resolution is to tell the Secretary of the Interior that he may not now issue the patents which the courts will ultimately compel him to issue in this case.

Mr. NORTON. Simply withdrawing these lands, as we are doing every day.

Mr. WATSON. Mr. Speaker, if the Secretary of the Interior has the legal right to withdraw these lands from allotment, he has the right without any resolution of Congress; so that, this resolution will confer no legal rights upon anybody, and, as a matter of law, it will deprive nobody of legal rights, but it will be a direction to a Cabinet officer of the Government to withhold patents which otherwise would issue until the resolution in its legal aspects could be adjudicated in the courts, which would require from three to five years of time. If the proposition were to enrich 5 people at the expense of 18,000, no Member of Congress would sympathize with or support it; and likewise I want to say that no man ought to consent to rob 5 people for the benefit of 18,000.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. MURRAY. Mr. Speaker, I yield four minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Speaker, this is a very simple proposition. In the Creek Nation in Oklahoma there now remains, in addition to some 2,000 acres of land of more or less value, five tracts of land that are of very great value on account of the oil discoveries made on these lands within the past two years. In 1901 an act of Congress (31 Stat. L., 861) was passed providing that all the land belonging to the Creek Nation should be divided or allotted among the citizens of the tribe so that each citizen should receive 160 acres of land of an appraised value not to exceed \$1,040. The land was appraised and each enrolled citizen of the tribe was allotted 160 acres of land. It was further provided that if an enrolled citizen took land of a greater appraised value than \$1,040 he paid into the tribal treasury the amount of its value in excess of \$1,040.

Mr. CAMPBELL. Oh, no.

Mr. NORTON. Yes; such, I understand, was the regulations governing the allotment in case the citizen took land of a

greater appraised value than \$1,040. If the citizen took land of less value than that—

Mr. MURRAY. No; they did not let him take any of excess value.

Mr. MILLER. They did not have any of excess value.

Mr. NORTON. That is probably true. There was no 160-acre tract of land of greater appraised value than \$1,040. The maximum price at which the land was appraised was \$6.50 an acre.

Mr. MILLER. That was the first agreement, but there was a subsequent modification so that if a man received a tract of land of value greater than that he did not have to pay the tribe.

Mr. NORTON. There was no 160-acre allotment of greater appraised value than \$1,040, but it was later provided that if an allottee received land of less appraised value than \$1,040 the difference would be paid to him in cash by the Creek Nation. Up to the present time, as I understand, where citizens of the Creek Nation have received an allotment of land of less value than \$800 they have all been paid the difference between the value of the land and \$800. The available funds of the Creek Nation have not been sufficient to pay to those citizens who received land of an appraised value of less than \$1,040 the difference between \$1,040 and the appraised value of their allotments. The opposition to this resolution comes chiefly from attorneys and others interested in the claims of five Creek citizens who, since oil was discovered on and in the vicinity of these five particular allotments in contest, have been endeavoring to acquire title to the same. It is generally conceded that four of these five citizens are, under existing law, entitled to allotments of land in the Creek Nation. In the case of the other citizen, David Bowlegs, it is maintained by the Government that he is the same identical person as Davis Bowlegs. The mother of the real David Bowlegs on July 18, 1907, made affidavit that David Bowlegs died about September, 1903. If his death occurred at such time as it seems it did, David Bowlegs would not be entitled to any allotment. Millard Sanders, Jack Elton Wilson, Quenton Garrett, Lula Walcott, and David Bowlegs are the five Creek citizens who, through the aid of a multitude of attorneys and assignees, are endeavoring to secure allotment and title to these lands of known value for their oil deposits. It might here be well to make clear to the House that Millard Sanders, Jack Elton Wilson, Quenton Garrett, and Lula Walcott had, some years ago, filed allotments on other lands in the Creek Nation.

These first allotments taken by them were contested by other citizens of the tribe and their rights to these allotments were either lost through contest or through their failure to defend to a final determination the contest actions brought against them. Now, this resolution merely purposes to withdraw from allotment these valuable oil lands that are estimated to be worth from \$5,000,000 to \$30,000,000 and to give to each of these five citizens the sum of \$1,040 in lieu of any equitable right whatever they may still have on allotment of land belonging to the Creek Nation. This, in my judgment, is more than a fair proposition to these five citizens and is giving to the Creek Nation the protection of law to which it is entitled. The fact that a considerable amount of these valuable oil lands have in the past been allotted to other citizens of the Creek Nation is no reason whatever why this Government, with the knowledge that is now before it, should allot land of a known value of millions of dollars to these five citizens or to any other citizens of the Creek Nation who may later make claim, and who may now, under existing law, be entitled to allotments. This resolution will not take from any of these five citizens any vested rights they may have in these lands. The question of title to these lands is now in heterogeneous litigation, and the passage of this resolution would not, in my best judgment, delay the final outcome of this litigation a single hour. Anyone who opposes the passage of this resolution on the ground that it would involve the interests of these five citizens in more litigation and delay for a long time the final determination of their rights, does so merely to becloud the matter and to gain sympathy for his cause. Unless this Congress passes this resolution now it will permit a great injustice to be done the Creek Nation. This Congress is the guardian of the Creek Nation and owes it as a duty to the Creek Nation to withdraw these valuable lands from allotment and to conserve them for the benefit of all the people of the tribe. Since the introduction of this resolution by Representative MURRAY every possible obstacle that could be thought of by the attorneys representing the oil interests of Oklahoma have been raised here in Washington to defeat the resolution. Pitted against some of the great oil companies and their attorneys, the Creek Nation, in this case, through its attorney, is waging a most trying, difficult, and an unequal

struggle. In all justice the Congress should come to the rescue of the Creek Nation by passing this resolution so that the Creek Nation may not be deprived of its remaining unallotted valuable oil lands.

The SPEAKER. The time of the gentleman from North Dakota has expired.

Mr. CAMPBELL. Mr. Speaker, I yield four minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Speaker, if this were a proposition to withdraw the surplus lands of the Creek Nation and conserve them for that nation, every Member of this House would be for it, no man stronger than myself; but it is not that at all. It is to take from five members of the Creek Nation, four of whom are admittedly entitled to an allotment, one other undoubtedly entitled to an allotment, the allotments which they have selected and to deprive them of their patrimony. There are two reasons why I am opposed to this resolution. The first is that, in my judgment, it is illegal. When an Indian belonging to the Creek Tribe receives a patent to his allotment, his rights are fixed, and no act of this body can deprive him of them. When he has made application for allotment and has received a certificate of allotment, his rights are fixed and you can not take them from him. When he has made the application for an allotment, thereby having performed all under the law that he is required to perform, his rights, in my opinion, have become vested, and we find the courts have so held. So that the passage of this resolution will create no end of litigation, providing fat fees for lawyers, and the real purpose is to deprive five Indians of their patrimony.

Mr. Speaker, the purpose of the resolution is to deprive five Indians of the Creek Nation of their proportionate share of the tribal property. All of the Creek Indians have been allotted except these five. Nobody else on the face of the earth can be allotted. Therefore it is wholly unnecessary to pass a resolution withdrawing the lands in excess of these five allotments from allotment, because the Secretary of the Interior could not allot them if he wanted to do so. There is no one to receive them; they belong to the tribe; and, therefore, it is clear that the purpose here is to take from these five men that to which, in my judgment, they are entitled.

Now, gentlemen will say that they offer to pay them \$1,040, and they will say that that is the maximum amount which those who receive allotments receive. Never was a more unfair statement made in the face of intelligent men. This value, of course, was fictitious. Those figures are fictitious. Those were the fictitious valuations placed upon the allotments. The standard allotment was \$1,040, but the minute the allotment was received it could have been sold for many times that amount; many and many a man could have sold his allotment for \$10,000 or more. Further, hundreds, perhaps thousands, of the Creeks have allotments rich in oil, worth fully as much as any of them. And I find that the Secretary of the Interior has recently contributed an article to the National Geographic Magazine, in which he holds up to the admiring gaze of the American people how thousands of these Creek Indians have been made rich because oil has been found on their allotments. He mentioned one who received \$94,000 in royalties alone last year; another received \$90,000, and so on down the list. Why favor them and rob these five? If there were other desirable agricultural lands that might be allotted to these five, there would be some defense to this scheme, but it is proposed to deprive them of any and all allotment.

Mr. NORTON. Will the gentleman yield?

Mr. MILLER. I can not yield. One thousand and forty dollars is ridiculous. The gentleman from Oklahoma [Mr. MURRAY] has stated that \$800 was an amount paid recently to a large number of the Creek citizens. That is, in one sense, true, but unfair. Who were they? They were "newborns," who have no rights at all except as we gave them rights. These five Indians are not "newborns," but agreement Indians whose rights were fixed by the treaties of 1901 and 1902.

Mr. BUTLER. Can not the courts settle these cases in an orderly way?

Mr. MILLER. I think so.

Mr. MURRAY. How about 52 on the Pollock roll?

Mr. MILLER. I am not going to enter a controversy with the gentleman on a question that has no bearing here to-day. He knows those sums are purely fictitious, as far as the real value of the agreement Indians allotment is concerned.

RIVER AND HARBOR APPROPRIATION BILL.

The SPEAKER. The time of the gentleman has expired. The gentleman from Florida [Mr. SPARKMAN] is recognized.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to take up the bill H. R. 20189, the river and harbor bill, and concur in the Senate amendments.

Mr. MANN. To do what?

Mr. SPARKMAN. I ask unanimous consent to take up the river and harbor bill and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

H. R. 20189. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following: "That the sum of \$25,000,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, and most economical and advantageous in the execution of the work: *Provided*, That allotments from the amount hereby appropriated shall be made by the Secretary of War upon the recommendation of the Chief of Engineers: *Provided further*, That allotments for the Mississippi River from the Head of Passes to the mouth of the Ohio River shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission as approved by the Chief of Engineers: *And provided further*, That at the beginning of the next session of Congress a special report shall be made to Congress by the Secretary of War showing the amount allotted under this appropriation to each work of improvement."

The Secretary of War may, upon the recommendation of the Chief of Engineers, transfer funds heretofore appropriated or authorized for any river or harbor improvement and which will probably not be required for that improvement prior to June 30, 1916, to any other river or harbor improvement for which funds may be needed prior to June 30, 1916: *Provided*, That the funds so transferred shall be subject to the same limitation as that imposed upon the original \$25,000,000, namely, to be expended only for the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, and most economical and advantageous in the execution of the work: *And provided further*, That the funds so transferred shall as far as practicable be limited to projects in the same or adjacent districts, and shall be limited to an aggregate of \$5,000,000.

Sec. 2. That the following modifications are authorized in projects heretofore adopted, to wit:

Malden River, Mass.: The funds now on hand and available for completing the plan of improvement authorized by the river and harbor act approved July 25, 1912, are hereby made available for any modified plan of improvement which may be recommended by the Chief of Engineers and approved by the Secretary of War: *Provided*, That any increase in cost involved in the execution of said modified plan shall be paid for by local interests and involve no further appropriation by the United States for the prosecution or completion of said improvement; that the riparian owners shall give proper permits to dump spoil on their lands and shall release the United States from all claims for damages by settling or caving of banks into the dredged channel; and that the State shall lower the obstructing sewer and pledge itself to maintain the new channel depth.

Harbor at Newport, R. I.: The unexpended balance of appropriations made and authorized by the river and harbor act approved March 2, 1907, for dredging to depths of 13 and 18 feet, is hereby made available for completing the work of dredging to a depth of 18 feet authorized by the river and harbor act approved June 25, 1910.

Providence River and Harbor, R. I.: That the second proviso in the paragraph of the river and harbor act approved March 4, 1913, providing for the improvement of Providence River and Harbor, R. I., be modified in accordance with recommendation in the report in Rivers and Harbors Committee Document No. 9, Sixty-third Congress, second session, to read as follows: "*Provided further*, That no work in the harbor proper north of Fields Point shall be done until the Secretary of War is satisfied that the State and the city have completed their proposed expenditures in the combined Providence and Pawtucket Harbors up to at least \$2,000,000 for public terminals or other permanent public harbor improvements, or shall have given to the Secretary of War assurance satisfactory to him that the expenditure of the \$2,000,000 aforesaid will be completed within a time satisfactory to him and not later than three years from the passage of this amendment."

Hudson River Channel, New York Harbor, N. Y.: Of the amount heretofore appropriated or authorized the unused balance of the estimate for removing the shoal off Hamburg Avenue, Hoboken, to a depth of 40 feet may be applied to such further dredging to that depth as may be required for the safe maneuvering of the deep-draft vessels using that part of the harbor.

Harbor at New York: So much as may be necessary of any appropriation or apportionment made for specific portions of New York Harbor and its immediate tributaries may be allotted by the Secretary of War for the maintenance of these waterways by the collection and removal of drift.

Harlem River, N. Y.: The Secretary of War is authorized and directed to cede to the State of New York all the lands heretofore acquired by the United States in the bed of that part of the Harlem River lying outside of the channel lines proposed for the Harlem River improvement in project No. 3, printed in House Document No. 557, Sixty-second Congress, second session, to a new bulkhead line to be established by the Secretary of War along the lines of said channel according to the project: *Provided*, That the cession hereby authorized and made shall take effect only upon the cession to the United States by the State of New York of the land and land under water with any improvements thereon lying between the channel lines proposed in said project: *Provided further*, That possession of the land hereby authorized to be ceded by the United States to the State of New York shall not be surrendered to said State until and only when the Chief of Engineers of the United States Army shall have certified that the new channel is open for navigation and that the land ceded is no longer necessary for the right of way of the Harlem River Ship Canal.

St. Jones River, Del.: The provisos attached to the items making appropriation for the improvement of St. Jones River, Del., in the

river and harbor acts of June 25, 1910, and February 27, 1911, are hereby modified to read as follows: *Provided*, That no part of said amount shall be expended for the excavation of any cut-off until a satisfactory title to the land required for that cut-off shall have been transferred to the United States, free of cost, and the United States shall have been released from all claims for damages arising from the proposed diversion of the stream.

Inland waterway between Rehoboth Bay and Delaware Bay, Del.: The Secretary of War is hereby authorized to secure the condemnation of a right of way through the tracks of the Delaware, Maryland & Virginia Railway Co. for said inland waterway where the line of said waterway intersects said railroad tracks, and any funds appropriated or allotted for improving said waterway are hereby made available for paying the award that may be made in said proceedings.

Pascagoula Harbor, Miss.: The paragraph in the river and harbor act, approved March 4, 1913, providing for the improvement of harbor at Pascagoula, Miss., is hereby amended to read as follows: "Pascagoula Harbor, Miss.: For maintenance of improvement of channel at the mouths of Pascagoula and Dog Rivers, and improving channel through Horn Island Pass, Mississippi Sound, Pascagoula River and Dog River, in accordance with the recommendation of the Chief of Engineers and the Board of Engineers for Rivers and Harbors in report dated February 10, 1914, and printed in Rivers and Harbors Committee Document No. 12, Sixty-third Congress, second session, \$110,000: *Provided*, That local interests shall furnish space for public wharves, both at Moss Point and at Pascagoula, 800 feet in length and of such width as may be satisfactory to the Secretary of War."

The Sabine-Neches Canal, Tex., from the Fort Arthur Ship Canal to the mouth of Sabine River, the Neches River up to the town of Beaumont, and the Sabine River up to the town of Orange, as provided for in the river and harbor act of February 27, 1911:

That the channels which the Beaumont navigation district, or other local interests, and the Orange navigation district, or other local interests, are required, by the aforesaid act, to maintain for a term of three years free of cost to the United States are hereby defined as, respectively, the channel from the mouth of the Neches River up to Beaumont, Tex., and the channel from the mouth of the Neches River up to Orange, Tex.: *Provided*, That nothing herein shall be construed as relieving said Beaumont navigation district of its obligation to provide for the operation and maintenance of the guard lock without cost to the United States as required by said river and harbor act of February 27, 1911.

Cumberland River above Nashville, Tenn.: The balances remaining unexpended from the appropriations made for the construction of locks and dams heretofore authorized, and no longer needed for said purpose, are hereby made available for maintenance of improvement by open-channel work on that part of the river above Nashville.

St. Marys River at the falls, Mich.: That so much as may be necessary of the unexpended balance of appropriations heretofore made for the construction of the new third lock may, in the discretion of the Secretary of War, be applied to the deepening and enlargement of the tailrace of the United States power plant, in order to increase the capacity of said plant.

Reservoirs at the headwaters of the Mississippi River: That the provisions in the river and harbor acts of June 25, 1910, and February 27, 1911, authorizing and making appropriations for the construction of a canal between Lake Winnibigoshish and Leech Lake, are hereby repealed.

Swinomish Slough, Wash.: That for the purpose of aiding in the improvement and maintenance of the channel across Padilla Bay, and securing the cooperation of local interests therein, the Secretary of War may authorize said local interests to construct a system of dikes and dredge along the said channel, and in connection therewith to close the adjacent streams known as Indian Slough and Telegraph Slough, all in accordance with such plans as may be approved by him on the recommendation of the Chief of Engineers: *Provided*, That no expense shall be incurred by the United States on account of said improvement.

Sec. 3. That where separate works or items are consolidated in this or subsequent river and harbor acts and an aggregate amount is appropriated therefor, any balances remaining to the credit of the separate works or items may be transferred to the credit of the corresponding aggregate amounts appropriated for the consolidated items, and the amounts appropriated or transferred shall, unless otherwise expressed, be expended in securing maintenance and improvement according to the respective projects adopted by Congress, after giving due regard to the respective needs of traffic. The allotments to the respective works consolidated shall be made by the Secretary of War upon recommendations by the Chief of Engineers. In case such works or items are consolidated and separate amounts are given with each project, the amounts so named shall be expended upon such separate projects unless, in the discretion of the Secretary of War, another allotment or division should be made of the same. Any balances remaining to the credit of the consolidated items shall be carried to the credit of the respective aggregate amounts appropriated for the consolidated items.

Sec. 4. That the Secretary of War is hereby authorized to receive from private parties such funds as may be contributed by them to be expended in connection with funds appropriated by the United States for any authorized work of public improvement of rivers and harbors whenever such work and expenditure may be considered by the Chief of Engineers as advantageous to the interests of navigation: *Provided*, That when contributions heretofore or hereafter made by local interests for river and harbor improvements, in accordance with specific requirements or under general authority of Congress, are in excess of the actual cost of the work contemplated and properly chargeable to such contributions, such excess contributions may, with the approval of the Secretary of War, be returned to the proper representatives of the contributing interests, unless the provision of law under which the contribution is made requires that the entire contribution be retained by the United States.

Sec. 5. That in the preparation of projects under this and subsequent river and harbor acts, unless otherwise expressed, the channel depths referred to shall be understood to signify the depth at mean low water in tidal waters tributary to the Atlantic and Gulf coasts and at mean lower low water in tidal waters tributary to the Pacific coast and the mean depth for a continuous period of 15 days of the lowest water in the navigation season of any year in rivers and nontidal channels, and the channel dimensions specified shall be understood to admit of such increase at the entrances, bends, sidings, and turning places as may be necessary to allow of the free movement of boats.

Sec. 6. That the act of Congress approved March 4, 1909, providing that all tugboats using the Potomac River, where the same is spanned by the new railway and new highway bridges, be equipped with devices for lowering their smokestacks, is hereby amended to include "power boats," meaning any boat, vessel, or craft propelled by machinery,

whether the machinery be only principal or auxiliary power of propulsion; and the provisions and requirements of the said act are hereby made applicable to "power boats" as herein defined.

SEC. 7. That the Secretary of War is hereby authorized, empowered, and directed to define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the United States whenever it is manifest to the said Secretary that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds shall have been recommended by the Chief of Engineers, and to adopt suitable rules and regulations in relation thereto; and such rules and regulations shall be enforced by the Revenue-Cutter Service under the direction of the Secretary of the Treasury: *Provided*, That at ports or places where there is no revenue cutter available such rules and regulations may be enforced by the Chief of Engineers under the direction of the Secretary of War. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of \$100; and the said vessel may be held for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be and in the name of the officer designated by the Secretary of War.

SEC. 8. That section 5 of the river and harbor act approved July 25, 1912, as amended by the river and harbor act approved March 4, 1913, be, and the same is hereby, amended so as to read as follows:

"SEC. 5. That the Secretary of War is authorized and directed to have prepared and transmitted to Congress at the earliest practicable date a compilation of preliminary examinations, surveys, projects, and appropriations for works of river and harbor improvement similar in general form and subject matter to that which was prepared in accordance with section 13 of the river and harbor act approved June 13, 1902, and printed in House Document No. 421, Fifty-seventh Congress, second session: *Provided*, That the report to be prepared in accordance with this provision shall be a revised edition of the report printed in the document above mentioned, extended to the end of the Sixty-third Congress."

SEC. 9. That the limit of time fixed by the river and harbor act of June 13, 1902, for the removal of a temporary dam and the construction of a lock in Bayou Lafourche, La., by the Atchafalaya Basin and Lafourche Basin Levee Boards of the State of Louisiana, is hereby extended to July 1, 1917.

SEC. 10. That the provisions of section 5 of the legislative, executive, and judicial appropriation act approved July 16, 1914, shall not be construed as applying to the purchase, maintenance, and repair of motor boats, trucks, and other vehicles needed in carrying out the various projects adopted by Congress for the improvement, preservation, and protection of rivers and harbors.

SEC. 11. That the Mississippi River Commission shall ascertain and report as far as possible what amounts have been contributed or are now being contributed by districts or localities on the Mississippi River benefited by the construction of levees or other improvements, the amount of bonds issued by such localities, the amount of bonds outstanding, the taxable value of the lands and other property within the levee and other districts issuing bonds; also whether there are any such districts or localities upon said river or near to it in a situation to be benefited by the improvement of said river, which are making no contributions toward the improvement thereof.

SEC. 12. That the provision in the river and harbor act of June 25, 1910, as given in volume 2 of the Compilation of Laws relating to the Improvement of Rivers and Harbors, published in 1913, pages 1420 and 1421, and beginning with the words "For the construction of the waterway from Rockport, Ill., by way of the Desplaines and Illinois Rivers, to the mouth of said Illinois River, \$1,000,000," and ending with the words "reports herein called for, shall be submitted to the Chief of Engineers not later than November 1, 1910, reviewed by the Board of Engineers for Rivers and Harbors, and submitted to Congress not later than the first Monday in December, 1910," be, and the same is hereby, repealed, and the amount remaining unexpended thereon shall be covered back into the Treasury.

SEC. 13. That Swan Creek, a stream lying within the limits of the city of Toledo, State of Ohio, is hereby declared to be not a navigable waterway of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waterways, and the consent of Congress is hereby given for the filling in of said creek by the local authorities.

SEC. 14. That the following projects now under improvement shall be reexamined, in accordance with the law for the original examination of rivers and harbors, with a view to obtaining reports whether the adopted projects shall be modified or improvements abandoned:

Inland waterway from Norfolk to Beaufort Inlet, N. C.
Coosa River, Ga. and Ala.
St. Lucie Inlet, Fla.
Brazos River, Tex., from Old Washington to Waco.
Red River, La., Ark., Tex., and Okla.
Ouachita River, Ark. and La.
Arkansas River, Ark. and Okla.
Tennessee River, Tenn., Ala., and Ky.
Fox River, Wis.
Missouri River, Mo., mouth to Kansas City.

And the Chief of Engineers is directed to make a report upon any other projects, river or harbor, the further improvement of which under present conditions is undesirable, or in which modifications of the plans or projects should be made.

SEC. 15. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, and a sufficient sum to pay the cost thereof, as well as those included in section 14, may be allotted from the amount provided in this act: *Provided*, That allotments of such amounts as may be necessary may be made toward the completion of examinations and surveys heretofore authorized and for such other contingent expenses as are usually paid from the appropriation for "Examinations, surveys, and contingencies," to wit:

Youghiogheny River, up to West Newton.
Jonesport Harbor, Me., including Moosabec Bar.
Monhegan Harbor, Me.
Mouth of Cape Neddick River, York, Me.
York Harbor, Me.
Machias River, Me.
South Bristol Harbor, Me.
Isle au Haut Harbor, Me.
Hendricks Harbor, Me.

Portland Harbor, Me., including the obstruction known as Witch Rock.

Gotts Island Channel, Me.
Belfast Harbor, Me.
Indian Creek, Vinal Haven, Me.
Portsmouth Harbor, N. H.
Merrimac River, from Lowell, Mass., to Manchester, N. H.
Lynn Harbor, Mass.
Mystic River, Mass., from the mouth of Island End River to Woburn, or as far as practicable.
Mystic River, Mass., below the Island End River, with a view to widening the channel.

Onset Bay, Mass., for the deepening and widening of the existing channel from Onset to the vicinity of Wickets Island, for the construction of an anchorage basin in Onset Bay, and for the construction of a channel between Wickets Island and Onset Island to the Cape Cod Canal channel above Monument Beach.

Manchester Harbor, Mass., with a view to straightening the channel by the removal of Bow Bell Ledge.
Dorchester Bay and Neponset River, Mass., up to the Neponset Highway Bridge.

Wickford Harbor, R. I.
Point Judith Pond, R. I., from Point Judith Harbor of Refuge to Wakefield.

Thames River, Conn., with a view of providing a 20-foot channel between New London Harbor and the city of Norwich.

Shetucket and Quinebaug Rivers, Conn., and French River, Conn. and Mass., with a view to securing slack-water navigation between Norwich, Conn., and Worcester, Mass.

Niantic Bay, Conn., with a view of making it a harbor of refuge.
Tuxis Island, Conn., with a view to the construction of a suitable harbor of refuge.

Quinnipiac River, New Haven Harbor, Conn.
Mill River, New Haven Harbor, Conn., up to Grand Avenue Bridge.
Morris Cove, New Haven Harbor, Conn., with a view to the construction of a harbor of refuge.

Mianus River, Conn.
Mystic River, Conn.
Sebeth River, Conn., from its mouth to a point at or near the city of Bristol, Conn., and canal from a suitable point on the Sebeth River to New Britain, Conn.

East Branch of the Yantic River, Conn., from its junction with the Thames River to some point about 2,500 feet northerly to provide a channel of 14 feet in depth, to include this part of the Yantic River in the Thames River project, and to provide for the closing of the West Branch of the Yantic River.

Housatonic River, Conn., to head of navigation, with a view to securing a channel 20 feet deep.

Connecticut River, from Hartford, Conn., to Long Island Sound.
New Haven Harbor, Conn., with a view to cooperation with local interests for further development.

Farmington River, Conn., with a view to the removal of the bar at its mouth.

Branford Harbor, Conn.
Harbor of refuge at Duck Island, Conn.
North shore of Long Island, N. Y., between Huntington Harbor and Plum Gut, with a view to the construction of a harbor of refuge.

Hempstead Harbor, N. Y.
Mamaroneck Harbor, N. Y.

Ogdensburg Harbor, N. Y., with a view to removing the point in the bend of the channel at the inner end of the upper entrance channel, opposite the mouth of the Oswegatchie River, and widening the channel.

Hudson River, N. Y., from its mouth to Hudson, with a view to securing a depth of 30 feet, and a harbor at Hudson of the same depth.

Hudson River, N. Y., from Hudson to the dam at Troy, with a view to securing a depth of 27 feet, with suitable width.

Hudson River at Troy, N. Y., with a view to the removal of Adams Island.

New York Harbor, N. Y., between Staten Island and Hoffmans Island.
New York Harbor, N. Y., with a view to the removal of Craven Shoal.

New York Harbor, N. Y., with a view to removing the shoal in Gowanus Bay to a depth uniform with Bayridge Channel.

Pugsley Creek, N. Y.
Rouse Point Harbor, Lake Champlain, N. Y.

Buffalo Harbor, N. Y., with a view to securing a width of 400 feet in the inner harbor entrance channel, including consideration of any proposition for cooperation on the part of local interests.

Oswego Harbor, N. Y.
Harbor of New Rochelle and Echo Bay, N. Y.

New York and New Jersey channels, with a view to securing a ship channel of increased width and depth necessary for the purposes of commerce from lower New York Bay, through Raritan Bay, Arthur Kill, Staten Island Sound, channel north of Shooters Island, and Kill Van Kull, to upper New York Bay.

Newark Bay, N. J.
Shrewsbury River, N. J., with a view to constructing works to prevent the sea from breaking through and destroying the navigable channel, including consideration of any proposition for cooperation on the part of local or State interests.

Delaware River, from mouth of Cooper River to Fishers Point Dike on the New Jersey shore, including consideration of any proposition for cooperation on the part of local interests.

West Creek, N. J.
Adams Creek, N. J.
Forked River, N. J.
Elyding Creek, N. J.

Pensauken Creek, N. J.
Delaware River, from Trenton, N. J., to Easton, Pa.

Crum River, Pa.
North Branch of the Susquehanna River, Pa. and N. Y., including flood prevention and consideration of any proposition for cooperation on the part of local or State interests.

Schuykill River, from the Delaware River to South Street Bridge, with a view to dredging to a depth of 35 feet, including consideration of any proposition for cooperation on the part of local or State interests.

Baltimore Harbor, Md., and approaches thereto.
Patapsco River, Md., from Spring Garden Channel southwesterly to Elkridge Landing.

Smith Creek, Md.
Nanjemoy Creek, Md.

Knapp Narrows, Md., with a view to securing a deeper channel between Tilghman Island and the mainland.

Piscataway Creek, Prince Georges County, Md., and entrance thereto.
 Pagan River and Jones Creek, a tributary thereof, Va.
 Little Wicomico River, Va.
 From small-boat harbor at Newport News, Va., to York River, with a view to connecting by canals New Market Creek, Back River, and Poquoson River with York River, in order to provide a safe inland passage for small boats between Newport News and York River.
 Mosquito Creek, Va.
 Hoods Creek, N. C.
 Cape Fear River, N. C., with a view to securing an increased depth from Wilmington to the sea.
 Neuse River, N. C.; between Goldsboro and Newbern.
 White Oak River, N. C., from its mouth to the head of navigation at or near Maysville.
 Upper Pasquotank River, N. C., from Turners Cut up to the head of navigation at Lebanon Road, or as far as may be practicable.
 Shallotte River, N. C., with a view to an extension of the improvement to the town of Shallotte.
 Ashley River, S. C.
 South Fork of Edisto River, S. C., to a point opposite the city of Springfield.
 Cut between Balleys Cut of the Satilla River and the head of Dover Creek, Ga.
 Ogeechee River, Ga., with a view to its improvement in connection with the inland waterway from Savannah, Ga., and Fernandina, Fla.
 Sapelo River, Ga., to public road near Eulonia.
 Briar Creek, Ga., from its mouth to a point opposite Waynesboro, in Burke County.
 White Chimney River, Ga., to a point called "The Neck."
 Jullington River, Ga., to a point at Lows Bluff.
 North Sapelo River, Ga.
 Savannah Harbor, Ga.
 Savannah River at Augusta, Ga., between the upper lines of the city limits of the city of Augusta and the mouth of Butlers Creek, for the purpose of ascertaining the effect upon navigation of the river of the flood-protection work now being constructed and maintained by local authorities and to further ascertain the probable cost and value of the extension of such work over such territory.
 Flint River, Ga., from its mouth to Albany.
 Coosa River, Ga. and Ala., from Rome to the first lock below Gadsden.
 Chattahoochee River, Ga. and Ala.
 Miakka River, Fla.
 Anclote River, Fla., from the county bridge to the head of navigation.
 Fisheating Creek, Fla.
 West Pass, Apalachicola, Fla.
 St. Andrews Bay, Fla., with a view to removing shoals in the north arm.
 Silver Springs to Ocala, Fla., with a view of constructing a canal.
 Estero River, Fla.
 The Secretary of War is authorized to appoint a board of three officers of the Engineer Corps of the United States Army to examine and appraise the value of the work and franchises of the East Coast Canal from the St. Johns River to Key West, Fla., with reference to the desirability of purchasing said canal by the United States and the construction over the route of the said canal of a free and open waterway, having a depth and capacity sufficient for inland navigation. Said board, to the extent that the same can be done from surveys heretofore made under the direction of the War Department, shall also examine and investigate the feasibility for the purpose of such a waterway, of any parallel route between said points. The said board shall make a report of its work, together with its conclusions upon the probable cost and commercial advantages and military and naval uses of said route or routes, to the Secretary of War, who shall transmit the same to Congress as soon as practicable.
 Bayou La Batre, Ala., with a view to securing a channel connecting Bayou La Batre and Pass aux Herons of suitable depth and width.
 Chickasahay River, Miss., from its mouth to Shubuta.
 Channel to the Back Bay of Biloxi, Biloxi, Miss.
 Jordan River, Miss., and its navigable tributaries.
 Roebuck Lake, Miss., from its outlet to Itta Bena, including consideration of any proposition for cooperation on the part of local or State interests.
 Barataria Bay, La., and connecting waters.
 Shallow Bayou, La.
 Bayou Plaquemine Brule, with a view to the extension of the improvement.
 Bayou Fours, Cameron Parish, La.
 Mermentau River, La.
 Bayou Lafourche, La., for a lock at the head, with a view to ascertaining whether such lock, either in connection with a new dam or in connection with the dam built by the local levee boards in pursuance of authority contained in the river and harbor act approved June 13, 1902, is necessary for navigation on said bayou; and if so, what part of the cost, if any, should be borne by the United States.
 Cane River, La., from Grand Ecote to Colfax.
 Little River and tributaries, Castor and Dugdemonia, from the mouth of Little River to Winnfield, La., on the Dugdemonia, and to Olla, La., on the Castor.
 Bayous Courtableau, Boeuf, and Cocodrie, La.
 Mermentau River La., with a view to the removal of obstructions to navigation in and near the mouth.
 Sabine-Neches Canal, Tex., with a view to retvetting the north bank of the canal between Port Arthur, Tex., and Sabine Lake, such retvetting work to be confined to the section of the bank within the city limits of Port Arthur.
 Port Arthur Ship Canal, Tex., with a view to making an entrance into Sabine Lake at or near the city of Port Arthur.
 Caney and Live Oak Creeks, Tex., with a view to a connection with the inland waterway.
 Harbor at Beaumont, Tex., with a view to the removal of island in the turning basin.
 Austwell, Tex., to a connection with the inland waterway in San Antonio Bay.
 Channel to Port Bolivar, Tex., with a view to the enlargement, extension, and protection of the turning basin.
 Taylors Bayou, Tex., to Southern Pacific bridge.
 Deep-water harbor at Port O'Connor, Tex.
 Carankawa Bay and River, Tex., with a view to connection with the inland waterway.
 Texas City Harbor, Tex., with a view to enlargement and protection.

Colorado River, Tex., from its mouth as far up as is practicable, with a view to removing the raft, including consideration of any proposition for cooperation on the part of local or other interests.
 Harbor City, Tex., to a connection with the inland waterway.
 Lake Charlotte, Tex.
 Intracoastal waterway from the Arroyo Colorado to Point Isabel, Tex.
 Galveston Harbor and Galveston Channel, Tex., with a view to obtaining a navigable depth of 35 feet.
 Galveston and Sabine section of the inland waterway, Texas:
 (1) A channel 5 feet deep and 40 feet in bottom width from the Sabine River along the proposed route to East Bay Bayou; thence within the shoal line to northward of West Galveston Bay to Robinson Bayou, and thence via Robinsons Lake and Whites Lake to Upper Galveston Bay.
 (2) The saving, if any, by the construction of a 5-foot channel along this route in the ultimate cost of a 9-foot channel, should such 9-foot channel be adopted.
 (3) The best and most economical route, as well as the one best adapted for the service of all commercial interests for such 9-foot channel, and whether or not the construction of such a 9-foot channel is now advisable.
 The L'Anguille River, with a view of ascertaining whether locks and dams should be built to afford slack-water navigation to Madison, on the St. Francis River.
 The St. Francis River, from Madison, St. Francis County, to St. Francis, in Clay County, Ark.
 White River at Batesville, Ark., with a view to determining what improvements, if any, are necessary in the interest of navigation to prevent the further caving of Ferrill Island, and the danger from such caving that might injure or impede navigation.
 Arkansas River at Bradens Bend, about 7 miles above Fort Smith, Ark., with a view to determining what improvements, if any, are necessary in the interest of navigation to prevent the erosion of the south bank of said stream, and the danger from such erosion of changes in its bed that might injure or impede navigation.
 Ouachita River, Ark. and La., with a view to excavating a channel from the slack-water pool above Dam No. 6 to the town of Felsenthal.
 Hatchee River, Tenn.
 Tennessee River, between Browns Island and the railroad bridge, below the city of Florence.
 Pond River, Ky.
 Mud Creek, Butler County, Ky.
 South Fork of Kentucky River, Ky., with a view to constructing an additional lock and dam.
 Ashtabula Harbor, Ohio.
 Lorain Harbor, Ohio, with a view to preventing erosion of banks, if any, caused by the extension of the Government breakwaters on either side of the harbor.
 Port Clinton Harbor, Ohio.
 Cheat River in Pennsylvania and West Virginia; Tygart River, West Fork River, Kanawha River and its tributaries, all in West Virginia; Muskingum River and its tributaries, Scioto River and its tributaries; Miami River and its tributaries, all in the State of Ohio; Maumee River and its tributaries, Ohio and Indiana; Kankakee River, and the Wabash River and its tributaries, Illinois and Indiana, with a view to devising plans for flood protection and determining the extent to which the United States should cooperate with the States and other communities and interests in carrying out such plans, its share being based upon the value of protection to navigation.
 St. Clair River, Mich., with a view to securing a channel of adequate width and depth along the water front of Port Huron.
 Belle River, Mich.
 Clinton River, Mich.
 Point Lookout, Mich., with a view to building a suitable breakwater.
 Caseville Harbor, Mich.
 Frankfort Harbor, Mich.
 Muskegon River, Mich., from the head of Muskegon Lake to Newaygo, or to the Grand Rapids-Muskegon Power Co. dam.
 Saugatuck Harbor and Kalamazoo River, Mich., with a view to securing increased depth to the town of Douglas.
 Duluth-Superior Harbor, Minn. and Wis., in the Bay of Superior from the Superior entry northwestward for the distance of 1 mile and between the harbor lines, with the view of providing anchorage and turning area inside of said entry.
 Harbor at Duluth, Minn., with a view to the construction of a breakwater to protect the Duluth entrance thereto.
 Rainy Lake, Minn., with a view to the construction of a breakwater at Ranier to form a shelter harbor at the western end of the lake.
 Milwaukee Harbor, Wis.
 Quincy Bay, Ill., upper and lower bay and connecting channel, and slough connecting bay with Mississippi River above Quincy.
 Galena River, Ill.
 South Milwaukee Harbor, Wis.
 Current River, Mo., above Doniphan.
 Missouri River, from Kansas City, Kans., to the northern limits of Florence, Nebr.
 Flathead River, Mont.
 San Diego Harbor, Cal., with a view to widening the main channel at the Government coaling station, and at other places in the harbor where widening may be needed; providing ample approaches to the municipal docks and wharves and a suitable turning basin.
 Channel from the town of Bolinas, Cal., to the sea.
 Novato Creek, Cal.
 Dominguez Creek Channel, Los Angeles Harbor, Cal.
 Arcata Channels, Humboldt Bay, Cal., with a view of dredging a channel leading up to the proposed municipal public wharf.
 Channel in Suisun Bay, from Martinez to Antioch, Cal.
 The south end of San Francisco Bay, with a view of providing a harbor for the Santa Clara Valley and contiguous territory.
 Long Beach Harbor, Cal., with a view to the extension of the jetties at the harbor entrance to the 30-foot contour in San Pedro Bay and to providing and maintaining a channel 30 feet in depth and of suitable width, and with a further view of connecting the Long Beach Harbor with the Los Angeles Harbor by a channel 600 feet in width and 30 feet in depth, consideration being given to the question of cooperation on the part of local interests.
 Petaluma Creek, Cal., from deep water in San Pablo Bay to the head of navigation, with a view to straightening the channel and making

necessary cut-offs, including the consideration of any proposition for cooperation on the part of local interests.

Napa River, Cal., from the city of Napa to the head of navigation, with a view to straightening the channel, making necessary cut-offs, including the consideration of any proposition for cooperation on the part of local interests.

Sacramento River, Cal., from Chico Landing to Red Bluff.
 Santa Cruz Harbor, Cal., including a breakwater.
 Redwood City Harbor, Cal.
 Ventura Harbor, Ventura County, Cal.
 Port Watsonville Harbor, Cal.
 Umpqua River, Oreg., bar and entrance.
 Coos Bay Harbor, Oreg., from the entrance to Smiths Mill.
 Coquille Bar and Harbor, Oreg., to the city of Bandon.
 Coquille River, Oreg., from Coquille City to the entrance.
 Nehalem Bay and Nehalem River, Oreg., from the entrance of Nehalem Bay to the city of Nehalem, with the view of the improvement of the same in cooperation with local interests.

Port Orford Harbor, Oreg.
 Yaquina Bar, Bay, and Harbor, Oreg.
 Rogue River, Oreg., bar and entrance.
 Clatskanie River, Oreg., from Clatskanie City to the Columbia River.
 Columbia River at the town of Hood River, Oreg.
 Columbia Slough, Oreg., with the view of the improvement of the same in cooperation with local interests.

Columbia River at Kennewick, Wash.
 Olympia Harbor, Wash.
 St. Ignace River, Wash.
 Liberty Bay, Wash.
 Poulsbo Bay, Wash.
 Lake Washington Ship Canal, Wash.
 Fletcher Bay, Wash.
 Edison Slough, Wash.

Samamish River, Wash., from Lake Washington to Bothell, including consideration of any proposition for cooperation on the part of local interests.

Port Gamble Harbor, Wash., and entrance thereto.
 Snake River, Wash. and Idaho, from the mouth to Asotin.
 Clarks Fork River between Albany Falls and Lake Pend Oreille, in Idaho.

Dry Straits, Alaska.
 Mouth of Snake River and Nome Harbor, Alaska.

During the reading,

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I submit the conference report on the Post Office appropriation bill (H. R. 19906), and ask for its present consideration.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. A conference report being under consideration—

The SPEAKER. There is no conference report under consideration.

Mr. SPARKMAN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SPARKMAN. I desire to know how the gentleman from Tennessee gets in.

The SPEAKER. The gentleman from Tennessee gets in because he has a conference report.

Mr. UNDERWOOD. Mr. Speaker, it will take only a minute, as the gentleman from Tennessee wants to get back to conference.

Mr. MOON. Mr. Speaker, I ask for a reading of the conference report.

The SPEAKER. The Clerk will read.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 1513).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19906), making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes, having met, after full and free conference, beg to report to their respective Houses as follows: That they have come to no agreement upon the amendments of the Senate.

JOHN A. MOON,

D. E. FINLEY,

MARTIN B. MADDEN,

Managers on the part of the House.

J. H. BANKHEAD,

CLAUDE A. SWANSON,

BOIES PENROSE,

Managers on the part of the Senate.

Mr. MOON. Mr. Speaker, while the report shows a total disagreement on Senate amendments, I think it is proper to say to the House we will likely agree upon all the amendments as soon as the Senate can have an opportunity to vote upon some on which it desires to vote, and for that reason the conference comes in the shape in which it was read. I move that the House further insist on its disagreement to Senate amendments and ask for a further conference.

The SPEAKER. The gentleman from Tennessee moves that the House further insist on its disagreement to Senate amendments and ask for a conference. Is there objection. [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees: Mr. MOON, Mr. FINLEY, and Mr. MADDEN.

The SPEAKER. The Chair announces that copies of these Senate amendments can be procured here now. They could not be gotten this morning.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the following titles:

S. 7597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7212. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7509. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 6981. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7566. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 7598. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

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

S. 7682. An act to repeal sections 35 to 49, inclusive, of the act of June 30, 1898, concerning mixed flour, as amended by act of April 12, 1902.

ORDER OF PROCEDURE.

Mr. UNDERWOOD. Mr. Speaker, in order that there may be no confusion in the future, I ask unanimous consent that when there is other intervening business pending gentlemen having charge of appropriation bills may take them up as a matter of right and suspend action on pending legislation until the appropriation bills and conference reports are disposed of.

Mr. MANN. Reserving the right to object, what does the gentleman mean by saying "as a matter of right"?

Mr. UNDERWOOD. I mean to lay aside as a matter of privilege.

Mr. MANN. I know, but take the Indian bill, and the gentleman would have to ask unanimous consent, anyhow. Of course unanimous-consent requests are in order at any time.

Mr. UNDERWOOD. My idea was that we can run along with business such as that pending before the House, and give it a free latitude if there is an understanding that it shall be laid aside under this rule I am proposing whenever a conference report or appropriation bill is prepared to come before the House.

Mr. MANN. It is done by unanimous consent, and a conference report has the privilege.

Mr. UNDERWOOD. You can not lay aside bills that are pending, without unanimous consent. It might save some trouble in the future of one man holding up a proposition if he wants to do so, if we agreed to this now. And it gives more latitude in the House to proceed with other business.

Mr. MANN. I do not know that I have any objection, but the Indian appropriation bill is the only appropriation bill which has not been sent to conference. I do not know whether it will be sent to conference by unanimous consent or not. I would not want to settle that question in this way.

Mr. UNDERWOOD. That is not the request. I am not asking unanimous consent to give the right to anything, but simply unanimous consent to lay aside other pending legislation.

Mr. MANN. It will have to be done by unanimous consent, anyhow.

The SPEAKER. What is the request of the gentleman from Alabama?

Mr. UNDERWOOD. My request was that when a conference report or an appropriation bill comes before the House it shall immediately have the right of way over any other pending legislation, not to interfere with the usual requests for unanimous consent, but that it may be brought up for consideration and without objection.

Mr. MANN. A conference report has that right now.

The SPEAKER. We have three things pyramided here now. First, the gentleman from Oklahoma has a measure pending on a motion to suspend the rules. We are about half done with that. Then the gentleman from Florida [Mr. SPARKMAN] came in with the river and harbor bill, and then a conference report came in, so that we have all three of them pending at once. But the Chair will put the request of the gentleman from Alabama.

Mr. MANN. I do not think it is necessary, and I hope the gentleman will withdraw his request.

Mr. UNDERWOOD. If there is objection, I will withdraw it.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States, was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 21089. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 20643. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 21218. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

PORTO RICO (H. DOC. NO. 1662).

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

As required by section 32 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the Executive Council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me.

WOODROW WILSON.

THE WHITE HOUSE, March 3, 1915.

The SPEAKER. The message and documents will be referred to the Committee on Insular Affairs and the message will be ordered printed.

RIVER AND HARBOR APPROPRIATION BILL.

The Clerk resumed and completed the reading of the Senate amendment to the river and harbor appropriation bill, as set forth above.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the consideration of the Senate amendment to the river and harbor bill may be laid aside temporarily.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the consideration of the river and harbor bill Senate amendment be laid aside temporarily. Is there objection?

There was no objection.

UNALLOTTED LANDS OF CREEK INDIANS.

The SPEAKER. The pending question is the motion to suspend the rules and pass House joint resolution 380, the motion of the gentleman from Oklahoma [Mr. MURRAY].

Mr. MURRAY. Mr. Speaker, I yield one minute to my colleague [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, the Murray resolution is a department resolution asking to withdraw about 2,800 acres of land in the Cushing oil field of Oklahoma, so that it may be reserved for the Creek Tribe of Indians of the Creek Nation. Certain citizens down there are trying to have \$25,000,000 or \$30,000,000 worth of oil land allotted to four or five allottees. It should not be done. The department does not want it done.

The department was before the committee protesting and asking that it be not done. If the resolution of my colleague [Mr. MURRAY] does not pass, under the general allotment act the department will be forced to allot these lands to four or five individual Indian allottees, four of whom are negroes, as I am informed. If this resolution does pass, the money from this oil field may be preserved for the entire tribe. Any man who has looked into this question carefully will understand that there is a wrong side and a right side to this question, and the gentleman from Oklahoma [Mr. MURRAY] is trying to carry out in good faith what the department thinks ought to be done, and what the men who know the most about it know ought to be done. There ought not to be a dissenting vote on this proposition.

The passage of the resolution saves these valuable lands for the tribe. Its failure may mean their loss. It is desired by the department in the strongest terms. It is absolutely what ought to be done. I ask the House to adopt the Murray amendment.

Mr. MURRAY. Will the gentleman from Kansas [Mr. CAMPBELL] consume some of his time?

Mr. CAMPBELL. I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, if the House will bear with me I will undertake to make a brief statement of the facts in this case, for the facts of the case constitute the merits of the opposition to the pending resolution. This resolution is intended, so far as it can operate to that effect, to prevent five citizens of the Creek Indian Tribe from taking their allotments in kind, in the tribal property. Why should this House undertake to do anything of this sort? There are in the Creek Tribe 18,716 members. Of that number, 18,711 have already received their allotments in the tribal property.

Mr. MURRAY. The gentleman does not state that as a fact, does he?

Mr. SAUNDERS. I take it from the report.

Mr. MURRAY. Fifty-eight full bloods last winter were given \$800 each.

Mr. SAUNDERS. I only know what is contained in the report. I have not gone outside of the report submitted by members of the committee. That report is to the effect that there are 18,716 members of the Creek Tribe. I do not know what proportion of these members are full bloods, or what proportion are quarter bloods, or bloods of other degrees. But the gentleman's suggestion is not an argument in favor of this resolution. There are varying degrees of blood among the members of all of the Indian tribes, but that does not affect their citizenship, or right to allotment. The fact remains according to the report that 18,711 members of the Creek Tribe have received their allotments in the tribal property.

It is claimed that this residual land may be more valuable than some that has already been allotted. That may be true. I have some knowledge from service on the Indian Committee of the allotments of the Creek property, and I know that many of the allotments heretofore made, are of immensely greater value than the valuation placed on the same for the purposes of division.

Mr. FERRIS. Will the gentleman yield?

Mr. SAUNDERS. I am sorry that I can not yield, I have only a few minutes left. But this resolution is not intended to correct the inequalities of existing allotments. On the contrary, it perpetuates the present injustice. The very people who have heretofore received allotments that have proved to be as valuable as the proposed allotments in the residual tribal land, will not only hold onto those allotments carrying as they do a value much in excess of the appraised valuation, but will actually come into participation in the distribution of the proceeds of the land to be sold under this resolution. Such a thing should not be allowed. There is no justice in it.

Why should the five remaining members of the tribe who have sought in good faith to exercise the right heretofore enjoyed by thousands of their brethren, and secure allotments in the tribal property, precisely as those allotments have been extended to others, be denied the enjoyment of that right, whether the allotments proposed to be taken, are more valuable than some, or less valuable than others that have been heretofore made?

This is an effort by law to prevent something being done by these tribal members, which has already been done in thousands of instances, that is so far as this resolution can operate to secure such a result.

Permit me to call the attention of the House to one further fact, on the law side of this situation. Should this resolution be adopted, it will not operate of course to deprive the five persons in interest of any vested rights. That can not be done. But the resolution may in one view of the case deprive these parties of the opportunity to secure allotments. These particular tribal

members have sought in good faith to secure their allotments. They became involved in litigation in respect of their first selections and the court in the result ruled in favor of other Creek claimants. Thereupon they made another selection in the lands now in controversy, in the effort to secure allotments. The people who won out in the first litigation, secured lands that are stated to be immensely valuable. Having lost out in the first selection, these claimants are now involved in litigation over their second selection. That litigation may be decided in one of two ways. First the court may brush aside the prior claimants, and hold that the five tribal members in question are entitled to the selections which they have made. In that event, this resolution, even if adopted, will not operate to disturb them, or oust them of their established rights. On the other hand, the court may hold that while the incumbency on this residual land is not sufficient to hinder the same from being allotted, yet the steps taken by the five would-be allottees have not been technically conformable to law, so that they are not entitled to patents for the allotments which they have selected. This decision would leave the applicants free to make their selections in the same land, or any other tribal land. But at this point the resolution, if adopted would come into operation, and require all of these residual lands to be sold, without regard to any members of the tribe desiring to secure allotments. Hence these members would have the right to allotments, but no land in which the allotments could be taken. They would be thereby deprived of the exercise of a right enjoyed by thousands of their brethren. This is the effect intended by this resolution under the circumstances indicated. Why should this step be taken by the House? Why should we take this right from the five remaining members of this tribe, four of whom are minors? Possibly this fact of minority may explain the reason why these parties have heretofore had so much difficulty in securing their allotments.

Mr. BUTLER. If these five people against whom this contention is made have rights in the court, can not the court settle those rights without our interference?

Mr. SAUNDERS. Certainly, but the courts may hold that the present applications are not in form, and that new applications must be made. In that event this resolution if agreed to, will take from these parties the opportunity to take their allotments in land. That is what this resolution is intended to do, manifestly unjust as it is.

Mr. CAMPBELL. If there were in the Creek Nation to-day 50 allotments worth a million dollars apiece, would the gentleman be in favor of turning over the 50 allotments to 50 Creek Indians?

Mr. SAUNDERS. Why not? The 18,711 have received their allotments aggregating in value many millions of dollars. They do not propose to disgorge anything. Why should they be allowed to hinder the remaining members from exercising the right which the law has given to all the members, and which has been heretofore exercised to the very great advantage of the other allottees? I understand that the estimate of value placed on these residual lands, is grossly exaggerated.

The SPEAKER. The time of the gentleman from Virginia has expired.

VALIDATION OF CERTAIN TOWN SITES IN THE STATE OF MONTANA.

The SPEAKER. There was a Senate bill (No. 4180) passed a little while ago relating to town sites in the State of Montana, and there is an identical bill on the House Calendar (H. R. 20498) to validate title to certain town sites in the State of Montana. Without objection, the House bill will be laid on the table.

There was no objection.

RIVER AND HARBOR BILL.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent to take from the Speaker's table the river and harbor bill (H. R. 20189) with Senate amendments, and moves to concur in the Senate amendments. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from Florida about some of these provisions. The Senate put in a provision undertaking to declare nonnavigable Swan Creek, which runs through the city of Toledo. My understanding is that a bill for that purpose has been pending before the House Committee on Interstate and Foreign Commerce, that there have been filed a great many protests against it, and that there is considerable opposition to such an enactment. I would like to know if the gentleman's committee has considered the matter or knows anything about it, or whether it is one of the terms made by which the bill can get through Congress with the permission of certain Senators.

Mr. SPARKMAN. Mr. Speaker, I really knew nothing about Swan Creek until I saw it in the first Senate print. I then made a hurried investigation of the amendment now before us and ascertained that there was at least one person objecting to the proposition to declare it nonnavigable, while many people directly interested seem to favor its discontinuance as a navigable stream. I am rather under the impression from what I have learned that it ought to be done, and that no great harm will be done thereby. I will say that the gentleman from Ohio [Mr. SHERWOOD] is no doubt thoroughly familiar with the subject, and in case unanimous consent is given he can well explain the matter. Indeed I will now ask that he be permitted to do so, and at this time.

Mr. SHERLEY. I am willing to hear the explanation of the gentleman from Ohio, but I am not willing to waive my rights by giving unanimous consent first. I want to call attention to a number of things.

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

Mr. SHERLEY. Yes.

Mr. MANN. Does not the gentleman think that it is entirely proper and duly courteous for the Senate to strike out all after the enacting clause, strike out every item that the House has inserted, and then insert an item which has no relation to the bill, because it is in Ohio?

Mr. SHERLEY. That is just the point. I think this is the best illustration of Government by permission of one man that the Congress has ever seen. I would rather see river and harbor bills fall forever than to permit any one Senator to arrogate to himself the right to determine what shall be in those bills, and to serve notice on Congress that we are to accept what he sees fit, and particularly to have put into a bill a matter that is local to himself.

Mr. MANN. Of course, I did not have any Senator in mind.

Mr. SHERLEY. Well, I am trying to keep within the rules myself. [Laughter.]

Mr. SPARKMAN. Mr. Speaker, I will say that if Gen. SHERWOOD would like to make an explanation I for one would like to hear him, because I think he can throw much light on the question.

Mr. SHERWOOD. How much time will the gentleman yield me?

Mr. WHITACRE. Mr. Speaker, reserving the right to object, I understand unanimous consent is asked that Gen. SHERWOOD may speak?

Mr. FOSTER. Oh, no.

The SPEAKER. He has the right to speak whenever the time comes.

Mr. WHITACRE. I understood that unanimous consent was asked.

The SPEAKER. Did anyone ask unanimous consent that the gentleman from Ohio [Mr. SHERWOOD] should speak?

Mr. WHITACRE. That is what I understood.

Mr. SPARKMAN. No.

Mr. FOSTER. He is rising to speak under a reservation of a right to object to the request of the gentleman from Florida.

Mr. SPARKMAN. Mr. Speaker, I have just requested him to answer the question propounded to me by the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERWOOD. Mr. Speaker, the gentleman from Kentucky [Mr. SHERLEY] is entirely mistaken about one Senator trying to dictate to the Congress of the United States. This amendment did not originate with the Senator from Ohio. The action originated with the engineers of the War Department. I have here a map prepared by a competent engineer of the city of Toledo, Mr. Sherman, showing Swan Creek, which is marked in red ink. That territory there [pointing to the map] represents a portion of the city of Toledo, with a population in that particular district of about 40,000. The sewage of these 40,000 people has been drained into that creek. During the summer season, when the creek is low (it is a slow and tortuous stream), the current is insufficient to carry away the sewage and it emits poisonous vapors, and the city board of health of the city of Toledo and the State board of health of the State of Ohio, after a thorough investigation, have declared Swan Creek to be a nuisance and a menace to the public health of the city of Toledo.

In a modest way for the last 10 years I have been trying to represent that district in Congress, and I ought to know, as I have lived in Toledo for half a century, something about the conditions there. I slept on the ground as a private soldier in 1861 of what is now the most thickly settled portion of the city of Toledo. The city of Toledo asked the War Department to make a thorough investigation, and that department sent one of the most competent engineers and he made a thorough in-

vestigation and made a report that Swan Creek was not a navigable stream, and, further, that it was a menace to the public health of Toledo. That report was made to the War Department, and the Secretary of War approved it and wrote a letter, which I have in my possession, recommending this legislation. This bill that the gentleman from Kentucky thinks was prepared by an Ohio Senator was prepared by the engineers of the War Department.

Mr. SHERLEY. If the gentleman will yield there, I did not say—

Mr. SHERWOOD. And I have the letter of the Secretary of War recommending it.

Mr. SHERLEY. Mr. Speaker, I did not say that it was prepared by any particular person; but all of us know the condition that has confronted this Congress for two years past, whereby under the peculiar rules that obtain in another body it is within the power of an individual Member to make terms upon which legislation for the Nation shall be enacted, and it is an outrage to the rights of the American people. [Applause.] And here was an illustration of a matter that never would have gotten in if somebody else had wanted it instead of particular individuals who were making terms as to what should be passed in the nature of a river and harbor bill.

Mr. SHERWOOD. The gentleman from Kentucky, in order to punish a United States Senator, is proposing to punish the whole city of Toledo of 200,000 people?

Mr. SHERLEY. I am not proposing to punish anybody, but I am proposing that a bill which has been in the Committee on Interstate and Foreign Commerce, with opposition to it, and which has not been reported out, shall not be put on a river and harbor bill as a rider without some explanation of why it is done.

Mr. SHERWOOD. And I am giving the explanation.

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

Mr. SHERWOOD. Yes.

Mr. GORDON. What is the attitude of the city council of the city of Toledo in reference to this?

Mr. SHERWOOD. Here is another proposition entirely separate. The Government of the United States simply declares by this amendment, which was prepared in the War Department, that this is not a navigable stream, and that it is turned over to the city of Toledo. The opposition about which the gentleman talks is on an elimination scheme. There are three or four schemes proposed, whether to straighten out Swan Creek and make it a covered instead of an open sewer or to eliminate the stream and divert it upstream to the Maumee River. The people of the city of Toledo are divided upon that proposition, and there is where these protests come from. It never has been a navigable stream for 50 years, and the Government has never recognized it as a navigable stream and never will. The Government never spent a dollar on it. It is a menace to the public health of the city of Toledo, and there ought not to be a bit of opposition to this amendment, no matter where it originates. The Congress of the United States is made up of 435 Members, and are they going to punish the city of Toledo in order to get even with a Senator at the other end of the Capitol? Is that to be the policy of this Congress?

Mr. GORDON. Will the gentleman yield further?

Mr. SHERWOOD. Yes.

Mr. GORDON. I am advised that every member of the city council of Toledo is opposed to this.

Mr. SHERWOOD. Oh, no; they are opposed to the elimination of Swan Creek.

Mr. GORDON. They are opposed to it simply because they oppose the preliminary action of declaring it to be a nonnavigable stream, because that will enable some railroad company to condemn it as a right of way.

Mr. SHERWOOD. There is nothing to that at all, so far as I know.

Mr. GORDON. If it is a public nuisance the city board of health or the State board of health could abolish it.

Mr. SHERWOOD. How could they abolish it, when it is now under Government control? Let me explain to the gentleman. The council of Toledo may be opposed to this elimination scheme. This bill only allows the city of Toledo to take what action they see fit. It does not prescribe any policy whatever.

Mr. GORDON. Will the gentleman yield further?

Mr. SHERWOOD. Yes.

Mr. GORDON. Is it not a fact that the city of Toledo has invested over \$100,000 in docks along this waterway?

Mr. SHERWOOD. I do not know. Perhaps they have.

Mr. GORDON. Which they want to abandon—

Mr. SHERWOOD. If the city of Toledo has invested \$100,000, the city of Toledo will not destroy its own property.

The city of Toledo has docks, of course, and if the city of Toledo were allowed to take its own action, do you suppose it would destroy its own property? That proposition is simply preposterous.

Mr. BATHRICK. Will the gentleman yield?

Mr. SHERWOOD. Certainly.

Mr. BATHRICK. I understand that the city of Toledo is not divided on the proposition of this stream being declared by the Government nonnavigable.

Mr. SHERWOOD. That is my understanding.

Mr. BATHRICK. But what they shall do with it afterwards?

Mr. SHERWOOD. What they shall do with it afterwards the Government of the United States will have nothing whatever to do, because it is turned over to the control of the city of Toledo on the recommendation of the Secretary of War.

Mr. SAMUEL W. SMITH. If it is not a navigable stream, why are the docks built there?

Mr. SHERWOOD. They were not built by the Government. They are a private enterprise there. They built some docks here [indicating]. There is about 7 or 8 feet of water up here. I do not know what they built the docks for.

Mr. SAMUEL W. SMITH. There are about 1,000 feet of docks, are they not?

Mr. SHERWOOD. I do not know whether there is or not. I think not, but that has not a thing to do with the question.

Mr. SHERLEY. Will the gentleman yield?

Mr. SHERWOOD. Certainly.

Mr. SHERLEY. Is it not true that the city of Toledo owns 1,000 feet of wharfage on Swan Creek?

Mr. SHERWOOD. I do not know whether they do or not.

Mr. SHERLEY. There is information to that effect from the city of Toledo.

Mr. SHERWOOD. The docks are turned over to the city of Toledo, to do with as they see fit, but that has nothing to do with this question at all.

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

Mr. SHERWOOD. Certainly.

Mr. WHITACRE. Is it not true that docks are being used there on that creek every day of the year?

Mr. SHERWOOD. No; I do not think so.

Mr. WHITACRE. Then you are not advised of the situation?

Mr. SHERWOOD. I have a statement here of the city engineer. By the way, there is a petition filed containing over 6,000 names in favor of this action, which induced the War Department to make an investigation. The question of docks has nothing to do with the question. If the city has docks, this amendment does not interfere with them. They can do as they see fit with them. There is no vitality to that question of the gentleman from Ohio [Mr. WHITACRE]. The only question is this: Is this a navigable stream? The War Department says it is not, and they officially declare it is not a navigable stream.

I submit an editorial of the Toledo Blade of February 22, the oldest daily in northwestern Ohio and a paper of large circulation and influence. This editorial is a fair statement of public opinion in Toledo on the so-called Burton amendment to the river and harbor bill. It will be seen by this editorial that no elimination scheme is involved in the amendment. It is a simple proposition, as I have stated and repeated, to give the city of Toledo control over a creek within its own boundary:

CITY CONTROL OF SWAN CREEK.

Senator BURTON has offered an amendment to the rivers and harbors bill calling for the release of the Government control over the navigation of Swan Creek at Toledo.

The amendment is, of course, in the interest of the movement to cut a new channel for the lower part of Swan Creek. Until the Government withdraws its proprietorship in the stream and the State permits an alteration in the course of the canal, nothing at all can be done toward carrying out the elimination project.

Whether the scheme is to be adopted or not makes no difference to Toledo as to the desirability of the final passage of Mr. BURTON'S amendment. We believe it would be a distinct advantage to the city to have the stream under its own control. There is no need of the jealous Government surveillance of a waterway of so small a size. So long as it is used for any purposes of navigation, the city will continue to swing the bridges, provide the lights, and do whatever other things it has to do under Federal command. Should elimination be decided on, the first necessary step will have been taken. Should the scheme fail to go through, affairs with Swan Creek will continue without any change whatever, so far as its use as a waterway is concerned. There are many things that might be done to and for Swan Creek besides eliminating it. If some day it should be expedient for the city to undertake one of these improvements, it will be a great saving in time, a considerable saving in red tape, to go ahead with it without first consulting the desires and accommodating ourselves to the moods of the powers at Washington.

Mr. UNDERWOOD. Mr. Speaker, I ask for the regular order.

Mr. SHERLEY. If we can not have this matter discussed, I will object. I want to tell the gentleman from Alabama—

The SPEAKER. Is there objection to the request of the gentleman from Florida [Mr. SPARKMAN]?

Mr. SHERLEY. Mr. Speaker, I object.

Mr. WHITACRE. I object, Mr. Speaker.

Mr. GOODWIN of Arkansas. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Arkansas rise?

Mr. GOODWIN of Arkansas. I rise for the purpose of reserving the right to object.

The SPEAKER. Objection has already been made.

Mr. SHERWOOD. Mr. Speaker, inasmuch as I have been so interrupted, I want to say to the gentleman from Kentucky—

Mr. COOPER. Regular order, Mr. Speaker.

The SPEAKER. It has already been objected to.

Mr. SPARKMAN. Mr. Speaker, I move to suspend the rules.

Mr. SHERLEY. Mr. Speaker, I make the point of order that there is a suspension pending, and that that is not in order.

The SPEAKER. The gentleman from Oklahoma [Mr. MURRAY] is recognized.

UNALLOTTED LANDS OF CREEK INDIANS.

Mr. MURRAY. Mr. Speaker, I will ask the gentleman from Kansas, inasmuch as he has only two speakers and I have only two, to yield to one of them now and proceed.

Mr. CAMPBELL. Mr. Speaker, I yield three minutes to the gentleman from Mississippi [Mr. HARRISON].

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERWOOD. I want to print editorials from all the papers—

The SPEAKER. The gentleman can put what he pleases in his remarks.

The gentleman from Mississippi [Mr. HARRISON] is recognized.

Mr. HARRISON. Mr. Speaker, I am opposed to the passage of this resolution at this time. It is in thorough keeping with the history of the Oklahoma delegation in Congress when it comes to asking for legislation for one of the tribes that lives in that State. It is in thorough keeping with the history of the Creek Nation and other Indian nations when they want to enrich their own coffers and their own tribe at the expense of a few individual members of the tribe. It is in thorough keeping with the history of attorneys who represent tribes in trying to do some spectacular thing in order to increase their salary or obtain some contingent fee they might get under contract from the tribe. What is proposed to do here? I know nothing about the facts except as revealed in the minority views and in the report of the committee, but I glean the facts to be that it is proposed to take the allotment of five poor individual Creek Indians, because perchance the value of their allotment has increased to a very large extent, in order that the funds may go into the coffers of the Creek Nation and enrich the nation. The whole scheme is gotten up at the instance of the attorney for the Creek Nation and is without warrant so far as we are concerned here. Here is what the attorney for the Creek Nation says, and this is what started the wheels of legislation moving here to deprive these five allottees of their allotment. He says:

I am seriously of the opinion that it is entirely within the discretion, if not the plain duty, of the Secretary to reserve these lands, by reason of their great value, from general allotment under present laws; but this resolution is intended to, and I think will, remove any doubt as to this question.

And that is from a letter to Mr. C. D. CARTER, a Representative of this body.

But this resolution is intended to, and I think will, remove any doubt as to the question. Here is the attorney for the Creek Nation saying that under present laws you already have the right to withhold these lands from allotment. And yet they come here and ask you to vote upon a complicated matter like this, a question that has been litigated in the courts for a long time, and is still in litigation. I will tell you what is the matter.

Mr. COOPER. Will the gentleman yield?

Mr. HARRISON. I can not yield. I have only three minutes.

I will tell you what is the matter. There are over 18,000 members of the Creek Nation. A great many of them vote out there. They have more political influence than the five little fellows here that they desire to hold the allotment from. [Applause.]

Mr. MURRAY. Mr. Speaker, I will ask to be notified when I have occupied three minutes.

If the two gentlemen from Virginia who have spoken here were not lawyers I would have a reason to believe that they were honestly mistaken; but these men are lawyers, and they know that no resolution of this Congress can affect a lawsuit. They are trying to deceive enough to have one-third of this House defeat this resolution, knowing that it requires two-thirds to carry it.

This resolution does not seek to take a dollar away from anybody. It is true that 18,000 members of the tribe have received allotments, part of them in land and part of them in money. The act passed last year enrolled several hundred, and they were given \$800 each, and not a foot of land. Fifty-two of them, known as the Pollock roll, were full bloods, and they were so ignorant that they did not know how to allot, and there were many of them old men.

Yet these gentlemen here stand up and talk in favor of a lot of oil men who sit in this gallery, trying to gobble up these five allotments, worth millions. A few days ago you saw an unsigned circular which was sent out by them on this floor. That was gotten up by some oil men in my State. This is not a question whether these five persons, four of them negroes and one Indian, shall have this land. These oil men are the ones in interest, and not the five individuals. There is only one side to this question. After a hearing covering weeks the House committee favored it, the Senate committee favored it, every Member of our delegation favored it; and in reply to the suggestion as to votes, there are not 100 Creek votes in my district, but the stockholders of these oil companies live in my district and they are more powerful than the Indians. But I would not be right or do right if I did not stand here against these rich oil fellows who are trying to rob the tribe of their patrimony. I say again, if you do not pass this resolution now, it will be too late hereafter. You have got to pass it now to give the Secretary authority to withdraw the land, and if you do not do it now it will be too late. If you do not do it, this Government will have to appropriate \$3,000,000 later to make that equalization between \$800 and \$1,040. We propose to give them the \$1,040 out of this oil property. We gave those who were enrolled last winter only \$800 apiece. We are going to give them the allotment that we gave the others. It is up to you gentlemen. Do you want to stand on the side of a lot of oil grafters who sit in this gallery with their attorneys, or do you want to sit on the side of this Government and on the side of the Creek Indians, who are entitled to this property as against five individuals and their lessees and assigns? [Applause.]

The SPEAKER. The gentleman's three minutes are up.

Mr. CAMPBELL. Mr. Speaker, speaking of oil grafters, the Black Panther Oil Co., which has a lease approved by the court on the most valuable allotment involved in this resolution and is backing this resolution, which holds a lease that enables them to charge up all the expenses against the ultimate owner of the land, has all others beaten in the grafting business. Mr. Speaker, if I had as rotten a proposition as this resolution, I would call it up in the last hours of the session of Congress, when there is no opportunity to discuss it on the floor of the House.

Mr. BUTLER. Will the gentleman yield?

Mr. CAMPBELL. Briefly; yes.

Mr. BUTLER. Is there not somewhere on this earth some power that will prevent the Indian being robbed?

Mr. CAMPBELL. A vote "no" on this resolution will help to prevent it. The fact is that the Black Panther Oil Co. has a lease now on the most valuable of this land, and the gentleman from South Dakota [Mr. BURKE], together with other gentlemen and myself, signed a letter of protest to the Secretary of the Interior urging him to take the necessary action to cancel that lease. That is the rottenness in this whole business. The other side of it is a bold attempt to prevent five Creek citizens from having their selections matured into title, just as all other Creek citizens have done to the number of 18,711. These five are the only ones left, and the lands proposed to be withdrawn—

Mr. FERRIS. Will the gentleman yield?

Mr. CAMPBELL. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. FERRIS. The gentleman ought to yield.

Mr. CAMPBELL. The land proposed to be withdrawn is the only land upon which they can now allot that is worth anything.

Mr. GOODWIN of Arkansas. Will the gentleman yield for a question?

Mr. CAMPBELL. I have only four minutes.

Mr. GOODWIN of Arkansas. If there is so much corruption on either side, is it not rather dangerous for a man to vote either way?

Mr. CAMPBELL. Why, certainly; but "no" is the safe vote. We spent many weeks in hearings on this matter, and it

is now asked that the House of Representatives, with less than a quorum present, pass upon a matter that the gentleman from Oklahoma says involves \$30,000,000, after 40 minutes' discussion, giving no man an opportunity of getting at the real facts in the case.

Mr. Speaker, it is dangerous to legislate upon so important a matter under suspension of the rules in the last hours of Congress, and I repeat that if one has something indefensible it is wise to wait, as has the gentleman from Oklahoma [Mr. MURRAY], and call it up in the closing hours of an expiring Congress. The resolution should not pass.

The SPEAKER. The time of the gentleman has expired.

Mr. MURRAY. I yield the remaining time to the gentleman from South Dakota [Mr. BURKE].

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] is recognized for nine minutes.

[Mr. BURKE of South Dakota addressed the House. See Appendix.]

The SPEAKER. The time of the gentleman from North Dakota has expired. All time has expired.

Mr. STAFFORD. Mr. Speaker, in view of the fact that there is an amendment proposed to this joint resolution which has never been printed, I ask unanimous consent that the resolution be again reported.

The SPEAKER. Without objection, the Clerk will again report the joint resolution.

There was no objection, and the Clerk again reported the joint resolution.

The SPEAKER. The question is on suspending the rules and passing the joint resolution as amended.

The question was taken.

Mr. CAMPBELL. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 122, noes 52.

Mr. CAMPBELL. Mr. Speaker, I demand tellers.

The SPEAKER. The gentleman from Kansas demands tellers. As many as are in favor of ordering tellers will rise and stand until counted. [After counting.] Thirty-five, not a sufficient number, and tellers are refused.

Mr. CAMPBELL. Mr. Speaker, I think we ought to have a quorum present when considering a matter involving \$30,000,000.

The SPEAKER. The gentleman from Kansas makes the point of order that there is no quorum present. The Chair will count.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The gentleman said he thought there ought to be a quorum present. Does that mean that he makes the point of no quorum on the vote?

The SPEAKER. The Chair so construed it. The Chair will count. [After counting.] Two hundred and twenty-four Members present—a quorum.

So, two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SPARKMAN. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill H. R. 20189, the river and harbor appropriation bill, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The gentleman from Florida moves to suspend the rules and take from the Speaker's table the river and harbor appropriation bill, with a Senate amendment thereto, and concur in the Senate amendment. Is a second demanded?

Mr. GOODWIN of Arkansas. Mr. Speaker, I demand a second.

Mr. SHERLEY. Mr. Speaker, I demand a second.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Florida asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Florida is entitled to 20 minutes and the gentleman from Arkansas to 20 minutes.

Mr. SPARKMAN. Mr. Speaker, I had hoped that we would not so soon after the last session of Congress be confronted with a proposition appropriating a lump sum for the improve-

ment of our rivers and harbors, but we again have before us, by way of amendment to the bill for that purpose, just such a proposition, along with several others, some of which I approve and some I dislike. But the more important feature is the lump-sum appropriation. The question now is, What are we going to do with the amendment? To my way of looking at the matter there is only one thing for us to do, if we are going to take care of the various projects now under way during the next 16 months, and until another bill can be passed, and that is to adopt this motion; at least, that is the only safe course. I have no idea that we can amend this bill so as to meet the divergent views of the various objectors here and at the other end of the Capitol. I know there are quite a number here who do not favor the Senate amendment and none perhaps like it as a whole. I have several objections to it myself. One is that it contains a lump sum, to be turned over to the War Department for distribution and allotment as the Secretary of War, acting under the advice of the Chief Engineer, may see proper. I do not regard that a wise plan for the improvement of our rivers and harbors. I expressed my objections fully to such legislation when the 1914 bill came back from the Senate and was before this House; hence it is unnecessary that I should repeat them here.

Then there are other objections to the measure. I would not, if I were framing this bill, without further information on the subject, insert the Swan Creek proposition. Certainly I would not have favored such a provision if it had come before me with only the information I had before hearing the remarks of the gentleman from Ohio, Gen. SHERWOOD. I am not sure that I would have done so in any event. Most assuredly—

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

Mr. SPARKMAN. Just one moment. Most assuredly I would not have desired to insert that, or any other provision of no more value to the country at large than is that, in a bill of such great importance to the people and run the risk as we are now doing of defeating the whole measure.

Mr. COOPER. What is the Swan Creek proposition?

Mr. SPARKMAN. It is a proposition to declare nonnavigable a little creek that runs into the Maumee River at Toledo.

Mr. COOPER. That is in Ohio?

Mr. SPARKMAN. Yes.

Mr. COOPER. That is where Senator BURTON lives?

Mr. SPARKMAN. Yes.

Mr. COOPER. At least, he lives in the State of Ohio?

Mr. SPARKMAN. Then there are some other provisions in the amendment to which I would object, and which I would not insert in a bill of this kind. But, Mr. Speaker, I shall not take up the time of the House in a detailed statement of all of the objections I have to this particular amendment.

What I wish to say now is that, in my judgment, we would get nowhere by carrying this bill to conference, and by so doing we would run the risk—a very serious one, too—in my judgment, of defeating the whole measure. So, if we are going to make certain of having legislation at this session to take care of great works of river and harbor improvement throughout the country, then my judgment is we should vote to suspend the rules and concur in the Senate amendment.

Mr. JACOWAY. Will the gentleman yield?

Mr. SPARKMAN. In a moment.

I think, Mr. Speaker, it is of the highest importance that this bill should be passed appropriating even this sum of money. In fact, I think it should be more. But it is the best we can do, and the engineers will no doubt allot and expend the money judiciously.

Mr. SHERLEY. Will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. SHERLEY. Who advises the gentleman that we can only have this particular bill or no bill?

Mr. SPARKMAN. Oh, I got that impression from what I know of conditions at the other end of this Capitol.

Mr. SHERLEY. Have we got to accept this rider in order to get the concurrence of Senators to pass a national rivers and harbors bill? Are those the terms that are made?

Mr. SPARKMAN. I am afraid so; at least I am afraid we will have to accept it if we get a bill.

Mr. SHERLEY. What do you think of the House accepting conditions so humiliating?

Mr. SPARKMAN. As far as I am concerned, I may say that I have often had to accept things here that I did not want to accept. I did not want to accept this bill, but in order to take care of these great works I am willing to swallow my pride, at least for this time, and pass this bill. I think it of the highest importance that this work should go on.

Mr. JACOWAY. On page 14, section 15, it says:
That the following projects now under improvement shall be re-examined—

And so forth.

And it names among those the Red River, the Ouachita, and the Arkansas. I wanted to ask the gentleman if any improvement will be carried on on these rivers while these three examinations are being made?

Mr. SPARKMAN. I would answer "yes," in my opinion.

Mr. GOULDEN. Will the gentleman from Florida yield?

Mr. SPARKMAN. Certainly.

Mr. GOULDEN. I want to ask the gentleman if this bill as it comes from the Senate, amended by that body, does not contain all the surveys, resurveys, and matters of that kind of very great importance to the entire country, especially to our constituents?

Mr. SPARKMAN. It contains, as I understand it, all the surveys that were in the bill when it passed through the House and quite a number in addition.

Mr. MOORE. Will the gentleman yield? This bill was debated in the House for four days, as I recall, and gone over item by item, and for the second time another body has turned down the work of the House and presents a stand-and-deliver proposition. They say, "You take what we offer you or you get nothing." That is the situation to-day, is it not?

Mr. SPARKMAN. That is about it as I view the situation.

Mr. MOORE. Now, it is the second time it has occurred. Does the gentleman see any relief for the Members of the House of Representatives who are the spokesmen for a great people on a measure like this?

Mr. SPARKMAN. I should say that at the next session if we should pass a river and harbor bill through this body I shall look for better results, inasmuch as it will be a long session, at which we will, I trust, have more time.

Mr. DUPRE. Will the gentleman from Florida state whether the chief obstructionist in the Senate to legislation of this character will be a Member of the next Congress?

Mr. SPARKMAN. I can not say as to that, but conditions for fair consideration are always better at a long than at a short session.

Mr. GALLAGHER. Mr. Speaker—

Mr. SPARKMAN. I yield to my colleague on the committee [Mr. GALLAGHER].

Mr. GALLAGHER. I would like to ask the chairman of the committee if he knows from what source the suggestion was made to take away the million dollars that was appropriated for the Lakes-to-the-Gulf matter?

Mr. SPARKMAN. I do not know. I do not believe it came from the engineers.

Mr. Speaker, no one can condemn these lump-sum appropriations for river and harbor improvement too strongly to suit me. The selection of projects upon which money is to be expended and the allotment of amounts from time to time to carry them to completion are functions the people have delegated to us, and we should not, save on rare and exceptional occasions, delegate them to others. But this I regard an exceptional occasion, as this seems to be the only way we can avoid great loss and damage to the people, the shippers, and the commerce of the country. There are hundreds of projects already completed and needing maintenance; hundreds more under way which would be greatly damaged if work upon them should cease for any considerable length of time before they are finished. In addition to all this, any long delay in the completion of these great works will entail heavy loss to the commerce of the country awaiting the development of these waterways in order to make use of them. There is therefore every reason why this amendment, objectionable though it is in some of its important features, should be adopted, and I hope the motion will prevail.

Mr. Speaker, how much time have I used?

The SPEAKER. The gentleman has used 11 minutes. The gentleman from Arkansas [Mr. GOODWIN] is entitled to 20 minutes.

Mr. GOODWIN of Arkansas. Mr. Speaker, I should like to be notified when I have used three minutes.

I will say at the outset that I am not an opponent of river legislation. I think I am an enthusiast on that question. However, I do want something like sane and reasonable legislation, and I like to have it diffused throughout the length and breadth of the country.

I do not want this bill defeated. If I may be selfish enough to refer to my district I will say that the Mississippi River borders it on the east and the Red River borders it on the west, and through the heart of it runs the Ouachita River, upon

which a system of locks and dams is being constructed now. But on page 15, lines 4, 5, and 6, among other items in the bill, the Arkansas, the Red, and Ouachita Rivers are to be finally chloroformed, and, sir, I am afraid those projects are to be discontinued and a resurvey made with a view of either "modifying or discontinuing" them. I apprehend that the result will be that after four or five years a report may be made, and then when a report is made, it may be an adverse report, and in the meantime we would not receive any river legislation pertaining to those streams. In other words, the Ouachita River project, which is about 55 per cent complete as to its system of locks and dams, would be abandoned and not receive one dollar of appropriations for the next four or five years. The great Red River, with a country as fertile as the Valley of the Nile, would receive no river appropriations, and the Arkansas River, second only to the Mississippi, as large, if not larger, than the great Ohio itself, would be abandoned in the meantime. That river runs through the center of my State, and traverses a very fertile country indeed.

As I stated in the outset, I am not opposed to the bill, but I would like to have these lines stricken from the bill when referred to conference, because I know full well that in the next four or five years no appropriations whatever will be received by those streams.

Permit me to quote, Mr. Chairman, section 15, that the House may see the blow that is aimed at three of the principal rivers in my State. I quote as follows:

Sec. 15. That the following projects now under improvement shall be reexamined, in accordance with the law for the original examination of rivers and harbors, with a view to obtaining reports whether the adopted projects shall be modified or the improvement abandoned:

Then follow lines 4, 5, and 6, the Red River, the Ouachita River, and the Arkansas River. That means, Mr. Chairman, the final abandonment, I am afraid, of these three great rivers from further improvement, because in all probability three or four years would elapse before a report would be obtained upon these projects as touching their modification or abandonment.

In other words, sir, the projects already begun on these rivers shall be either modified or wholly abandoned. If modified, it will mean to diminish the assistance now being given or to be entirely abandoned. I submit, Mr. Chairman, it is not fair to discriminate against these important rivers in my State, which are capable of being made great carriers of commerce and as competitors in freight rates against the railroad companies of my section of the country. So I favor, Mr. Chairman, this bill going back to conference that the committees of the two Houses may get together and strike out at least a part of section 15 and restore these rivers to their normal attitude; that is to say, that they may hereafter be treated by Congress as they deserve to be treated and as other rivers of the country are treated.

What is the present attitude, Mr. Chairman, of the annual rivers and harbors bill? The one that we passed through this House several weeks ago, however imperfect it may have been, has been overhauled, it seems, by one Senator at the other end of this Capitol, and we have before us a substitute for the House bill carrying \$25,000,000 in appropriations and leaving it to the Board of Engineers to distribute over the country. In addition to that, many worthy items have been stricken from the House bill, including the rivers of my State, above referred to, and now we are told, sir, by the chairman of the committee that it means this substitute or no legislation at all. In other words, Mr. Chairman, 100,000,000 American people are to be dominated and controlled by one man as to rivers and harbors appropriations. And it is said that inasmuch as Congress adjourns within the next 24 hours we must take this substitute or nothing. I do not believe it, Mr. Chairman. I believe this matter might be worked out in conference by both sides, giving and taking if necessary.

The legislation here for the past few days has been anything but commendable to the American Congress. The annual appropriations of \$1,000,000,000 must be made and agreed upon by the two Houses before we adjourn, and all of them within two or three days. If this House stands for anything at all, it should stand for its own rights and proper dignity. We should not be appended as a kite to the coat tail of any one man or any set of men, but should in a courageous, sensible, dignified way assert our rights in the premises. I am a better friend to rivers and harbors legislation when I desire that all legitimate streams should be cared for, without discrimination, than those who seek to grab, if possible, all the Government funds and stick them here and there over the country in their respective districts, regardless of worth and merit to the items they affect. So I repeat in conclusion, sir, that I am for this bill, but I do not want those great rivers in my State hamstrung

and chiseled out of their just deserts at the closing session of a busy Congress, with a threat that we must swallow this injustice, whether it be palatable or not.

Mr. GOODWIN of Arkansas. I yield eight minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, this House has to decide whether it proposes to keep its self-respect and be a part of the lawmaking body of America or not, and it has to decide it without any more yielding in the hope that next time the demand will not be made. I am not going to discuss the merits of the river and harbor bill that passed this House, but I am going to say a few plain words about the rights of the House.

The House passed a river and harbor bill and it went to the Senate. It comes back here now with all the House bill stricken out, and arbitrary power over \$30,000,000 given the Army engineers, and with such provisions as happen to suit two or three Members of that body, and could only come back because it did suit them, and we are told that unless we accept their exact viewpoint upon what shall be done for 90,000,000 of people, no legislation can be had. I am interested in river and harbor legislation. My district is vitally interested in it, but I would rather see river and harbor bills fail forever than lose all of my self-respect and to have the House of Representatives made a negligible factor in legislation for the people of America. [Applause.]

Not only is that true, but here is an illustration of the most vicious piece of one-man domination that I have ever known in my 12 years' service here. There is put on this bill as a rider a proposition over which the River and Harbor Committee has no jurisdiction, and which has been pending before the Interstate and Foreign Committee for months, with the protests of a great portion of the city and community affected. For the last half hour I have read some papers in connection with the protest against declaring Swan Creek nonnavigable. It runs through the city of Toledo. I do not think there should be any man reading those protests willing to pass the bill without any real consideration of it at this time.

Charges are made that the closing of this creek will deny certain water facilities to one railroad and that others will have thereby a monopoly in water terminals. Three times the matter has gone to the Toledo council, and three times the proposal that lies back of this has been rejected. Brand Whitlock, as mayor of that town, appointed a special commission to look into it, and they rejected the proposal. Now, the distinguished gentleman representing that district [Mr. SHERWOOD] says that they simply want to take away the Federal Government's jurisdiction and then the merits of these various controversies can be settled by the State of Ohio and the city of Toledo. But there are rights involved that are bigger than the city or the State.

That is not all. The city of Toledo has recently built docks right on Swan Creek. It is navigable for 3 miles, and on it are a number of wharves and terminal facilities that are of great value to the people there.

Now, what has happened? Think of the humiliation of it! Do you suppose that any other rider affecting any other city in this Union could have been put on this river and harbor bill in the Senate? Not for a minute. But it is one of the terms upon which we are to accept a river and harbor bill. We are practically told that unless we take this rider and the bill written as one man says we are to have no river and harbor bill. Why did the distinguished gentleman from Georgia [Mr. ADAMSON] have this bill before his committee for months if there was no question about the merits of it? He is not a man who neglects his duty as to legislation pending there. I hold in my hand the protests against the scheme. I hold photographs certified to as being accurate pictures of the water facilities that are on Swan Creek now. I say to you that Congress can not afford, in the interest of common honesty, to pass this rider without an investigation. This House had no chance to consider it. The gentleman says you can not get a bill otherwise. I do not believe that, but if I did believe it I would be willing to say "no bill"; and I am just as much interested in river and harbor matters as any man on this floor. The gentleman from Florida could either have made a motion to send the bill to conference and try it out or he could have made a motion to concur with certain amendments, but he surrenders his case before the fight begins. He runs up the white flag of surrender without ever undertaking to fight. Of course we can not get the Senate to make concessions as long as we lie down the moment they ask us to.

Mr. GORDON. We can not get anything.

Mr. SHERLEY. This is no little matter. When I went after this Swan Creek item in the first instance it was because I did not like the violation of all precedent in putting it onto the

bill as a rider, for until the bill came up a few moments ago I never had heard of Swan Creek. Since then I have had a chance to examine into it, and I will put some of these protests in the RECORD. I say to you, measuring my words, I would not be responsible—I would not take the responsibility—for legislating that proposition into law, because in doing it I believe I would be lending myself to a scheme that will not bear daylight. I may be mistaken as to that fact, but you can not know and neither can I know, in the few minutes that are given us to consider it; and when men can not know whether there is something wrong it is a good time to wait until they can know. I repeat, here are the protests which have been filed before Mr. Adamson's committee. The original bill was passed through the Senate by the Senator from Ohio [Mr. BURTON] without these men having a chance to protest. As they state in their correspondence, the first they knew of it was when the news carried the fact that the Senate had passed the bill declaring Swan Creek nonnavigable.

The SPEAKER. The gentleman's time has expired.

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

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SHERLEY. Under leave to extend, I submit the following among many protests now on file in the Committee on Interstate and Foreign Commerce of the House.

[Protest against Senate bill 6113, passed Aug. 25, 1914, addressed to Hon. WILLIAM C. ADAMSON, chairman Foreign and Interstate Commerce Committee, and members of said committee, of House of Representatives, Washington, D. C.]

DEAR SIRS: We hand you herewith a protest against Senate bill (S. 6113) to authorize the closing to navigation of Swan Creek, in the city of Toledo, Ohio.

1. We wish to show that no public official for the city of Toledo or the State of Ohio is asking or urging the aforesaid legislation.

2. That said Swan Creek is considered a navigable stream from its mouth at the Maumee River for a distance southwesterly of 3 miles and is now used extensively for shipping and wharfing. That it has for a great distance a depth of 15 feet of water. We, the undersigned, all being property holders on said Swan Creek and the Miami & Erie Canal, using said creek and docks in the peaceful conduct of our business, and also waters from said Miami & Erie Canal for the conduct of our milling business, and all of us and our predecessors have used same for a period of 70 years. We are owners of several boats that ply regularly upon said Swan Creek during season of navigation, operating upon the Great Lakes, handling many thousands of tons of cargo. For many years the docks of Swan Creek were used as the center of the lumber and coal yards, but in recent years the shipping and docks have been employed in the handling of 80 per cent of the builders' supplies for the great city of Toledo.

Under separate cover we offer you photographs and affidavits to show the extent of such traffic on said stream. These vessels are regularly employed in said traffic we represent, it being one of the largest single traffic units in the city of Toledo. The dock properties in the city of Toledo along the Maumee River are practically all in the hands of the Pennsylvania Railroad Co., New York Central Railway Co., Toledo & Ohio Central Railroad Co., Cincinnati, Hamilton & Dayton Railroad Co., Hocking Valley Railroad Co., Wabash Railroad Co., Michigan Central Railroad Co., and the Terminal Railroad Co., as well as the utility corporations of the city of Toledo; so that the kind of water traffic in which we are engaged is now restricted to the banks of Swan Creek, and with the rapid growth of the city of Toledo the use of this body of water becomes more apparent, being the poor man's home against the railroad companies and public-utility corporations having taken possession of practically all the available dock property on the Maumee River.

The abandonment of Swan Creek would cause a great hardship and financial loss upon all those who are now peacefully plying their business upon said creek. Reviewing this elimination still further, you must keep in mind these facts, that the State of Ohio has a greater interest in Swan Creek than any of the undersigned interests in same. The Miami & Erie Canal, one of the branches of the canal system in the State of Ohio, locks into Swan Creek by a set of two locks marked on maps accompanying this protest at a point that is about 1 mile from the mouth of said stream, these locks being the eastern terminus of said canal connecting it with the Great Lakes and the Atlantic Ocean. The State of Ohio for many years maintained a towing path along said Swan Creek to the point of its mouth at the Maumee River. We also hand you reference to case No. 3731, common pleas court, Toledo, Ohio, from records county clerk of Lucas County, Ohio.

[State of Ohio v. Charles Carpenter. Record, vol. 17, p. 616, filed Apr. 29, 1859.]

The common pleas court of Lucas County in said case No. 3731, which action was confirmed and approved by the Supreme Court of the State of Ohio, which is reported in the Twelfth Ohio State under title of Charles Carpenter v. State of Ohio, this case having gone up to the supreme court on error.

The court held that the State of Ohio never appropriated Swan Creek as a part of the present Miami & Erie Canal; that Swan Creek was a navigable stream open to the commerce of the world. But that the State of Ohio did acquire a fee simple title to 10 feet of land along the southerly bank of Swan Creek for a towing path. From the foregoing facts it will be readily understood that Swan Creek became the terminus of the Miami & Erie Canal and connected it with the Great Lakes from Toledo, Ohio, to Cincinnati, Ohio, on the Ohio River.

We have in Toledo an organization known as the Swan Creek Elimination League, who have carried on for the past four years a campaign to eliminate said stream. This league has been supplied with large sums of money from various sources. They have advertised most extensively in all of our daily papers, also by special circulars, sectional meetings in our city, and through this agitation have engaged the service of men at compensation to secure names to a petition asking the common council of the city of Toledo and the State and Federal legislative bodies to eliminate this waterway. This petition was presented

to the common council in the year of 1911 under what is known as the Brand Whitlock administration. This council, after hearing all arguments and accepting said petitions, appointed an engineer of standing to make extensive maps and survey of this Swan Creek Valley, and the mayor, Brand Whitlock, also appointed a commission to investigate the conditions and report upon improvements in Swan Creek and Ten Mile Creek and their valleys. After many public hearings and a report from the said committee the council of the city of Toledo, both in 1912 and 1913, rejected the request of said petitioners. In the year of 1914 the city of Toledo moved into public offices an entire new administration, including the mayor and common council, and again this league offered their project to this new common council, and again public hearings were held, and again within this year of 1914 this project was rejected by the present common council. During all of these periods these maps and orators appeared before the Business Men's Club of the city of Toledo, the largest public commerce club of our city, and this club refused to endorse this project. It was then taken before the central labor body of the city of Toledo, and through the Tugmen's Union, one of the branches of the Central Labor Union, resolutions were adopted opposing the elimination of Swan Creek, and the Toledo Tugmen's Protective Association issued a booklet, which we offer you as Exhibit No. 1, entitled "Swan Creek, its use and abuse."

The commission appointed by former Mayor Brand Whitlock, who is now United States minister to Belgium, made the following report: "That it was opposed to the elimination of Swan Creek—

"1. Because no general benefit would follow the large expense involved.

"2. The stream is valuable for navigation purposes, and great benefits would result by proper improvement.

"3. The stream could not only be made useful for business purposes but an interesting feature of the city.

"4. The cost of elimination would eventually become a very great sum involving the expenditure of millions of dollars."

The commission further recommends a system of intercepting sewers and the appointment of a commission to make a comprehensive study of the best system for improving the low territory and marshy lands not sufficiently improved. Also, by the elimination of sewage matter, the water of the creek would become comparatively pure and inoffensive, leaving the physical improvement of the stream a matter of mechanical construction.

There is not a single newspaper of standing in Toledo advocating this elimination, and all items appearing in favor of this elimination are marked paid advertisements, and the News-Bee, of Toledo, having the largest circulation in our city, refused to accept paid advertisements.

In the year of 1913 this league had pending before the Legislature of the State of Ohio an act to vacate Swan Creek and the Miami & Erie Canal, but this act was also defeated by a large majority at that time. A commission was appointed by a resolution of the Ohio Legislature in the year of 1913 for the purpose of investigating all of the canals of the State of Ohio. Said legislative committee visited Toledo in the year 1913, making an extensive survey and giving a public hearing upon the elimination of Swan Creek and the Miami & Erie Canal, and after careful deliberation this committee filed its report against said elimination. Said report is now a matter of record at Columbus, Ohio. The commission recommended that the proposal of certain Toledo citizens be held in abeyance in view of the commission's own report for a barge canal from the Ohio River at Cincinnati, Ohio, to Lake Erie at Toledo, and also in view of the proposition of a deep waterway from Toledo, Ohio, to Chicago, Ill., by way of Defiance and Fort Wayne, Ind.

In view of the foregoing facts and reports you will note that the State of Ohio should be considered the most important factor in conjunction with those who are now using Swan Creek for the conduct of their business.

At an open meeting held in Toledo, Ohio, on June 3, 1913, in council chamber by Maj. Brownell, chief engineer, for the Federal Government in our district with offices at Cleveland, Ohio, another extensive hearing was given on the question of Swan Creek elimination. But up to date no report has been furnished the city of Toledo from the War Department, but it was considered that Maj. Brownell felt that the question should be settled by the State of Ohio and the city of Toledo before the Federal Government should take any action.

Nineteen large sewers empty into Swan Creek which has caused great pollution of its waters, and the State board of public health have ordered that a trunk sewer be located along said creek to carry said sewage to Maumee Bay. Legislation is now pending in city council to carry out this mandatory order from the State board of public health.

It is our impression that Senator BURTON was misled by the gentlemen who delivered this extensive petition and requesting the passage of an act (S. 6113), by not giving him all of the preceding facts leading up to their request, and without further investigation he presented this act for its passage. We had no hearing or opportunity for protest and no knowledge of its consideration until after such time when the public press carried it as a news item. This league have at all times been able to employ eminent counsel, who have made splendid arguments, and with unlimited capital for their campaign has enabled them to go from one legislative body to another, and when final hearing has been given they have at all times lost their point. The superintendent of public works, John W. Miller, for the State of Ohio, who is also the chief engineer under the laws of the State of Ohio and who has charge of all of the canals of our State, has never approved these projects and should be called as a witness before your committee and no action should be taken by your honorable committee without his consent or approval. Mr. Miller would be the most available man to bring before your committee to give you an unbiased opinion on the matter of Swan Creek and the Miami & Erie Canal.

Under Exhibit No. 2 we offer an ordinance, being a certified copy of council proceedings, city of Toledo, December 9, 1912, to provide for the issuing of bonds of the city of Toledo for the purpose of opening and extending Superior Street from Swan Creek to Clayton Street by curving both St. Clair Street and Superior Street in one street, extending from the cut-off to Clayton Street, in the city of Toledo, Ohio. This bond issue was for the sum of \$114,000 and was expended during the year 1914 by the city of Toledo to straighten Swan Creek at a certain point on St. Clair Street, as shown by maps on Exhibit No. 3, transferring a bridge from a northerly point on St. Clair Street to this new cut-off, dredging the Creek to a uniform depth of 15 to 16 feet of water, and building a municipal dock 900 feet in length on both sides of said creek, which is also shown on maps under Exhibit No. 3 as well as by photographs of same. This improvement removes certain undesirable features of said creek and improved its navigation by the change of eliminating part of the bend of Swan Creek and cutting a new channel

as shown on Exhibit No. 3, the city of Toledo saved an additional expense of building a new bridge for Superior Street extended and also Short Street extended, and also removed the waste lands within this territory.

You will notice that not a single public officer of the State of Ohio or the city of Toledo will ask or are asking for the passage of this act (S. 6113), which should condemn it without any further argument. This league should have hesitated before going before your honorable body asking for this legislation until such time when our home State and home city took action upon this matter.

Under Exhibit No. 2 we also offer you resolution authorizing and directing the director of public service to enter into a contract or lease with the board of public works of the State of Ohio in relation to the abandonment of the part of the Miami & Erie Canal, known as Swan Creek, and the construction of a side cut from the easterly bank of Swan Creek to the abandoned side cut on the easterly side of St. Clair Street. This contract was entered into between the city of Toledo and the State of Ohio, and said improvements have been made under this contract. The chief engineer for the United States Government also gave his consent and approval for this improvement, so that all of his details have been executed in proper manner. Under Exhibit No. 2 we also offer you a history of the Miami & Erie Canal as located within the city of Toledo. Under Exhibit No. 3 we offer you map showing proposed plan for changing Swan Creek and also abandonment of same, a detail sketch of Toledo side cut, a comprehensive plan for the diversion of Swan Creek, and the making of all necessary improvements with bridges, streets, and docks. Exhibit No. 3 also contains a map of the city of Toledo, a map in detail covering the special section of the city of Toledo covered by Swan Creek and Miami & Erie Canal, and also showing a map of Lucas County, Ohio, showing that Swan Creek originates in Henry and Fulton Counties, Ohio, and is at least 25 miles in length. If Swan Creek was eliminated at its present mouth, it would be necessary to divert this stream at some other point southwesterly from the city of Toledo, and this again would entail the building of many new bridges and also a river bed to drain the Swan Creek Valley watershed to the Maumee River. From every economic and business viewpoint you will note that this plan would be impractical and visionary.

We might say in conclusion that many of those that are promoting this league expect to gain some financial benefit by the change of the Summit Street location, and it is also common gossip that the railroad companies who are under cover have some plan through this diversion that they anticipate completing.

We, the undersigned, offer the foregoing brief as matters of record and fact pertaining to our conduct of business upon Swan Creek, the use of waters upon the Miami & Erie Canal, and all procedures and hearings that have been held in the past before the Common Council of the City of Toledo and its public officers, the members of the Legislature of the State of Ohio, the committee representing the members of the Legislature of the State of Ohio, the chief engineer of the State of Ohio, and all such public organizations as have heard this question discussed; that these statements and records are true and accurate, to the best of our belief and understanding.

THE TOLEDO BUILDERS' SUPPLY CO.,
Per A. R. KUHLMAN, Secretary and Treasurer,
THE TOLEDO GRAIN & MILLING CO.,
Per D. W. CAMP, President,
THE OHIO BUILDERS' SUPPLY CO.,
By R. E. DO VILLE, President and Manager,
THE W. O. HOLST BUILDERS' SUPPLY CO.,
Per W. O. HOLST.

EXHIBIT DOCKS AND BOAT.

TOLEDO, OHIO, December 23, 1914.

We, the undersigned, officers of the W. O. Holst Builders' Supply Co., a corporation under the State laws of Ohio, located in the city of Toledo, Ohio, make the following statement:

1. That we employ two boats in the conduct of our business during the season of navigation, who regularly travel the Great Lakes and also enter the Canadian waters for the purpose of delivering sand and other material to our docks.
2. That during the season of 1914 we handled 46,300 tons of sand on our docks, situated on Swan Creek, near Erie Street.
3. We hereby attach Exhibits A, B, and C, which are true photographs of recent date of our docks on Swan Creek, as now located, near Erie Street, said dock being 500 feet, more or less. Exhibit C is one of the boats regularly used in transporting our sand.

STATE OF OHIO, Lucas County, ss:

I, William O. Holst, being first duly sworn, on my oath say that the foregoing statement has been made by myself from the records of the books of the W. O. Holst Builders' Supply Co., at Toledo, Ohio, and the same are true and accurate, to the best of my knowledge and belief.

[SEAL.]

THE W. O. HOLST BUILDERS' SUPPLY CO.,
By W. O. HOLST, President.
W. O. HOLST.

Sworn to and subscribed in my presence this 26th day of December, 1914.

[SEAL.]

LEVERETT OLCOTT ROWLEY,
Notary Public, Lucas County, Ohio.

TOLEDO, OHIO, December 23, 1914.

We, the undersigned, officers of the Toledo Builders' Supply Co., a corporation under the State laws of Ohio, located in the city of Toledo, Ohio, make the following statement:

1. That we employ three boats in the conduct of our business, registered under the following names: *Walter D.*, 250 tons; *Laura D.*, 220 tons; *Dussault*, 78 tons.
2. These boats during the season of navigation regularly travel the Great Lakes and also enter the Canadian waters for the purpose of transporting and delivering sand and other material to our dock.
3. That during this season of 1914 we built a new dock on Swan Creek 400 feet in length, so as to more conveniently handle our products. We were enabled to make this latter improvement on account of the improvement made by the city of Toledo in straightening this channel and dredging Swan Creek to uniform depth of 15 to 16 feet at its lowermost point near the Maumee River.
4. During the season of 1914 we handled 16,300 tons of sand on our small dock on Swan Creek, but on account of our new equipment we will

be able to handle 100,000 tons during the season of 1915. We have been forced to handle much of our product on other docks on account of lack of facility.

5. We hereby attach Exhibits A and B, which are true photographs of recent date of our docks on Swan Creek as now located near St. Clair Street, giving us approximately 650 feet of dock frontage upon Swan Creek.

[SEAL.]

THE TOLEDO BUILDERS' SUPPLY CO.,
By A. R. KUHLMAN, Secretary.

STATE OF OHIO, Lucas County, ss:

I, A. R. Kuhlman, being first duly sworn, on my oath say that the foregoing statement has been made by myself from the records of the books of the Toledo Builders' Supply Co. at Toledo, Ohio, and the same are true and accurate to the best of my knowledge and belief.

A. R. KUHLMAN.

Sworn to and subscribed in my presence this 26th day of December, 1914.

[SEAL.]

LEVERETT ALCOTT ROWLEY,
Notary Public, Lucas County, Ohio.

[A. R. Kuhlman, chairman protest convention, Toledo, Ohio, secretary and treasurer Toledo Builders' Supply Co., Toledo, Ohio.]

Protest against Senate bill S. 6113, passed August 25, 1914, addressed to Hon. WILLIAM C. ADAMSON, chairman Interstate and Foreign Commerce Committee, and members of said committee of House of Representatives, Washington, D. C.

DEAR SIRS: We hand you herewith a protest against Senate bill (S. 6113) an act to authorize the closing to navigation of Swan Creek, in the city of Toledo, Ohio.

1. We wish to show that no public official for the city of Toledo or the State of Ohio is asking or urging the aforesaid legislation.

2. That said Swan Creek is considered a navigable stream from its mouth at the Maumee River for a distance southwesterly of 3 miles and is now used extensively for shipping and wharfing. That it has for a great distance a depth of 15 feet of water. We, the undersigned, all being property holders on said Swan Creek and the Miami & Erie Canal, using said creek and docks in the peaceful conduct of our business and also waters from said Miami & Erie Canal for the conduct of our milling business, and all of us and our predecessors have used same for a period of 70 years. We are owners of several boats that ply regularly upon said Swan Creek during season of navigation, operating upon the Great Lakes, handling many thousands of tons of cargo. For many years the docks of Swan Creek were used as the center of the lumber and coal yards, but in recent years the shipping and docks have been employed in the handling of 80 per cent of the builders' supplies for the great city of Toledo.

Under separate cover we offer you photographs and affidavits to show the extent of such traffic on said stream. These vessels are regularly employed in said traffic we represent, it being one of the largest single traffic units in the city of Toledo. The dock properties in the city of Toledo along the Maumee River are practically all in the hands of the Pennsylvania Railroad Co., New York Central Railway Co., Toledo & Ohio Central Railroad Co., Cincinnati, Hamilton & Dayton Railroad Co., Hocking Valley Railroad Co., Wabash Railroad Co., Michigan Central Railroad Co., and the Terminal Railroad Co., as well as the utility corporations of the city of Toledo. So that the kind of water traffic in which we are engaged is now restricted to the banks of Swan Creek, and with the rapid growth of the city of Toledo the use of this body of water becomes more apparent, being the poor man's home, against the railroad companies, and public-utility corporations having taken possession of practically all the available dock property on the Maumee River.

The abandonment of Swan Creek would cause a great hardship and financial loss upon all those who are now peacefully plying their business upon said creek. Reviewing this elimination still further, you must keep in mind these facts: That the State of Ohio has a greater interest in Swan Creek than any of the undersigned interests in same. The Miami & Erie Canal, one of the branches of the canal system in the State of Ohio, locks into Swan Creek by a set of five locks, marked on maps accompanying this protest, at a point that is about 1 mile from the mouth of said stream, these locks being the eastern terminus of said canal, connecting it with the Great Lakes and the Atlantic Ocean. The State of Ohio for many years maintained a towing path along said Swan Creek to the point of its mouth at the Maumee River. We also hand you reference to case No. 3731, common pleas court, Toledo, Ohio, from records county clerk of Lucas County, Ohio.

[State of Ohio v. Charles Carpenter. Record, vol. 17, p. 616, filed Apr. 29, 1859.]

The Common Pleas Court of Lucas County in said case, No. 3731, which action was confirmed and approved by the Supreme Court of the State of Ohio, which is reported in the 12th Ohio State, under title of Charles Carpenter v. State of Ohio, this case having gone up to the supreme court on error.

The court held that the State of Ohio never appropriated Swan Creek as a part of the present Miami & Erie Canal; that Swan Creek was a navigable stream open to the commerce of the world; but that the State of Ohio did acquire a fee simple title to 10 feet of land along the southerly bank of Swan Creek for a towing path. From the foregoing facts it will be readily understood that Swan Creek became the terminus of the Miami & Erie Canal and connected it with the Great Lakes, from Toledo, Ohio, to Cincinnati, Ohio, on the Ohio River.

We have in Toledo an organization known as the Swan Creek Elimination League, who have carried on for the past four years a campaign to eliminate said stream. This league has been supplied with large sums of money from various sources. They have advertised most extensively in all of our daily papers, also by special circulars, sectional meetings in our city, and through this agitation have engaged the service of men at compensation to secure names to a petition asking the common council of the city of Toledo and the State and Federal legislative bodies to eliminate this waterway. This petition was presented to the common council of Toledo, Ohio, in the year of 1911, under what is now known as the Brand Whitlock administration. This council, after hearing all arguments and accepting said petitions, appointed an engineer of standing to make extensive maps and survey of this Swan Creek Valley, and the mayor, Brand Whitlock, also appointed a commission to investigate the conditions and report upon improvements in Swan Creek and Tummie Creek and their valleys. After many public hearings and a report from the said committee, the council of the city of Toledo, both in 1912 and 1913, rejected the request of said petitioners.

In the year of 1914 the city of Toledo moved into public office an entire new administration, including the mayor and common council, and again this league offered their project to this new common council,

and more public hearings were held, and again within this year of 1914 this project was rejected by the present common council. During all of these periods these maps and orators appeared before the Business Men's Club of the city of Toledo, the largest public commerce club of our city, and this club refused to endorse this project. It was then taken before the central labor body of the city of Toledo, and through the Tugmen's Union, one of the branches of the Central Labor Union, resolutions were adopted opposing the elimination of Swan Creek, and the Toledo Tugmen's Protective Association issued a booklet, which we offer you as Exhibit No. 1, entitled "Swan Creek: Its Use and Abuse."

The commission appointed by former Mayor Brand Whitlock, who is now United States minister to Belgium, made the following report:

That it was opposed to the elimination of Swan Creek—
1. Because no general benefit would follow the large expense involved.
2. The stream is valuable for navigation purposes, and great benefits would result by proper improvement.
3. The stream could not only be made useful for business purposes, but an interesting feature of the city.
4. The cost of elimination would eventually become a very great sum, involving the expenditure of millions of dollars.

The commission further recommends a system of intercepting sewers and the appointment of a commission to make a comprehensive study of the best system for improving the low territory and marshy lands not sufficiently improved. Also by the elimination of sewage matter the water of the creek would become comparatively pure and inoffensive, leaving the physical improvement of the stream a matter of mechanical construction.

There is not a single newspaper of standing in Toledo advocating this elimination, and all items appearing in favor of this elimination are marked "Paid advertisements," and the News-Bee, of Toledo, having the largest circulation in our city, refused to accept paid advertisements.

In the year of 1913 this league had pending before the legislature of the State of Ohio an act to vacate Swan Creek and the Miami & Erie Canal, but this act was also defeated by a large majority at that time. A commission was appointed by a resolution of the Ohio Legislature in the year of 1913 for the purpose of investigating all of the canals of the State of Ohio. Said legislative committee visited Toledo in the year 1913, making an extensive survey and giving a public hearing upon the elimination of Swan Creek and the Miami & Erie Canal, and after careful deliberation this committee filed its report against said elimination. Said report is now a matter of record at Columbus, Ohio. The commission recommended that the proposal of certain Toledo citizens be held in abeyance in view of the commission's own report for a barge canal from the Ohio River at Cincinnati, Ohio, to Lake Erie at Toledo, and also in view of the proposition of a deep waterway from Toledo, Ohio, to Chicago, Ill., by way of Defiance and Fort Wayne, Ind.

In view of the foregoing facts and reports you will note that the State of Ohio should be considered the most important factor in conjunction with those who are now using Swan Creek for the conduct of their business.

At an open meeting held in Toledo, Ohio, on June 3, 1913, in council chamber, by Maj. Bromwell, chief engineer for the Federal Government in our district, with offices at Cleveland, Ohio, another extensive hearing was given on the question of Swan Creek elimination. But up to date no report has been furnished the city of Toledo from the War Department, but it was considered that Maj. Bromwell felt that the question should be settled by the State of Ohio and the city of Toledo before the Federal Government should take any action.

Nineteen large sewers empty into Swan Creek, which has caused great pollution of its waters, and the State board of public health have ordered that a trunk sewer be located along said creek to carry said sewage to Maumee Bay. Legislation is now pending in city council to carry out this mandatory order from the State board of public health.

It is our impression that Senator BURTON was misled by the gentlemen who delivered this extensive petition and requested the passage of an act, S. 6113, by not giving him all of the preceding facts leading up to their request, and without further investigation he presented this act for its passage. We had no hearing or opportunity for protest and no knowledge of its consideration until after such time when the public press carried it as a news item. This league have at all times been able to employ eminent counsel, who have made splendid arguments, and unlimited capital for their campaign has enabled them to go from one legislative body to another, and when final hearing has been given they have at all times lost their point. The superintendent of public works, John W. Miller, for the State of Ohio, who is also the chief engineer under the laws of the State of Ohio and who has charge of all of the canals of our State, has never approved these projects, and should be called as a witness before your committee, and no action should be taken by your honorable committee without his consent or approval. Mr. Miller would be the most available man to bring before your committee to give you an unbiased opinion on the matter of Swan Creek and the Miami & Erie Canal.

Under Exhibit No. 2 we offer an ordinance, being a certified copy of council proceedings, city of Toledo, December 9, 1912, to provide for the issuing of bonds of the city of Toledo for the purpose of opening and extending Superior Street from Swan Creek to Clayton Street by curving both St. Clair Street and Superior Street in one street, extending from the cut-off to Clayton Street, in the city of Toledo, Ohio. This bond issue was for the sum of \$114,000 and was expended during the year of 1914 by the city of Toledo to straighten Swan Creek at a certain point on St. Clair Street, as shown by maps on Exhibit No. 3, transferring a bridge from a northerly point on St. Clair Street to this new cut-off, dredging the creek to a uniform depth of 15 to 16 feet of water, and building a municipal dock 900 feet in length on both sides of said creek, which is also shown on maps under Exhibit No. 3 as well as by photographs of same. This improvement removed certain undesirable features of said creek and improved its navigation by the change of eliminating part of the bend of Swan Creek and cutting a new channel, as shown on Exhibit No. 3. The city of Toledo saved an additional expense of building a new bridge for Superior Street extended and also Short Street extended and also removed the waste lands within this territory.

You will notice that not a single public officer of the State of Ohio or the city of Toledo will ask or are asking for the passage of this act, S. 6113, which should condemn it without any further argument. This league should have hesitated before going before your honorable body asking for this legislation until such time when our home State and home city took action upon this matter.

Under Exhibit No. 2 we also offer you resolution authorizing and directing the director of public service to enter into a contract or lease with the board of public work of the State of Ohio in relation to the abandonment of the part of the Miami & Erie Canal known as Swan Creek and the construction of a side cut from the easterly bank of Swan Creek to the abandoned side cut on the easterly side of St. Clair Street.

This contract was entered into between the city of Toledo and the State of Ohio and said improvements have been made under this contract. The chief engineer for the United States Government also gave his consent and approval for this improvement, so that all of his details have been executed in proper manner. Under Exhibit No. 2 we also offer you a history of the Miami & Erie Canal as located within the city of Toledo. Under Exhibit No. 3 we offer you map showing proposed plan for changing Swan Creek and also abandonment of same, a detail sketch of Toledo side cut, a comprehensive plan for the diversion of Swan Creek, and the making of all necessary improvements with bridges, streets, and docks. Exhibit No. 3 also contains a map of the city of Toledo, a map in detail covering the special section of the city of Toledo covered by Swan Creek and Miami & Erie Canal, and also showing a map of Lucas County, Ohio, showing that Swan Creek originates in Henry and Fulton Counties, Ohio, and is at least 25 miles in length. If Swan Creek was eliminated at its present mouth it would be necessary to divert this stream at some other point south-westerly from the city of Toledo, and this again would entail the building of many new bridges and also a river bed to drain the Swan Creek Valley watershed to the Maumee River. From every economic and business viewpoint you will note that this plan would be impractical and visionary.

We might say in conclusion that many of those that are promoting this league expect to gain some financial benefit by the change of the Summit Street location, and it is also common gossip that the railroad companies, who are under cover, have some plan through this diversion that they anticipate completing.

We, the undersigned, offer the foregoing brief as matters of records and facts pertaining to our conduct of business upon Swan Creek, the use of waters upon the Miami & Erie Canal, and all procedures and hearings that have been held in the past before the common council of the city of Toledo and its public officers, the members of the Legislature of the State of Ohio, the committee representing the members of the Legislature of the State of Ohio, the chief engineer of the State of Ohio, and all such public organizations as have heard this question discussed; that these statements and records are true and accurate to the best of our belief and understanding.

THE TOLEDO BUILDERS' SUPPLY CO.,
Per A. R. KUHLMAN, *Secretary and Treasurer.*
THE TOLEDO GRAIN & MILLING CO.,
Per D. W. CAMP, *President.*
THE OHIO BUILDERS' SUPPLY CO.,
By R. E. DE VILLE, *President and Manager.*
THE W. O. HOLST BUILDERS' SUPPLY CO.,
Per W. O. HOLST.

TOLEDO, OHIO, December 23, 1914.

We, the undersigned, officers of the Toledo Grain & Milling Co., a corporation under the State laws of Ohio, located in the city of Toledo, Ohio, make the following statement, to wit:

The Toledo Grain & Milling Co., which is located on the Miami & Erie Canal at Locks 3, 4, and 5, just above where the canal empties into Swan Creek, has a mill and storage elevator which is dependent upon this creek for its power in the conduct of the aforesaid business. This company has a lease from the State of Ohio for water power from this canal, calling for 4,800 cubic feet of water per minute at wier at Lock 6, sufficient to give them 150 horsepower. This water passes through their water wheels, then into the levels below, and thence into Swan Creek. Our lease does not expire until December 31, 1942, or 28 years. This company's mill has a capacity of 500 barrels of flour, 200 tons of meal, chop, and feed per day, also has a grain-storage capacity of 200,000 bushels. Should Swan Creek be declared not navigable and closed for all navigation, as per bill S. 6113, before your honorable body, the next step would be taken to ask the State of Ohio to relinquish their rights to the canal terminal, and thereby damage this growing and thriving industry without an adequate compensation for damages.

In the year of 1907 the State of Ohio, at tremendous cost, built five new locks, locking the water from the Miami & Erie Canal into Swan Creek. These locks are built of concrete and very permanent construction. This present milling property and their predecessors have occupied this property for the conduct of their business since the year of 1848.

(Exhibits A and B are true photographs of recent date of our mills located on the Miami & Erie Canal.)

STATE OF OHIO, Lucas County, ss:

I, D. W. Camp, being first duly sworn, on my oath say that the foregoing statement has been made by myself from the records of the books of the Toledo Grain & Milling Co., and also from common knowledge of conditions affecting the Miami & Erie Canal and Swan Creek, and the same are true and accurate to the best of my knowledge and belief.
[SEAL.]
THE TOLEDO GRAIN & MILLING CO.,
By D. W. CAMP, *President.*
D. W. CAMP.

Sworn to and subscribed in my presence this 24th day of December, 1914.

[SEAL.]

W. G. SHEPARD,
Notary Public, Lucas County, Ohio.

(My commission expires Feb. 16, 1917.)

Whereas every nation in the world is trying to increase its waterways and dockage, in the knowledge that water transportation is the cheapest known transportation, and believing that the surest and speediest way to develop the resources of our city and the growth of the community and promote prosperity to every interest is to improve all our waterways as fast and as far as we can; and

Whereas there is some discussion with reference to the elimination of that part of Swan Creek which is now navigable and is being used by many industries for dock purposes: Therefore be it

Resolved, That we, members of the Toledo Produce Exchange, are opposed to the elimination of Swan Creek and the loss of any of its dock properties by the diversion of this stream; and further be it

Resolved, That we would favor the deepening and straightening of the present stream, thereby increasing its present usefulness.

F. O. PADDOCK, *President.*

OFFICE OF THE TOLEDO PRODUCE EXCHANGE,
Toledo, Ohio, December 23, 1914.

I, Archibald Gassaway, secretary of the Toledo Produce Exchange of the city of Toledo, hereby certify the foregoing to be a true copy of a resolution passed by the Toledo Produce Exchange on the 2d day of

June, 1913, the original of which is on file in the office of said exchange at Toledo, Ohio.

In witness whereof, I have hereunto subscribed my name and affixed the seal of the said exchange the day and date above written.

[SEAL.]

ARCHIBALD GASSAWAY, *Secretary.*

TOLEDO, OHIO, December 23, 1914.

We the undersigned officers of the Ohio Builders' Supply Co., a corporation under the State laws of Ohio, located in the city of Toledo, Ohio, make the following statement:

1. That the boats of the Doville Lake Sand & Gravel Co., of Toledo, Ohio, regularly during the season of navigation deliver at our dock the necessary sand and other material for the conduct of our business.

2. That during the season of 1914 we handled over our docks 19,277 tons of sand and gravel from the Great Lakes and the Canadian waters.

3. We hereby attach Exhibits A, B, and C, which represent a true photograph of our dock located on Swan Creek at Toledo, Ohio.

[SEAL.]

THE OHIO BUILDERS' SUPPLY CO.,

By RAYMOND E. DOVILLE,

President and Manager.

STATE OF OHIO, Lucas County, ss:

I, Raymond E. Doville, being first duly sworn, on my oath say that the foregoing statement has been made by myself from the record of the books of the Ohio Builders' Supply Co. at Toledo, Ohio, and the same are true and accurate to the best of my knowledge and belief.

RAYMOND E. DOVILLE.

Sworn to and subscribed in my presence this 26th day of December, 1914.

LEVERETT ALCOTT ROWLEY,
Notary Public, Lucas County, Ohio.

Mr. GOODWIN of Arkansas. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GOODWIN of Arkansas. I yield three minutes to the gentleman from Ohio [Mr. WHITACRE].

Mr. WHITACRE. Mr. Speaker, the Chinese have no monopoly on tricks that are vain; and the remark made by the gentleman from Kansas here a few minutes ago—that when you have something rotten and want to get it through, bring it in in the last hours—applies to this.

Mr. GORDON. Riders on appropriation bills.

Mr. WHITACRE. Bring it in in the last hours and shut off all debate; shut the mouths of everybody who has anything to say about it. This proposition to declare this creek nonnavigable is rotten from top to bottom. The purpose of it is to take away the private property of a few private citizens in order to enhance the value of the private property of a few other private citizens.

Mr. SHERWOOD. Will the gentleman yield?

Mr. WHITACRE. No; I can not yield; I have only three minutes. You have had your debate and you have cut off all other debate.

Mr. SHERWOOD. If the gentleman wants the truth he will yield.

Mr. WHITACRE. I will yield if the gentleman will give me five minutes of his time.

Mr. SHERWOOD. I can not get any time.

Mr. WHITACRE. Then do not take up my time. This creek is navigable and is used every day in the year except when it is frozen up.

Mr. SHERWOOD. I challenge the gentleman to produce a single vessel that ever sailed up that creek.

Mr. WHITACRE. I can show the gentleman a picture of the creek.

Mr. SHERWOOD. The gentleman can not name a vessel that ever sailed up that creek.

Mr. WHITACRE. I can name lots of them. I will tell you gentlemen what that creek is used for. There are people on the creek who have sand docks, and they supply the city with sand. The sand is taken from up the Maumee River and brought down on sand barges and is unloaded on these docks on Swan Creek and then distributed to all the builders and people of the city who want to build. All the docks on this part of the river [indicating on the map] are taken up and monopolized, and there is no place for these people to unload, except to go way down the river, along here. The purpose is to drive these men out and monopolize the sand business in the hands of a few men who happen to have the luck to get a dock that is along the river here.

Mr. KEY of Ohio. Will the gentleman yield?

Mr. WHITACRE. No; I will not yield. I have not the time. If these people are driven out of there, the city of Toledo for all time to come—all the builders—will be compelled to pay an extra cost for their sand. It costs about 25 cents per ton per mile for trucking, and they will have 4 or 5 miles to haul that load of sand, and that is a perpetual burden on all the building operations in the city.

Mr. MOORE. How much water is there in this creek?

Mr. WHITACRE. Twelve to fifteen feet at high water.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SPARKMAN. Mr. Speaker, I yield four minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, no Member can more seriously object to the manner in which this bill comes back here than I have, and I doubt if any Member of the House has more grounds for objection for local reasons, and still I am going to vote for the motion to concur in the Senate bill. The only reason I shall do so is the information that comes to us that it is a concurrence with this bill or no river and harbor bill at this session. The failure to pass the bill would be a public calamity. Works in progress would cease, Government plants would deteriorate, and our water-borne commerce would suffer. This bill carries a \$25,000,000 appropriation from the Treasury, and \$5,000,000 diverted from appropriations heretofore made for various projects and not used, making a total of \$30,000,000.

Mr. GORDON. Will the gentleman yield?

Mr. SMALL. No; I can not yield. I wish to present just two propositions, however, as illustrating the inconsistency of the Senate in the manner of presenting this bill to us. The House framed the best bill which it could present after months of patient consideration. All the important projects under construction were provided for by appropriations sufficient to continue work until June 30, 1916. There were evidently objections by some Member or Members of the Senate to items of appropriation in that bill because of lack of merit, and yet every item as reported by the House Committee on Rivers and Harbors and as passed by this House had previously received the unqualified approval of the Army engineers. It is understood that this Senate bill was submitted by the Senator from Ohio [Mr. BURTON], and that the Senate reluctantly felt constrained to accept it or have the bill as reported by the Senate committee talked to death.

Now, what do we find, in spite of the objections to the items in the bill as passed by the House?

We find the Senate passing a lump appropriation of \$30,000,000 to be spent—how? In the discretion of the engineers, and to be allotted by them. Presumably the engineers will make the allotment to the projects selected by your committee and by this House. Could there be an example of greater inconsistency than that which is presented to us? The other body could not accept the House bill, every item of which had been recommended by the Army engineers; and yet they appropriate the lump sum of \$30,000,000 to be expended in the discretion of these same Army engineers.

Just one other illustration: This bill provides for the re-examination of certain projects upon which favorable reports have heretofore been made and which have been adopted and appropriations made therefor. Among those projects for which reexamination is provided is a section of the intracoastal waterway from Norfolk, Va., to Beaufort, N. C. If there has been any one project heretofore adopted by Congress which has been surveyed more than any other, it has been this section of the intracoastal waterway. Beginning with 1875, there have been at least five examinations and surveys, every one favorable; and yet this bill provides that there shall be a reexamination. I might advert to other items in the Senate bill which provides for reexamination of other projects, but I cite this simply to show the inconsistency which is back of the Senate bill and upon which it is predicated, and I hope that this will be the last time that the House will be called upon to approve such a bill as this.

Referring again to the intracoastal waterway from Norfolk to Beaufort Inlet, N. C., there have been an unusually large number of examinations and surveys of this inland waterway. In 1875 Congress ordered a survey from the southern end of the Dismal Swamp Canal to the Cape Fear River, and a most valuable report by S. T. Abert was made, which is to be found in the Annual Report of the Chief of Engineers for 1876, page 376.

There were several subsequent reports, but the most important was that authorized in the river and harbor act of June 13, 1902, submitted to Congress February 19, 1904, and is printed as House Document No. 563, Fifty-eighth Congress, second session. This report covers the route from Norfolk, Va., to Beaufort, N. C., Inlet. The authorization was to determine the most advantageous route, with a channel depth of not less than 16 feet, and the law further directed the engineers to include the probable cost of any existing privately-owned waterway which might form a part of the proposed route and which it might be to the interest of the United States to acquire. The special board detailed thereon made an elaborate favorable report. The Board of Engineers for Rivers and Harbors in reviewing this

report, while conceding the importance of this waterway, stated as their conclusion that the cost of a waterway 16 feet in depth was greater than the resulting benefits would justify and recommended that another survey be had between Norfolk and Beaufort with a view to securing a depth of 10 or 12 feet, as might be most desirable, and they further expressed the opinion that a waterway of this lesser depth would greatly benefit commerce and possess military advantages.

Congress authorized another examination and survey from Norfolk to Beaufort in the river and harbor act of March 3, 1905, with a depth of 10 to 12 feet, and this work was assigned to a special board of engineer officers, and their report, with the concurring approval of the Board of Engineers for Rivers and Harbors and the Chief of Engineers, was submitted to Congress on December 3, 1906, and is printed as House Document No. 84, Fifty-ninth Congress, second session. This report contains estimate of cost for a depth of 10 and 12 feet, respectively, but recommended the latter depth. It also recommends the purchase of the Albemarle & Chesapeake Canal as a part of the route, provided the said canal could be purchased by the United States for a sum not exceeding \$500,000. This report is altogether favorable to the project.

By the act of March 2, 1907, Congress provided for the construction of one section of this waterway from Norfolk to Beaufort, by making an appropriation for the construction of the Adams Creek Canal connecting Neuse River with Beaufort Inlet, with a channel depth of 10 feet. This canal was so constructed as to admit of dredging it to a greater depth.

In the river and harbor act of March 3, 1909, Congress authorized the survey for a continuous waterway from Boston to Beaufort, with a maximum depth of 25 feet and such lesser depths along any portion as may be found sufficient for commercial, naval, and military purposes. This report was submitted to Congress on January 4, 1912, and is printed as House Document No. 391, Sixty-second Congress, second session. This is an elaborate report and discusses in detail all the intervening links between Boston and Beaufort, including the link from Norfolk to Beaufort. This report recommended the construction of a waterway 12 feet deep between Norfolk and Beaufort at a total cost of \$5,400,000, which included \$500,000 for the purchase of the existing Albemarle & Chesapeake Canal.

Congress adopted the project from Norfolk to Beaufort in accordance with the report last named in the river and harbor act of 1912, and appropriated \$600,000, of which \$500,000 was to be used in the purchase of the Albemarle & Chesapeake Canal property. This canal has been purchased and is now the property of the United States.

In the river and harbor act of 1913 an additional appropriation of \$800,000 was made for this project. It is understood that contracts have been made which involve the expenditure of substantially all the existing appropriations. The work on this project so far undertaken is on that section between Norfolk and Albemarle Sound.

Out of the lump appropriation contained in the river and harbor act of 1914, no allotment was made for this project for the reason that it was assumed that the existing appropriations would continue the work up to March, 1915.

There has never been an unfavorable report on this inland waterway from Norfolk to Beaufort as to its commercial and military advantages.

Mr. SPARKMAN. Mr. Speaker, how does the time stand?

The SPEAKER pro tempore (Mr. GARNER). The gentleman from Florida has five minutes remaining.

Mr. SPARKMAN. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. GOEKE].

Mr. GOEKE. Mr. Speaker, I rise to say just a few words about the provision in this bill that withdraws jurisdiction of the United States over Swan Creek in the city of Toledo. As far as I am personally concerned, I am content to rest my vote on that proposition upon the advice of my distinguished colleague, Gen. SHERWOOD, who represents that district and city. There is no man in Congress or out of Congress who knows more about the merits of the question than he does, and when he says that the people of Toledo want this bill passed in this form, I believe him. He would not misrepresent the facts. This House can well afford to follow his judgment and vote for the bill. [Applause.]

Mr. SHERWOOD. I would say to the gentleman that every newspaper in Toledo but one, 20 civic societies, every leading business on Summit Street, with 6,000 names in the petition, approve the passage of this bill.

Mr. GORDON. And every city official in Toledo is against it.

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

Mr. GOEKE. Yes.

Mr. SHERLEY. There is a protest filed here in which it is stated that in order to get the newspapers to publish this propaganda they had to have paid advertisements.

Mr. SHERWOOD. This is an editorial from the Toledo Blade.

Mr. GOEKE. These protests that the distinguished gentleman from Kentucky produces here—and I have seen them—are furnished by a gentleman named John B. Friend, the paid attorney of the people who are protesting against the passage of this bill.

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

Mr. GOEKE. Yes.

Mr. WHITACRE. Is there any other paid attorney of the other interest here?

Mr. GOEKE. I have no knowledge of that.

Mr. WHITACRE. I have.

Mr. GOEKE. If the gentleman has he ought to make it known; but I would like to say to my distinguished colleague from Ohio, for whose judgment I have a great deal of respect, that I can not understand why he is meddling in this thing so vociferously this morning. [Laughter and applause.]

Mr. SHERWOOD. Selling bricks.

Mr. GORDON. Why was not this sent to the Committee on Interstate and Foreign Commerce?

Mr. GOEKE. Mr. Speaker, the only thing that the United States Government and the people of the United States relinquish, if we pass this amendment, is that in the future the Government can not appropriate money to improve this little creek in the city of Toledo that has been a common nuisance for 20 years.

Mr. SHERLEY. Does it not mean that the Federal Government gives up all control of any kind over it?

Mr. GORDON. Certainly.

Mr. GOEKE. And when it does that the only material control it gives up is the right to expend money on that creek—nothing more and nothing less?

Mr. SHERLEY. Is it not true that there are terminal facilities there that one railroad has, and that all of the other railroads have terminal facilities on the Maumee, and that by closing this you cut out competition?

Mr. GOEKE. I want to answer that by saying that if there are any private rights involved in this question the courts of Ohio will see to it that every man's rights are protected.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. GOODWIN of Arkansas. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Speaker, for four days I endeavored as best I could in a humble way to try to point out defects in this year's river and harbor bill when it was before the House in January. Now, I have three minutes in which to discuss a \$30,000,000 proposition that has not been discussed as to its merits by anyone thus far. You have talked for a half hour on a Swan Creek proposition to vacate a creek. It has been stated here that the House is making itself ridiculous because of action in the other branch of the Capitol. Let me say to you, gentlemen, it may be true. Think of the proposition you have here, voting for \$30,000,000 for rivers and harbors and putting that money into the hands of one man, an Army engineer. Never before in the history of this country have you done such a thing, except in the case of a President, and then during war for war purposes. To-day \$30,000,000 is the unexpended balance on all projects, or it was on the 1st day of last January. Twenty-five million dollars are appropriated here in a lump sum by this substitute bill, and \$5,000,000 more of unexpended balance is added to that for 1915. That makes \$30,000,000 more to be expended—how? According to the judgment and the wishes of one man, an Army engineer. Congress has surrendered its representative capacity to one man. I agree with you on that; but we have surrendered to an Army engineer, who determines where this \$30,000,000 is to go. Think of the responsibility, when 10 years ago this appropriation was only \$10,000,000. Now you are making it \$30,000,000, and let me say to you, gentlemen, that with \$42,000,000 balance in the Treasury, the lowest balance you have had for years, and that is the report of yesterday, you are now assuming the responsibility of placing \$30,000,000 in the hands of the engineers of this country to expend as they see fit—all of that vast amount on one proposition, if they choose. You have lost all control of legislation by this Senate amendment. I desired to offer an amendment to reduce the \$30,000,000 substitute to five or ten million dollars, covering the cost of maintenance, and I would have done so, but that privilege under the parliamentary situation has been lost. You say that the engineers are to be trusted. How many projects have been approved

by the engineers that have been abandoned—wasted money? Read the Record of last night and find a list mentioned in the Senate which have been abandoned after having been commenced by the engineers. How many projects in this House have been defeated that were recommended by the engineers? One of \$18,000,000 during the past session. How many projects are land-reclamation projects, water-power projects, or projects for various other special interests? The engineers are to be given the sole right by this bill to expend \$30,000,000 of the people's money for the first time in the history of the country, with \$30,000,000 of an unexpended balance now on hand. And this vast amount and power is for a river and harbor bill.

Army engineers now pass on all propositions; now they are to legislate by determining where this extravagant, wasteful appropriation shall be expended. Why not abrogate all powers to the Army engineers? What influence may govern their action?

Mr. GOODWIN of Arkansas. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Speaker, the attaching of riders to general appropriation bills is a vicious way to legislate. The rider on this appropriation, a rider having nothing to do with appropriations, but declaring a stream to be nonnavigable, is absolutely without excuse and worthy only of condemnation. The question whether this stream should be declared nonnavigable ought not to be here as a rider on an appropriation bill but as a separate proposition, so that it could be decided on its own merits. If it could not pass on its merits, then it ought not to pass at all. A bill to make this stream nonnavigable was introduced in the present House; but numerous and strong protests against the bill came from business men in Toledo, and the Committee on Interstate and Foreign Commerce has never had hearings on it, and, of course, has never reported it to the House. And yet here it is as a rider.

These protests set forth, among other things, that the city of Toledo has just completed a dock 915 feet long on this stream at a total cost of \$115,000.

The Clover Leaf Terminal Co. has its only dock on this stream, and the closing of this creek would deprive them of all of the benefits of the river cargo navigation. There is a certain kind of traffic that comes to this railroad, which has its only terminal facilities on the creek.

And if we deprive it of these terminal facilities that particular kind of traffic will go to other railroads. The mayor and all of the officials of the city, so these protests say, have refused to ask for this legislation. And it is most remarkable that it should be here now in the form of a rider upon a river and harbor bill, the River and Harbor Committee of the House not having jurisdiction over bills to declare streams nonnavigable.

But we are asked to vote for this rider and declare a stream in the city of Toledo nonnavigable over the protest of many business men of the city, and without the sanction of the officials of the city or of the State, and, as we know, without the recommendation of our own committee headed by the gentleman from Georgia [Mr. ADAMSON]. No committee of the House has even considered the proposition. This method of making laws ought not to be tolerated.

The SPEAKER. The time of the gentleman has expired. The gentleman from Arkansas [Mr. GOODWIN] has one minute remaining.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the Record. Is there objection. [After a pause.] The Chair hears none.

Mr. SPARKMAN. Mr. Speaker, I make the same request.

Mr. TREADWAY. Mr. Speaker, the gentleman from Arkansas agreed to yield to me.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. TREADWAY. Mr. Speaker, I regret exceedingly as a member of the Committee on Rivers and Harbors to be obliged to vote against the motion of the distinguished chairman. He himself says that he does not believe in the motion he makes, that it is not good legislation for us to abrogate all our rights, as this great legislative body will do, if we accept the amendments. His only reason for the motion he makes is that he feels it will be impossible to secure anything else. Further than that, I want to call attention to the fact that we are confusing the provisions of very important legislation, as most of this debate has been confined to a little stream in Toledo, Ohio. Do not vote on that proposition, gentlemen, but vote on the merits of whether or not we should allow our legislative rights to be abrogated entirely and taken away from us and placed in

the hands of one department. Do just the same for the War Department; do it for the Navy Department; do it for all the departments, if you do it for one. Do not let us continue this policy any further.

We were confronted by the same situation at the last session, and then yielded without the least effort to have the method of appropriating for rivers and harbors which has been in vogue for many years continued. What object can there be for the existence of the Committee on Rivers and Harbors if, after months of careful study, their work is to be swept aside and all authority concentrated in the hands of the Chief of Engineers? It is neither fair to the committee nor a proper method of appropriating money. I never have been able to bring myself to support measures in which I did not believe, and I can not do so in this case.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

[By unanimous consent, Mr. SPARKMAN, Mr. GOEKE, Mr. CARAWAY, Mr. HAMIL, Mr. WHITACRE, Mr. JACOWAY, and Mr. MADDEN were granted leave to extend their remarks in the RECORD on the river and harbor bill.]

Mr. BURKE of South Dakota. Mr. Speaker, I rise to ask unanimous consent to extend my remarks in the RECORD on the Murray resolution.

The SPEAKER. Is there objection?
There was no objection.

Mr. RAKER. Mr. Speaker, in the rush last night I forgot to ask unanimous consent to extend my remarks on the apple-box bill. I do it now.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the apple-box bill. Is there objection?

There was no objection.

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the same bill.

The SPEAKER. Is there objection?
There was no objection.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] is entitled to three minutes.

Mr. SPARKMAN. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Speaker, I represent a large territory in the heart of the Mississippi Valley and a constituency that is deeply interested in the improvement of the Mississippi River and in the improvement of its levees for the protection of that rich agricultural country against frequent floods from that river. Not only because I live in that valley am I interested in this bill, but because I know that the American people and all of the commercial interests of this country are deeply interested in the improvement of the waterways of the country and in water transportation.

There has been an effort in this House to-day to prejudice this bill because of one-man power, so called, in another branch of the American Congress. I myself am opposed to that sort of dictation as much as any man in this House, but it is a condition that confronts us to-day, and not a theory. The chairman of the Rivers and Harbors Committee [Mr. SPARKMAN], and nearly all of the members of that committee, if not all of them, express themselves as believing that it is this bill to-day or nothing. I know that the opposition say there is an objectionable item in this bill making nonnavigable Swan Creek, in the city of Toledo, Ohio. The body at the other end of this Capitol has as much right to legislate as we have, and I am not yet ready to vote to abolish the United States Senate. They had a right to put that item in this bill, and I understand that the two United States Senators from the State of Ohio, one a Democrat and one a Republican, are both in favor of this proposition.

Mr. GORDON. Who told you that?

Mr. RUSSELL. Gen. SHERWOOD told me that.

Mr. GORDON. I am advised that is not so.

Mr. RUSSELL. The gentleman who represents the Toledo district, and not only represents that district but lives in that city, the grand old man of this House, Gen SHERWOOD [ap- plause], stands here and says that he is willing to take the responsibility of making Swan Creek nonnavigable. If he and the two Senators from Ohio favor this item, why should we from other States object?

The SPEAKER. The time of the gentleman has expired.

Mr. SPARKMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, this House can not afford to stop work on the improvement of the hundreds of waterways in this country for 15 months. We can not afford in the interests of the public service to have the engineering force dis-

organized and discharged, a trained and experienced force, turned loose in every State of the Union. This is a serious proposition before us. Our responsibility as representatives of the people, as custodians of the interests of the various departments of this Government, should cause us to lay aside all spite and pique at the action of certain Members of the Senate and pass this bill. We might as well fail or refuse to vote the necessary supplies for running the Army or the Navy or the Department of Agriculture. All of these existing projects have been adopted, millions of dollars have been expended on them, and we are confronted now with a cessation of work and an injury to the public works of this country on rivers and harbors which will run into the millions. If this work is not continued—if it is stopped—what has been done will be largely washed away, and we shall be called upon later on to vote thousands and thousands of dollars to repair the great injury to the rivers and harbors because we fail to pass this measure.

The SPEAKER. The time of the gentleman has expired.
Mr. SHERLEY. Division.

The SPEAKER. The gentleman from Kentucky demands a division.

The House divided; and there were—ayes 104, noes 47.

Mr. SHERLEY. Mr. Speaker, I ask for the yeas and nays. The yeas and nays were ordered.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?
There was no objection.

The SPEAKER. The question is on suspending the rules and taking this bill from the Speaker's table and concurring in the Senate amendment.

The question was taken; and the Speaker announced that, in the opinion of the Chair, two-thirds had voted in the affirmative.

The question was taken; and there were—yeas 222, nays 99, not voting 102, as follows:

[Roll No. 98.]

YEAS—222.

Abercrombie	Donohoe	Johnson, Ky.	Pou
Adair	Doremus	Johnson, Utah	Powers
Adamson	Driscoll	Johnson, Wash.	Price
Aincy	Drukker	Jones	Quin
Alexander	Dupré	Kahn	Ragsdale
Allen	Eagan	Keating	Raker
Anderson	Eagle	Kelley, Mich.	Reilly, Conn.
Aswell	Edmonds	Kennedy, R. I.	Riordan
Austin	Edwards	Kent	Roberts, Mass.
Baker	Evans	Kettner	Rothermel
Barkley	Falconer	Kitchin	Rouse
Bartholdt	Farr	Knowland, J. R.	Rucker
Bathrick	Fergusson	Konop	Russell
Beall, Tex.	Ferris	Kreider	Scully
Bell, Cal.	Fess	La Follette	Seldomridge
Bell, Ga.	Fields	Langham	Shackleford
Blackmon	Flood, Va.	Langley	Sherwood
Boober	Floyd, Ark.	Lazaro	Sims
Borland	Francis	Lee, Ga.	Sinnott
Brockson	French	Lee, Pa.	Slayden
Brodbeck	Gallivan	Leshner	Slemp
Browning	Garner	Levy	Small
Bruckner	Garrett, Tenn.	Lewis, Pa.	Smith, Idaho
Brumbaugh	Garrett, Tex.	Lieb	Smith, Minn.
Buchanan, Tex.	Gilmore	Linthicum	Smith, N. Y.
Burgess	Godwin, N. C.	Lobeck	Smith, Saml. W.
Burnett	Goeke	Loft	Sparkman
Butler	Goulden	Logue	Stedman
Byrns, Tenn.	Greene, Mass.	Loneragan	Steenerson
Candler, Miss.	Gregg	McKellar	Stephens, Cal.
Caraway	Griest	McLaughlin	Stephens, Nebr.
Carlin	Griffin	Mahan	Stevens, Minn.
Carr	Hamill	Maher	Stevens, N. H.
Carter	Hamilton, Mich.	Manahan	Summers
Casey	Hamlin	Mapes	Sutherland
Church	Hardy	Metz	Switzer
Clancy	Harris	Miller	Taylor, Ala.
Clark, Fla.	Harrison	Mitchell	Ten Eyck
Cline	Hawley	Mondell	Thacher
Coady	Hay	Moon	Thomas
Collier	Hayden	Moore	Tribble
Connolly, Iowa	Hayes	Morgan, Okla.	Underhill
Conry	Heflin	Murray	Underwood
Cox	Helm	Nolan, J. I.	Vare
Crisp	Hinds	Oglesby	Vinson
Cullopp	Holland	Padgett	Vollmer
Curry	Houston	Paige, Mass.	Walker
Danforth	Howell	Palmer	Walsh
Davis	Hughes, Ga.	Park	Watkins
Detrick	Hughes, W. Va.	Parker, N. J.	Weaver
Dent	Hulings	Parker, N. Y.	White
Dershem	Hull	Patten, N. Y.	Wilson, Fla.
Dickinson	Humphrey, Wash.	Patton, Pa.	Winslow
Dies	Humphreys, Miss.	Peters	Young, Tex.
Difenderfer	Igoe	Phelan	
Dixon	Jacoway	Porter	

NAYS—99.

Aiken	Barton	Browne, Wis.	Byrnes, S. C.
Ashbrook	Beakes	Buchanan, Ill.	Callaway
Avis	Borchers	Bulkeley	Campbell
Balley	Brown, N. Y.	Burke, S. Dak.	Cramton
Baltz	Brown, W. Va.	Burke, Wis.	Davenport

Decker	Helgesen	Mott	Talcott, N. Y.
Dillon	Henry	Murdock	Tavener
Doolittle	Hill	Neeley, Kans.	Taylor, Ark.
Esch	Johnson, S. C.	Nelson	Temple
Finley	Kelly, Pa.	O'Hair	Thompson, Okla.
FitzHenry	Key, Ohio	Oldfield	Thomson, Ill.
Foster	Kiess, Pa.	Page, N. C.	Towner
Fowler	Kirkpatrick	Rainey	Treadway
Frear	Korbly	Reilly, Wis.	Vaughan
Gallagher	Lenroot	Rogers	Volstead
Gard	Lewis, Md.	Rubey	Watson
Glass	Lloyd	Rupley	Webb
Goodwin, Ark.	McAndrews	Sabath	Whaley
Gordon	McKenzie	Scott	Whitacre
Gorman	MacDonald	Sherley	Williams
Graham, Ill.	Madden	Sloan	Wingo
Graham, Pa.	Maguire, Nebr.	Smith, Tex.	Witherspoon
Gray	Mann	Stafford	Woods
Green, Iowa	Morrison	Stone	Young, N. Dak.
Greene, Vt.	Moss, Ind.	Stringer	

NOT VOTING—102.

Anthony	Estopinal	Kennedy, Iowa	Rauch
Barchfeld	Fairchild	Kindel	Rayburn
Barnhart	Faison	Kinkaid	Reed
Bartlett	Fitzgerald	Lafferty	Roberts, Nev.
Bowdie	Fordney	L'Engle	Saunders
Britten	Gardner	Lever	Sells
Broussard	George	Lindbergh	Shreve
Bryan	Gerry	Lindquist	Sisson
Burke, Pa.	Gill	McClellan	Smith, J. M. C.
Calder	Gillett	McGillcuddy	Smith, Md.
Cantor	Gittins	McGuire, Okla.	Stanley
Cantrill	Goldfogle	Martin	Stephens, Miss.
Carew	Good	Montague	Stephens, Tex.
Cary	Gudger	Morgan, La.	Stout
Chandler, N. Y.	Guernsey	Morin	Taggart
Claypool	Hamilton, N. Y.	Moss, W. Va.	Talbot, Md.
Connelly, Kans.	Hart	Mulkey	Taylor, Colo.
Cooper	Haugen	Neely, W. Va.	Taylor, N. Y.
Copley	Helvering	Norton	Townsend
Crosser	Hensley	O'Brien	Tuttle
Dale	Hinebaugh	O'Shaunessy	Wallin
Donovan	Hobson	Peterson	Walters
Pooling	Howard	Platt	Wilson, N. Y.
Doughton	Hoxworth	Plumley	Woodruff
Dunn	Keister	Post	
Elder	Kennedy, Conn.	Prouty	

So the motion to suspend the rules and concur in the Senate amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. TUTTLE (for motion) with Mr. PROUTY (against).

Until further notice:

Mr. TALBOTT of Maryland with Mr. GOOD.

Mr. BARNHART with Mr. LINDQUIST.

Mr. DALE with Mr. ROBERTS of Nevada.

Mr. BARTLETT with Mr. ANTHONY.

Mr. CROSSER with Mr. BARCHFELD.

Mr. BROUSSARD with Mr. DUNN.

Mr. CANTRILL with Mr. BRITTEN.

Mr. CONNELLY of Kansas with Mr. BURKE of Pennsylvania.

Mr. DOOLING with Mr. CALDER.

Mr. DOUGHTON with Mr. CARY.

Mr. ESTOPINAL with Mr. COOPER.

Mr. FITZGERALD with Mr. GILLETT.

Mr. GOLDFOGLE with Mr. COPLEY.

Mr. HART with Mr. FAIRCHILD.

Mr. HOWARD with Mr. FORDNEY.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. MORGAN of Louisiana with Mr. HAMILTON of New York.

Mr. MONTAGUE with Mr. KEISTER.

Mr. NEELY of West Virginia with Mr. HINEBAUGH.

Mr. O'SHAUNESSY with Mr. MCGUIRE of Oklahoma.

Mr. PETERSON with Mr. KENNEDY of Iowa.

Mr. STOUT with Mr. KINKAID.

Mr. RAUCH with Mr. MARTIN.

Mr. RAYBURN with Mr. MORIN.

Mr. REED with Mr. MOSS of West Virginia.

Mr. SAUNDERS with Mr. PLATT.

Mr. SISSON with Mr. PLUMLEY.

Mr. STEPHENS of Mississippi with Mr. J. M. C. SMITH.

Mr. STEPHENS of Texas with Mr. WALLIN.

Mr. TAGGART with Mr. SHREVE.

Mr. HENSLEY with Mr. SELLS.

Mr. BRITTEN. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the hall listening when his name should have been called?

Mr. BRITTEN. I was not.

The SPEAKER. That bars the gentleman from voting.

Mr. GILL. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the hall listening when his name should have been called?

Mr. GILL. I was not.

The SPEAKER. The gentleman does not come within the rule. Mr. TAYLOR of Colorado. Mr. Speaker, I was in and out of the hall two or three times. I do not know whether I was in the hall when my name was called or not.

The SPEAKER. The Chair does not think the gentleman brings himself within the rule.

The result of the vote was announced as above recorded.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I present conference reports on three pension bills, and I ask unanimous consent that the statements be read in lieu of the reports.

The SPEAKER. The gentleman from Ohio presents conference reports on three pension bills, and asks unanimous consent that the statements of the House conferees be read in lieu of the reports. Is there objection?

There was no objection.

The Clerk read the statement of the House conferees on House bill 21089.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1506).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21089) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 11, 14.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 6, 8, 9, 12, 13, 15, 16, and 17, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment with an amendment as follows: In lieu of "\$17" insert "\$12"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment with an amendment as follows: In lieu of "\$17" insert "\$12"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment with an amendment as follows: In lieu of "\$17" insert "\$12"; and the Senate agree to the same.

JOHN A. KEY,
WM. H. MURRAY,
SAM R. SELLS,

Managers on the part of the House.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,

Managers on the part of the Senate.

STATEMENT.

On amendment No. 1 the House recedes from its disagreement to the amendment of the Senate No. 1, and agrees to the same with an amendment as follows: Restore the matter stricken out by said amendment with an amendment as follows: In lieu of "\$17" insert "\$12"; and the Senate agree to the same. It is not believed that the facts of this case justify a higher rate than \$12 per month.

On amendment No. 2 the House concurs in the Senate amendment. The allowance of pension in this case is not justified or warranted by the facts presented.

On amendment No. 3 the House recedes from its disagreement to the amendment of the Senate No. 3 and agrees to the same with an amendment as follows: Restore the matter stricken out by said amendment with an amendment as follows: In lieu of "\$17" insert "\$12"; and the Senate agree to the same. From the facts as presented in this case it is not believed that a higher rate than \$12 per month is warranted.

On amendment No. 4 the House concurs in the Senate amendment. This is only to change the phraseology.

On amendment No. 5 the House concurs in the Senate amendment. It is not believed that a pension in this case is warranted by the facts presented.

On amendment No. 6 the House concurs in the Senate amendment. It is not believed that the allowance of pension in this case is warranted.

On amendment No. 7 the House recedes from its disagreement to the amendment of the Senate No. 7 and agrees to the same

with an amendment as follows: Restore the matter stricken out by said amendment with an amendment as follows: In lieu of "\$17" insert "\$12"; and the Senate agree to the same. A higher rate than \$12 per month is not justified by the facts of this case.

On amendment No. 8 the House concurs in the Senate amendment. This is only a change in the service.

On amendment No. 9 the House concurs in the Senate amendment. A higher rate than \$12 per month does not appear to be warranted by the facts of this case.

On amendment No. 10 the Senate recedes. By the facts of this case it is believed that a pension is warranted and justified.

On amendment No. 11 the Senate recedes. From the evidence filed in support of this case it is believed that a pension is justified.

On amendment Nos. 12 and 13 the House concurs in the Senate amendments. This is merely a change of phraseology.

On amendment No. 14 the Senate recedes. An allowance of pension at \$17 per month appears to be justified by the evidence filed in support of this case.

On amendment No. 15 the House concurs in the Senate amendment. A higher rate than \$12 per month is not warranted by the evidence filed in support of this case.

On amendments Nos. 16 and 17 the House concurs in the Senate amendments. This is merely a change in phraseology.

JOHN A. KEY,
WILLIAM H. MURRAY,
SAM R. SELLS,

Managers on the part of the House.

The conference report was agreed to.

The Clerk read the conference report on House bill 20643, as follows:

CONFERENCE REPORT (NO. 1505).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20643) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 8, 10, 13, 21, 24, 28, 30, 33, and 34.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 9, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 26, 27, 29, 31, and 32, and agree to the same.

JOHN A. KEY,
WM. H. MURRAY,
SAM R. SELLS,

Managers on the part of the House.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,

Managers on the part of the Senate.

The conference report was agreed to.

The Clerk read the conference report on House bill 21218, as follows:

CONFERENCE REPORT (NO. 1512).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21218) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, and 6.

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

JOHN A. KEY,
WM. H. MURRAY,
SAM R. SELLS,

Managers on the part of the House.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,

Managers on the part of the Senate.

The conference report was agreed to.

EXPLORATION FOR COAL, PHOSPHATE, ETC.

Mr. FERRIS. I ask unanimous consent to take from the Speaker's table the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, gas, potassium, or sodium, with Senate amendments, and to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take this bill from the Speaker's table, disagree to all of the Senate amendments, and ask for a conference. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. FERRIS, Mr. GRAHAM of Illinois, and Mr. LENROOT.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Tulley, one of its clerks, announced that the Senate had passed the following resolution:

Senate concurrent resolution 38.

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the Vice President of the United States and President of the Senate in signing the enrolled bill (S. 3362) to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries, to make a survey of natural oyster beds and rocks and barren bottoms contiguous thereto in waters along the coast of and within the State of Texas, be, and is hereby, rescinded, and that in the reenrollment of the bill the words "and directed," in line 4 of the bill, be stricken out and the words "in his discretion" substituted therefor.

The message also announced that the Senate had agreed to the report of the committees of conference on the disagreeing votes of the two Houses to bills of the following titles:

H. R. 19909. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes.

H. R. 20201. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1916, and for other purposes.

LEAVE TO EXTEND REMARKS.

By unanimous consent, leave was granted to Mr. SMALL to extend his remarks in the Record on the naval appropriation bill.

INDIAN APPROPRIATION BILL.

Mr. CARTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Indian appropriation bill (H. R. 20150), disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take from the Speaker's table the Indian appropriation bill (H. R. 20150), disagree to the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. HARRISON. Mr. Speaker, reserving the right to object, the Senate has placed in this Indian appropriation bill 171 amendments, most of which are very important. I will ask the gentleman, ought we not to go into Committee of the Whole, at least to let the membership of the House know something about what we are going to consider and vote on, rather than wait for a conference report, which we must adopt in whole or reject in whole?

Mr. CARTER. Mr. Speaker, the gentleman from Mississippi well knows what that means. It means, perhaps, that the House would not finish the bill and that we would have no Indian appropriation bill this year, because if we went into the Committee of the Whole to discuss these 171 amendments it would probably keep the House running until adjournment comes to-morrow at noon.

Mr. JOHNSON of Washington. Is it not a fact that a large number of these amendments relate to the placing back in the bill of items for the maintenance of Indian schools, which went out on a point of order?

Mr. FERRIS. I think that is true, but I have not had an opportunity to examine it.

Mr. HARRISON. I object, Mr. Speaker.

Mr. CARTER. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 20150, suspend the rules, and disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Oklahoma moves to suspend the rules and take from the Speaker's table the Indian appropriation bill, disagree to all the Senate amendments, and

agree to the conference asked by the Senate. Is a second demanded?

Mr. HARRISON. I demand a second.

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

Mr. HARRISON. I object.

The SPEAKER. The Chair appoints as tellers the gentleman from Oklahoma [Mr. FERRIS] and the gentleman from Mississippi [Mr. HARRISON].

The House divided, and the tellers reported that there were 94 ayes and 3 noes.

So a second was ordered.

Mr. HARRISON. Mr. Speaker, I make a point of order that there was not a quorum voting.

Mr. MANN. That is not a good point of order.

The SPEAKER. It does not take a quorum to vote on the question.

Mr. HARRISON. I make the point of order that no quorum is present.

Mr. MANN. That is too late to affect this vote. Other business has intervened. The gentleman first made a point of order that there was not a quorum voting, and it does not require a quorum to vote. Now, it is too late to make a point of order that there is no quorum present and have it affect the vote.

The SPEAKER. Making the point of order that there is no quorum present would not affect the result of this vote. If the gentleman wishes to make the point of order simply to have a quorum, he has that right.

Mr. HARRISON. I make the point of order that no quorum is present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and fifteen Members present, a quorum. The gentleman from Oklahoma has 20 minutes and the gentleman from Mississippi [Mr. HARRISON] has 20 minutes.

Mr. CARTER. Mr. Speaker, I only desire to make the short statement again that there are 171 different Senate amendments to this bill. It will take the conferees quite a length of time, as the House will understand, to try to come to an agreement with the Senate conferees on these matters, so I am not going to take up the time of the House at this late hour in the day. I will make no further statement, but I will reserve the balance of my time.

Mr. HARRISON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRISON. Is it in order for me to ask unanimous consent while a motion to suspend the rules is pending? I want to ask the gentleman from Oklahoma if he will not consent, before a vote is taken on the adoption of the conference report in the House, that the conferees will allow us to have a separate vote on amendment 120.

Mr. MANN. If the gentleman from Mississippi will yield, that vote, if a separate vote is to be had, should be had now. It will do no good to come in here to-morrow morning and have a separate vote on that amendment, for it will be too late. If the gentleman wants a separate vote, he ought to have it now. We might as well have a half an hour debate on the amendment as to have 40 minutes' debate on this proposition.

Mr. CARTER. I did not quite understand the gentleman from Illinois.

Mr. MANN. If the gentleman from Oklahoma would ask unanimous consent to disagree to all of the Senate amendments except the one which the gentleman from Mississippi is interested in, and that there be 20 or 30 minutes' debate, I do not think he would meet with any objection.

Mr. CARTER. I have no objection to that.

Mr. BURKE of South Dakota. Let me suggest that that would be a good solution of the matter, if the gentleman from Mississippi will agree to abide by the result of the vote upon that amendment and not continue his obstruction.

Mr. MANN. That will be over with.

Mr. BURKE of South Dakota. At some later time the gentleman might raise a point of no quorum.

Mr. HARRISON. Of course, Mr. Speaker, I would have to submit to the result of the vote of the House on the question voted on, but I would not like to agree as to any future action.

Mr. BURKE of South Dakota. Inasmuch as we only have 19 or 20 hours left, the gentleman might make an agreement covering that time.

Mr. FERRIS. Mr. Speaker, it ought to be said by somebody that this amendment, upon which the gentleman wants a separate vote, is not a Mississippi Choctaw amendment. There was no Choctaw amendment.

Mr. CAMPBELL. May I ask what the question involved is in the Senate amendment upon which the gentleman wants a separate vote?

Mr. CARTER. It is reopening the rolls to another set of people who do not claim as Mississippi Choctaws.

Mr. FERRIS. It has been voted on time and time again.

Mr. HARRISON. If it does not apply to the Choctaws, why does the gentleman object to it?

Mr. CARTER. I am as much opposed to opening the rolls to anybody as to the Choctaws when it has been closed by Congress, closed by the commission, and closed by the court. I am in favor of keeping the agreement with the Indians.

Mr. MANN. I hope the gentleman from Oklahoma will make the request to take the bill from the Speaker's table, disagree to all Senate amendments except the one that the gentleman from Mississippi speaks about, and then have an agreement as to time for debate, and have a separate vote on the amendment. I doubt whether the gentleman can carry his motion if he does not do it.

Mr. CARTER. Mr. Speaker, I withdraw my motion to suspend the rules and ask unanimous consent that a separate vote be had immediately.

Mr. MANN. Why does not the gentleman ask unanimous consent to take the bill from the Speaker's table?

Mr. CARTER. I ask unanimous consent to take the bill from the Speaker's table, disagree to all the amendments except Senate amendment No. 120, and that debate on that be limited to 10 minutes on a side.

Mr. HARRISON. I would like 10 minutes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that this bill be taken from the Speaker's table, disagree to all Senate amendments except Senate amendment No. 120, and that there shall be 10 minutes debate on a side.

Mr. LENROOT. Mr. Speaker, I would like to have five minutes.

Mr. CARTER. Then make it 15 minutes on a side.

The SPEAKER. Debate to be 15 minutes on a side, the gentleman from Mississippi [Mr. HARRISON] to have 10 minutes and the gentleman from Wisconsin [Mr. LENROOT] 5 minutes, and the gentleman from Oklahoma [Mr. CARTER] 15 minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, let us have the amendment of the Senate, No. 120, reported.

The SPEAKER. The Clerk will report Senate amendment No. 120.

The Clerk read as follows:

Page 27, line 15, after "Act" insert: , except where contracts have been heretofore approved by the Secretary of the Interior, in accordance with existing law: *And provided further*, That such contract shall first be approved by the existing Department of the Interior: *Provided further*, That the Secretary of the Interior be, and he hereby is, authorized and directed to readjudicate those applications for enrollment upon the rolls of the Five Civilized Tribes which were pending unadjudicated in the department on December 1, 1906, and also those which came to said department between said date and the final closing of the rolls on March 4, 1907, and to add to the appropriate rolls the names of those persons shown to be equitably entitled to such enrollment: *Provided*, That such readjudication shall be made upon the record as it stood on March 4, 1907: *And provided further*, That upon such enrollment the said Secretary shall pay to each of said enrolled persons, in lieu of an allotment of land, the sum of money directed to be paid to each person enrolled, upon said rolls, by the Act of August 1, 1914.

Mr. HARRISON. Mr. Speaker, this amendment was offered in the Senate this morning by Senator LA FOLLETTE. There has been much discussion in this House and at the other end of the Capitol over this enrollment question. Senator LA FOLLETTE offered this amendment, which in part and to a very large extent will settle the question. The gentleman from Oklahoma [Mr. CARTER], I understand, states that this would not affect the Mississippi Choctaws. I have not read the debates of the Senate of this morning, because the CONGRESSIONAL RECORD does not carry them, as the Senate did not adjourn, I think, until about 5 o'clock; yet, in my opinion, this amendment will cover some of the Mississippi Choctaw claimants, for the reason that it says that the Secretary of the Interior is authorized and directed to readjudicate those applications for enrollment upon the rolls of the Five Civilized Tribes, and the Choctaw Tribe is one of the Five Civilized Tribes, which were pending unadjudicated in the department on December 1, 1906, and also those which came to said department between that date and the final closing of the rolls on March 4, 1907. Senator OWEN, from Oklahoma, in a brief that he filed in the Court of Claims, wherein he was suing for his fee as attorney for the Mississippi Choctaw claimants—and this is the milk in the coconut—in speaking of the McKinnon report, said:

In this report the commissioner made a schedule of 1,925 Mississippi Choctaws whom he identified as Mississippi Choctaws entitled to citizenship by treaty rights.

The report declares that the Mississippi Choctaws were poor, ignorant, and helpless. This report in behalf of the full blood Mississippi Choctaw, signed and submitted to the Dawes Commission, was disapproved eight years later by Mr. Hitchcock on March 4, 1907,

without notice or warning, so that no person upon this roll ever knew for eight years whether he was so identified as to be entitled to be removed as an identified Mississippi Choctaw.

Finally he said:

The entire schedule was rejected without notice.

Mr. Speaker, there are now on this roll in the Interior Office about 1,100 of these Mississippi Choctaws who went before Commissioner McKinnon, representing the Dawes Commission, and the other commissioners, and identified themselves as Mississippi Choctaws, and they proved themselves entitled to enrollment. They thought they would be enrolled when the final rolls were approved on the 4th of March, 1907, and without reason those men who were properly identified by those commissioners were not placed upon the final rolls of the nation. Their names are there. They are entitled to enrollment, and they in part were the ones that Senator LA FOLLETTE wanted to see enrolled. This Senate amendment does not say they shall be enrolled, but it says that the Secretary of the Interior shall readjudicate those cases and enroll those who, in his opinion, ought to be enrolled. Is there anything unfair in that amendment? Would it not save much time in the future in this House if that question can be settled and this amendment can be concurred in? I submit that this House could do no better service to an outraged and needy people than to adopt this Senate amendment so that at least for a time this question will be settled. [Applause.]

I reserve the remainder of my time.

Mr. LENROOT. Mr. Speaker, this proposition has been discussed by me upon several occasions in the House. I am satisfied that if the House this afternoon understands just what it is proposed in this amendment it will be concurred in. Contrary to the statement that has been made, this proposition has never been voted upon by this House. The gentleman from Mississippi [Mr. HARRISON] has offered amendments to various appropriation bills relating to the Mississippi Choctaws, but this does not open up that question except as to such Mississippi Choctaws who on December 1, 1906, had applications for enrollment pending before the Secretary of the Interior. My contention has always been with reference to those Choctaws that because of the condition in the Department of the Interior when the statute of limitations of March 4, 1907, applied, the Secretary of the Interior did not and could not consider a very large number of these cases at all, and they were disallowed without consideration. He himself begged of Congress to extend the time for the adjudication of these claims. Congress failed to do so. The Department of the Interior has in a report stated that these same 2,700 cases ought to be reexamined and ought to be readjudicated, and I want to say that this amendment as it comes to us from the Senate does not change the law in any particular. It does not give new rights to a single Choctaw. All in the world that it does is to provide that the Secretary of the Interior as to cases that were pending before him between December 1, 1906, and March 4, 1907, he shall reexamine the cases and readjudicate them. The amendment provides further that there shall be no new evidence taken, but that the readjudication shall be had upon the record then filed with the department.

I want to say to my friends who are opposing this proposition that when you oppose it you either take the position that you are not willing to trust the Secretary of the Interior to do justice to these Indians who had their applications filed, who did everything that the law then existing required them to do, or else you are afraid that if he does so he will find that some of these Choctaws in Oklahoma and some in the State of Mississippi are entitled to be placed upon the rolls, and you will be put in this position, that although there may be some hundreds of Indians entitled to be placed upon the rolls just as much as any Indian in Oklahoma to-day who has received his allotment, yet you do not propose that they shall have their rights.

Now, gentlemen will say that this question has been before the House and voted upon time and time again. I say this proposition has never been before the House. I say further that if we could have had this proposition squarely presented before the House—and it could not be, because it was subject to a point of order—if you could have had this proposition presented to this House when this bill originally passed, if it could have been presented last year, I have not hesitation in saying that this amendment would have been adopted by an overwhelming majority, and, if so, it ought to be concurred in now.

The SPEAKER pro tempore [Mr. HAY]. The time of the gentleman has expired.

Mr. CARTER. Mr. Speaker, how does the time stand?

The SPEAKER pro tempore. The gentleman from Oklahoma has 15 minutes and the gentleman from Mississippi [Mr. HARRISON] has 6 minutes.

Mr. CARTER. I yield eight minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, at every session of Congress and several times every session this old threadbare enrollment question is brought in, and it is asked that it be retried and tried again. No decision will close it; no conclusion of any committee can stop it. The Interior Department can report against it, but still, like Banquo's ghost, with the galleries full of attorneys, who will be enriched if they can get these people enrolled, this question appears on the scene.

I hold in my hand a letter from the Secretary of the Interior, Mr. Lane, under date of January 8, 1915, which says, among other things, that on March 4, 1907, the Congress came along and said that the rolls were forever closed. It deals with Mississippi Choctaw matter in full. He knows what he is talking about. He had the facts before him. It is as follows:

REPORT OF THE SECRETARY OF THE INTERIOR ON THE HARRISON BILL (H. R. 12586).

OFFICE OF THE SECRETARY OF THE INTERIOR,
Washington, January 8, 1915.

MY DEAR MR. STEPHENS: I have the honor to refer herein to a communication of August 12, 1914, from Hon. C. D. Carter, then acting chairman of the Committee on Indian Affairs of the House of Representatives, with which was inclosed a copy of H. R. 12586, entitled "A bill to reopen the rolls of the Choctaw-Chickasaw Tribe and to provide for the awarding of the rights secured to certain persons by the fourteenth article of the treaty of Dancing Rabbit Creek, of date September 27, 1830." He also referred to H. R. 4536 and requested that I consider the two bills together and make a report thereon.

Upon examination of H. R. 4536, I find that said bill is identical with H. R. 19213, introduced by Mr. HARRISON, of Mississippi, in the Sixty-second Congress, second session, upon which last-mentioned bill the department submitted to your committee a report dated July 2, 1912. H. R. 12586, introduced in the present Congress by Mr. HARRISON, is a similar bill to the above-mentioned bills except that in said H. R. 12586 an additional paragraph is included in section 2 to provide for the enrollment of all persons who were identified as Mississippi Choctaws by the Dawes Commission in its report of March 10, 1899, commonly known as the McKennon roll, and of all persons identified as Mississippi Choctaws by the Dawes Commission from March 10, 1899, to March 4, 1907, whose identification was approved by the Secretary of the Interior, but whose names did not appear on the final citizenship rolls of the Choctaw and Chickasaw Nations.

The claims of Mississippi Choctaw Indians to recognition as citizens of the Choctaw Nation of Oklahoma and to share in the property of said nation are based upon article 14 of the treaty of September 27, 1830, (7 Stat. L., 335.) Pursuant to the terms of the treaty, a large number of Choctaws were transferred from Mississippi to the country west, later known as Indian Territory. These Choctaws who so removed and their descendants now constitute the main body of what is known as the Choctaw Nation. There were, however, a considerable number of Choctaws who remained behind in Mississippi, some of them under the provisions of article 14, above mentioned.

Said article 14 provided that the persons who claimed thereunder should not lose the privilege of a Choctaw citizen, but if they ever removed were not to be entitled to any part of the Choctaw annuity. The Indians who remained behind under the provisions of said article 14 received either land in Mississippi or scrip, which gave the applicants the right to enter public lands in certain Southern States. A part of said scrip, however, was later commuted by a money payment. Some of the fourteenth-article claimants later made their way West and joined the main body of the tribe in the Indian Territory. The Choctaw Council by various acts recognized the right of said absentee Mississippi Choctaws to remove to the nation, and actually invited them to do so.

Under the provisions of the Atoka agreement with the Choctaw and Chickasaw Tribes contained in the act of Congress of June 28, 1898 (30 Stat. L., 495), the supplemental agreement contained in the act of July 1, 1902 (32 Stat. L., 641), and later acts of Congress for the purpose of carrying out the provisions of said agreements, the claims of individual Mississippi Choctaw Indians to be identified and to be enrolled as entitled to share in the property of the Choctaw Nation were fully considered by the Commission to the Five Civilized Tribes and by the department after full hearing, at which the claimants had ample opportunity to present all the evidence which they could procure in support of their claims. Very few claimants were able to prove descent from an ancestor who received or applied for benefits under the provisions of article 14 of the treaty of 1830.

The history of the Dawes Commission enrollment work relative to Mississippi Choctaw claimants is very fully set out in a communication of April 14, 1914, from William O. Beall, at one time secretary of the Commission to the Five Civilized Tribes. A copy thereof is inclosed for your information.

For your further information as to the history of the Mississippi Choctaw claims and of the department action in the preparation of the final rolls there is inclosed a copy of department letter of July 2, 1912, to the chairman of the Committee on Indian Affairs of the House of Representatives.

Judge William H. Clayton in his decision in the case of Jack Amos v. The Choctaw Nation, a copy of which may be found in the appendix of the annual report of the Commission to the Five Civilized Tribes for the fiscal year ended June 30, 1901, said that no treaty or acts of the Choctaw Council or of any officer of the Choctaw Council since the treaty of 1830 could be cited, or at least he had not found them, whereby any right or privilege had been conferred, granted, or recognized in or to a Mississippi Choctaw so long as he remained away from his people, and that no right was recognized or conferred upon such absent Indian except upon the condition that he should remove to the nation, and the right was not to be consummated or enjoyed until actual removal.

Mississippi Choctaw Indians who, while the opportunity was theirs under the privileges accorded them, refused to emigrate with the tribe

to the new country West, and who never shared in the burdens and hardships of the pioneer life incident to the establishment of the new tribal government west of the Mississippi, have at this late date (now that the tribal property of the Choctaw Nation made valuable by the emigrants is being divided per capita among the enrolled recognized citizens of the nation) no equitable right to share in said property.

With respect to the persons who were identified by the Dawes Commission as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898 (30 Stat. L., 495), but who failed to remove and make settlement in the Choctaw-Chickasaw country, as required by the act of Congress of July 1, 1902 (32 Stat. L., 641, secs. 41, 42, 43, and 44), it may be said that, irrespective of their unfortunate condition of poverty and ignorance, there is no ground, legal or equitable, for holding the Choctaw and Chickasaw Nations responsible for the failure of said identified persons to comply with the law as to removal and settlement. No obligation rested upon the United States to provide means for the removal of such Indians.

Referring to the class of claimants whose names were contained in an identification roll submitted by the Commission to the Five Civilized Tribes on March 10, 1899, but never approved by the Secretary of the Interior, your attention is invited to the fact that the commission soon recognized the inaccuracy and incompleteness of that roll and requested the department to disregard it and to return the same to the commission. In order that there might be no doubt as to the standing of said roll, it was disapproved by the department on March 1, 1907. The larger part of the persons whose names were contained on that disapproved roll were afterwards placed on the approved identification rolls, and those who complied with the law as to removal and settlement were enrolled on the final rolls of Mississippi Choctaw Indians.

In the investigation and examination of Mississippi Choctaw claims made in 1900 and the years following by the Commission to the Five Civilized Tribes every effort that was possible to be made was made by said commission to reach all persons who had any equitable claim to recognition as Mississippi Choctaws, and especially to find those who were full-blood Choctaw Indians.

H. R. 4536 and 12586 in effect provide, so far as the Mississippi Choctaw claimants are concerned, a general reopening of the rolls of the Choctaw Nation, necessitating a review of all the cases which had been adversely decided by the United States courts, the Department of the Interior, and the Choctaw and Chickasaw citizenship court, as well as the consideration of claims not heretofore presented or considered, and empower the Secretary of the Interior to determine the rights of the claimants upon such evidence as may be produced by the applicants, without regard to any adverse judgment or decision heretofore rendered by any court or Commission to the Five Civilized Tribes, or the Department of the Interior, and without regard to any condition or disability heretofore imposed by any act of Congress.

The records of the department show that Mississippi Choctaw claimants have been to an unusual extent the victims of numerous extortionate contracts, and the correspondence in many cases indicates that contracts were obtained through misrepresentations as to the facts, and in some cases that such contracts were obtained from claimants who believed that the persons obtaining the contracts were Government agents. Your attention is invited to the report of Inspector McLaughlin, of this department, which report appears in print in the CONGRESSIONAL RECORD of July 10, 1914, commencing on page 13022.

Referring to section 9 of said bills, I am of the opinion that, in view of the large amount of tribal property yet to be disposed of and of other matters affecting the tribes, it would be inadvisable to abolish the tribal organization of the Choctaw and Chickasaw Nations at the present time.

In view of the facts as presented to me, I am of the opinion that no legislation should be enacted for the reopening of the rolls of the Choctaw Nation for the benefit of the Mississippi Choctaw claimants.

Very truly, yours,

Hon. JOHN H. STEPHENS,

*Chairman Committee on Indian Affairs,
House of Representatives.*

FRANKLIN K. LANE.

The resident Indians who have always obeyed their treaties and remained on their lands are entitled to their peace. The Oklahoma Indians should not be subjected to these troublesome and expensive enrollment propositions until the original Indians sent there have all died and passed away. The rolls were wide open for 10 or 12 years prior to March 4, 1907. Each day every citizen who had any right to participate in that property was invited to come there and have their cases tried and in all things adjudicated. The Congress of the United States passed an act creating the Dawes Commission, which was a board of eminent lawyers, and sent to Oklahoma. What for? To settle once and for all this enrollment question. They did settle it. They did close the rolls. They did report to Congress. Congress, acting on their decision, closed the rolls by an affirmative act of Congress.

Mr. CARLIN. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. CARLIN. Why were these Choctaws not enrolled?

Mr. FERRIS. Because they never lived there and are living in Mississippi now. They refused to come and live in Oklahoma in accordance with the terms of their treaty and their patent. The very terms of the patent issued by President Tyler in 1842 prescribed that they must come there, they must live there, and they must remain there. There is not even asserted to be any compliance with these terms.

Now, the gentleman from Mississippi [Mr. HARRISON] would have this Congress thrown into a filibuster at every session, three or four times. What for? To enroll people who never lived a day in Oklahoma; to enroll a lot of people who do not now live in Oklahoma; to enroll a lot of people who still refuse to live in Oklahoma. Can any thoughtful man who has given

careful and painstaking attention to this proposition say that he will go in the face of a decision of Congress, a decision of the Federal court, a decision of the Dawes Commission, a decision of Secretary Lane and his predecessor, Secretary Fisher, and the latter's predecessor, Secretary Ballinger, and the decision of the three Indian Commissioners, and enroll people on our rolls that never lived a day in our State?

How long will the gentleman from Mississippi [Mr. HARRISON] champion the rights of a lot of scavenger attorneys who roost in these galleries and who are trying to rob these Oklahoma Indian people? I ask him the question, and I ask him to take his time to answer it.

Mr. HARRISON. Will the gentleman yield?

Mr. FERRIS. I will. I want to see the gentleman's face and observe what a man can mean by persistently carrying on the tactics which he has carried on in this House.

Mr. HARRISON. I wish to say that I will continue to fight for the Mississippi Choctaws just as long as I am continued by my people to be a Representative in this House.

Mr. FERRIS. And he will continue to receive the plaudits of those grafting attorneys who probably now sit in the gallery, and the gentleman will receive the condemnation of the Indians whose property he is trying to take away.

Mr. HARRISON. Will the gentleman yield?

Mr. FERRIS. I will, with pleasure.

Mr. HARRISON. Does not the gentleman know that in the last Indian appropriation bill we passed a law that said no contract made by any attorney with any Indian claimant was valid unless it was approved first by the Secretary of the Interior, and it is the law now, and consequently they could not be grafters?

Mr. FERRIS. I have a reply to the gentleman's statement that will satisfy him for all time. My reply to-day, and yesterday, and to-morrow, is that attorneys are and will be prosecuting claims for attorney's fees for themselves by reason of the enrollment of those names that were enrolled the last session of Congress. These same attorneys last session came to the Indian Committee and said if the Congress would enroll those few men they would quit this enrollment business. Congress unwisely, as I believe, took the bait and did enroll them, and these attorneys are now hovering around the Indian Office fighting for and trying to secure the fees for their enrollment and the Indian Office is trying to settle it amidst trouble. That is the reason the gentleman from Mississippi is in error about his interruption a moment ago.

Mr. NORTON. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. NORTON. Is it not a fact that these attorneys are holding up money in the Indian Bureau?

Mr. MURRAY. Eight hundred dollars out of \$2,000.

Mr. FERRIS. And the gentleman from Mississippi [Mr. HARRISON] is standing here, I believe in error, trying to help them get more fees. It is a shame; it is a disgrace. No man can long sustain himself in such a position; no Congress could sustain itself if it should ever yield to such proposals. Surely this Congress will not go in the face of all law, all treaty stipulation, all decisions of courts, and every precedent on the subject that any man or set of men can marshal forward.

Mr. HARRISON. Will the gentleman yield?

Mr. FERRIS. With pleasure.

Mr. HARRISON. I read a moment ago from the brief, that the distinguished Senator from Oklahoma, a statement—

Mr. FERRIS. The gentleman has often read that before.

Mr. HARRISON. Of some services as attorney for Indian claimants for which he was asking for practically a million dollars as a fee.

Mr. FERRIS. The gentleman has read it before and has read it so many times that it is stale. I will take a moment to explain what that is. The Senator from Oklahoma, long before he was a Senator, used to represent the Choctaw Indians, but he represented the Choctaw Indians who had removed to Oklahoma. All of this was before the rolls were closed, and many of them were enrolled, many of them were entitled to enrollment. The Indians whose cause the gentleman from Mississippi is championing now do not live in Oklahoma, and they never have lived there. They do not desire to live there. There is a group of attorneys, with contracts, whose names I could recite, that are trying to enrich their pocketbooks, and the gentleman from Mississippi [Mr. HARRISON] sits here and introduces their bills for them.

The files of the Indian Committee show, and the record shows, that one of these attorneys drew the bill that the gentleman introduced, and that statement is in his own testimony.

Mr. HARRISON. The gentleman is mistaken about that.

Mr. FERRIS. No; I am not.

Mr. HARRISON. Oh, yes. The record does not show that.

Mr. FERRIS. Let me ask the gentleman a question then. I will make him my own witness. He is a pretty good witness. Did the gentleman, in answer to a question before the House Subcommittee on Indian Affairs, say that Cantrill and Crews drew the first bill that he introduced?

Mr. HARRISON. I stated that the first real information I had about the facts concerning those claims was when some attorney came to me and showed me a bill and stated the facts to me as he understood them, and I then thoroughly and carefully investigated the matter, came to the conclusion that they had rights and their cause was just, and then redrafted the bill, and introduced that bill which I redrafted, and in that bill I included a provision that no attorney should get over a certain amount, and that the amount of fee an attorney might obtain should be left to the discretion of the Secretary of the Interior. I would not have countenanced a bill unless such a provision relative to attorneys' fees had been included.

Mr. FERRIS. I have examined the bill, and it is the most loosely drawn attorney-fee bill that was ever introduced in this House. Now, let me say, in explanation of the earnest and vehement remarks to which you have listened, that I belong to the delegation of eight members from a new State. Our burdens are many and heavy. We have in our State one-third of all the Indian population in this Republic. It is a heavy draft on our popularity if we have any; it is a heavy draft on our earnestness and our ability, if we have any, to try to defend and keep straight these Indian affairs, and it is too much to sit in idle submission and allow any member of this House, whether it be my beloved friend from Mississippi [Mr. HARRISON] or anybody else, constantly to try to violate, debase, and destroy treaty relations between the Oklahoma Indians and the Federal Government.

The SPEAKER. The time of the gentleman has expired.

Mr. CARTER. Does the gentleman desire more time?

Mr. FERRIS. No; I think that will be enough.

Mr. CARTER. I yield five minutes to the gentleman from Oklahoma [Mr. MURRAY].

Mr. MURRAY. Mr. Speaker, with reference to the statement made by the gentleman from Mississippi [Mr. HARRISON] about the law, that law provided that no Indian should employ an attorney without having the employment approved by the Secretary of the Interior, but it said nothing about a United States citizen. When a man is not on the rolls he is a United States citizen, and he can employ anybody he pleases, and it is no violation of the law. These applicants can employ all the attorneys they want to. In my district there is a man by the name of R. E. Brines, who was recently appointed by the court to be the guardian of some Indians who were enrolled in the last Congress. We gave those Indians \$2,080 as their share in lieu of land. Mr. Brines made a contract with attorneys for 40 per cent, so he wrote me, but he said that prior to that time others had made contracts, and that now there were claims for 125 per cent of their allotments, and that he can not get a dollar, because it is held up. He made contracts for 40 per cent, and yet there is outstanding a total of 125 per cent, or one-fourth more in fees than the Indian gets.

I know one man in my county who ought to be enrolled, and I wrote him that I would be very glad to get him enrolled, but that the outstanding attorneys' fees amounted to so much that he would get nothing, and that under those circumstances I would never favor his getting an allotment, but that whenever he made a reasonable arrangement with these attorneys, so that he would get something out of it, then I would favor his enrollment, but never before.

The gentleman from Mississippi [Mr. HARRISON] uses the statute limiting the tribe and limiting the Indians, but which does not limit the claimants. You mark what I tell you. If you enroll these Indians under any other condition than a hard and fast limitation, the Indians will not get anything, even if they get on the roll. Besides, this is nothing but a readjudication of a question that has been decided and settled, and there is no more merit in it now than when the House voted against it before.

Mr. CARTER. I ask that the gentleman from Mississippi use the remainder of his time. I will conclude in one more speech.

Mr. HARRISON. Mr. Speaker, there is one peculiar thing about the Oklahoma delegation. If there is one State in this Union that ought to know how attorneys can graft upon the Indians, it is Oklahoma, because the history of that State is black with the way the Indian has been treated. You will remember that it was not long ago that the firm of McMurray, Mansfield & Cornish got \$750,000 for representing this Choctaw

Tribe—for what? In part for trying to keep from the rolls these unfortunate Choctaws who live in Mississippi. There was a scandal involved in that contract. They were representing the tribe then.

It has not always been dishonorable for Indians living in Oklahoma or elsewhere who thought they had rights to enrollment to employ lawyers. I suspect that gentlemen who now represent some Oklahoma districts in Congress formerly represented as attorneys some claimants for enrollment. Of course, that was when they were engaged in the practice of the law and before they came here. I do know that one man who to-day stands as high in the estimation of the people of Oklahoma as any other man, if not higher—Mr. OWEN, who is now a distinguished Senator from Oklahoma—once represented Choctaw Indian claimants. He filed a suit for his fee. I read from that brief that he himself filed, that he himself wrote, in which he was trying to obtain practically a million-dollar fee for representing these unfortunate Mississippi Choctaws. Was it dishonorable then? Should suspicion be cast upon Senator OWEN because he represented as attorney these people? I say when the time comes when the House of Representatives of the United States of America can not write into a bill provisions that give to a needy and oppressed people some rights, and at the same time limit the amount of attorney fees that can be paid by them, then we have become an incompetent legislative body. The bill that I introduced in behalf of these people was but following the line of procedure that Representatives in Congress from Mississippi have followed heretofore.

Distinguished Senators to-day in the other end of the Capitol have fought time and again in behalf of these Mississippi Choctaws. They have rights; those rights should be protected; and the Otey contract bugaboo will not influence any fair-minded Member of this House. The gentleman from Oklahoma knows that under the present law the Secretary of the Interior will control absolutely the fee question.

I am opposed to sending a bill of this importance to conference with a provision that would, to some extent, at least, help the Mississippi Choctaws and would thereby deprive the Oklahoma Choctaws of some funds, when at least one Member from Oklahoma, and a very influential Member, too, is to be on the conference committee. [Applause.]

Mr. FERRIS. Will the gentleman yield?

Mr. HARRISON. I yield to the gentleman.

Mr. FERRIS. Was there a single member of the Indian Affairs Committee who voted for that bill?

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. CARTER. Mr. Speaker, this matter has been settled by the courts, on one occasion going as high as the Supreme Court of the United States. It was settled by a commission appointed and directed by a specific law to settle. It was afterwards the subject of an agreement with the Choctaws and Chickasaws in Oklahoma and was again settled. It was decided and agreed that no man should be permitted to share in the tribal estate of the Oklahoma Indians unless he established a residence in good faith on the reservation. Let me say that the native Choctaws in Oklahoma who lived there were required to be on the reservation June 28, 1898, or they were eternally and forever barred from any participation in the estate, and some can not participate in it now.

But the Mississippi Choctaws were given, by agreement, until July 1, 1903, five years after the native Choctaws had to settle on the reservation. By a subsequent act they were given until March 4, 1907, to settle on the reservation, and nobody knows it any better than the gentleman from Mississippi. I notice that the gentleman from Mississippi when dealing with facts never states them if it in the least injures his case.

Now, since the decision was made in 1902, since the rolls were opened as of date of March 4, 1902, this matter has been settled three times by the present Congress. It was settled three times last year upon three distinct occasions, two by roll-call votes, and in each instance the proposition of the gentleman from Mississippi was defeated.

Mr. HARRISON. Will the gentleman yield?

Mr. CARTER. For a very brief question.

Mr. HARRISON. Did not the Sixty-second Congress on two separate votes in this House adopt my contention?

Mr. CARTER. This House never adopted any contention of the gentleman from Mississippi on the Mississippi Choctaw question, and he knows it, and why he should ask this misleading question I can not imagine.

Mr. HARRISON. The gentleman from Oklahoma is trespassing upon the proprieties of the House. I do not want the gentleman from Oklahoma to say that I have misstated the facts.

Mr. CARTER. If the gentleman will state his question briefly, I will answer.

Mr. HARRISON. Does the gentleman yield?

Mr. CARTER. I yield, and do not take all of my time.

Mr. HARRISON. Does not the gentleman know that on a vote whether or not this per capita payment was to be made, in the second session of the Sixty-second Congress and the third session of the Sixty-second Congress, it was knocked out?

Mr. CARTER. I know that on a teller vote without a roll call, and one instance in the Sixty-second Congress, the House did vote to eliminate this payment; that was two years ago.

Mr. FERRIS. That was not a vote to enroll the Mississippi Choctaws.

Mr. HARRISON. I did not state that it was.

Mr. CARTER. It was on a question of delaying these payments. At the last minute the proposition came up, somewhat similar to this, and the distinguished gentleman from Mississippi had it eliminated by a vote of 25 to 15. I say the general proposition has been settled again and again and yet he comes here—although he speaks of the Oklahoma Members using unfair methods—he comes here in the closing hours of a Congress and raises this question, makes a point of no quorum, offers every kind of dilatory tactics, so that nothing will be done with the bill; hoping to defeat the payment of the claims of the Indians and violate the agreement of the Federal Government.

Mr. HARRISON. Mr. Speaker, I move to concur in Senate amendment 120.

The SPEAKER. The gentleman from Mississippi moves to concur in Senate amendment No. 120.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent that amendment 120 may be again reported.

The SPEAKER. Without objection, the Clerk will again report Senate amendment 120.

The Clerk read the amendment.

The SPEAKER. The question is on agreeing to Senate amendment 120.

The question was taken; and on a division (demanded by Mr. HARRISON) there were—ayes 44, noes 69.

So the motion to concur in Senate amendment 120 was rejected.

Mr. CARTER. Mr. Speaker, I move to agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. CARTER, Mr. HAYDEN, and Mr. BURKE of South Dakota.

SURVEY OF NATURAL OYSTER BEDS, STATE OF TEXAS.

Mr. ALEXANDER. Mr. Speaker, I call up concurrent resolution 38, correcting an error in the bill S. 3362.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring). That the action of the Speaker of the House of Representatives and the Vice President of the United States and President of the Senate in signing enrolled bill S. 3362, authorizing the Secretary of Commerce, through the Coast and Geodetic Survey and Bureau of Fisheries, to make a survey of the natural oyster beds, bars and rocks, and barren bottoms contiguous thereto in the waters along the coast of and within the State of Texas be, and is hereby, rescinded, and that in the re-enrollment of the bill the words "and directed," in line 4 of the bill, be stricken out and the words "in his discretion" substituted therefor.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the conference report on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I call up the conference report on the bill H. R. 20347, the Army appropriation bill, and ask unanimous consent that the statement may be read in lieu of the report.

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

There was no objection.

The SPEAKER. The Clerk will read the statement.

The Clerk read the statement of the conferees.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on amendment numbered 107 of the Senate to the bill (H. R. 20347) making appropriations for the support of

the Army for the fiscal year ending June 30, 1916, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from amendment numbered 107.

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,

Managers on the part of the House.

GEO. E. CHAMBERLAIN,
DUNCAN U. FLETCHER,

Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. HAY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

PATENTS TO CERTAIN LANDS IN UTAH.

Mr. JOHNSON of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (S. 7362) authorizing and directing the Secretary of the Interior to patent certain lands to the State of Utah and to accomplish relinquishment from the State of Utah of certain other lands in lieu thereof, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to patent to the State of Utah the following-described lands situated in the State of Utah, to wit:

The northeast quarter of the northeast quarter, the southwest quarter of the northeast quarter, the east half of the northwest quarter, the east half of the southwest quarter, the southwest quarter of the southwest quarter, being lot 4, the west half of the southeast quarter of section 15; the northwest quarter of the northwest quarter, being lot 1, and the southwest quarter of the northwest quarter, being lot 2, of section 22; the west half of the southeast quarter, the east half of the west half, the northwest quarter of the northwest quarter, being lot 1, the southwest quarter of the northwest quarter, being lot 2, the northwest quarter of the southwest quarter, being lot 3, and the southwest quarter of the southwest quarter, being lot 4, of section 27; the east half of the northwest quarter, the northwest quarter of the northwest quarter, being lot 1, the southwest quarter of the northwest quarter, being lot 2, the northwest quarter of the southwest quarter, being lot 3, and the southwest quarter of the southwest quarter, being lot 4, of section 34, all in township 28 south, range 10 west, Salt Lake meridian. The northeast quarter of the northwest quarter, being lot 3, and the northwest quarter of the northwest quarter, being lot 4, of section 3; the northeast quarter of the northeast quarter, being lot 1, the southeast quarter of the northeast quarter, the southeast quarter, and the east half of the southwest quarter of section 4; the east half, the east half of the northwest quarter, and the northeast quarter of the southwest quarter of section 9; the northwest quarter of the northwest quarter, being lot 1, the southwest quarter of the northwest quarter, being lot 2, and the northwest quarter of the southwest quarter of section 15; the east half of the northwest quarter of section 22, all in township 29 south, range 10 west, Salt Lake meridian. The northeast quarter of the northeast quarter, being lot 1, the northwest quarter of the northeast quarter, being lot 2, the northeast quarter of the northwest quarter, being lot 3, the northwest quarter of the northwest quarter, being lot 4, and the south half of the southeast quarter of section 1; the east half and the north half of the northwest quarter of section 12; the east half and the east half of the west half of section 13; the south half of the northeast quarter and the southeast quarter of section 15; the west half of section 14; the west half of section 23, all in township 29 south, range 11 west, Salt Lake meridian, and comprising, all told, 4,197.31 acres, more or less, being a portion of the lands segregated to the State of Utah by approval of the Secretary of the Interior February 1, 1908, under section 4 of the act of August 18, 1894 (28 Stat., pp. 372-422), and the acts amendatory thereof and supplemental thereto, commonly known as the Carey Act, in exchange for unsurveyed State school lands within national forests and certain acreage of township deficiency in surveyed townships in the State of Utah:

In township 34 south, range 1 east, Salt Lake meridian: The northeast quarter of the southwest quarter, the northwest quarter of the southwest quarter, the southeast quarter of the southwest quarter, the southwest quarter of the southwest quarter, in section 16, 160 acres; the southwest quarter of the northeast quarter, the northeast quarter of the northwest quarter, the northwest quarter of the northwest quarter, the southeast quarter of the northwest quarter, the southwest quarter of the northwest quarter, the northeast quarter of the southeast quarter, the northwest quarter of the southeast quarter, the southeast quarter of the southeast quarter, the northeast quarter of the southwest quarter, and the northwest quarter of the southwest quarter, in section 32, 440 acres.

In township 33 south, range 2 east, Salt Lake meridian: The northeast quarter of the southeast quarter, the southeast quarter of the southeast quarter, the southwest quarter of the southeast quarter, the southwest quarter of the southwest quarter, in section 16, 200 acres; the southwest quarter of the northwest quarter, the southeast quarter of the southeast quarter, in section 32, 80 acres; the southeast quarter of the northeast quarter, the southwest quarter of the northeast quarter, part of the northeast quarter of the northwest quarter, the northwest quarter of the northwest quarter, the southeast quarter of the northwest quarter, the southwest quarter of the northwest quarter, the northeast quarter of the southeast quarter, part of the northwest quarter of the southeast quarter, the southeast quarter of the southeast quarter, the southwest quarter of the southeast quarter, the northeast quarter of the southwest quarter, in section 36, 437.71 acres.

In township 34 south, range 2 east, Salt Lake meridian: The northeast quarter of the southeast quarter, the northwest quarter of the

southeast quarter, the southeast quarter of the southeast quarter, the southwest quarter of the southeast quarter, the northeast quarter of the southwest quarter, the northwest quarter of the southwest quarter, the southeast quarter of the southwest quarter, the southwest quarter of the southwest quarter, in section 16, 320 acres.

In township 34 south, range 3 east, Salt Lake meridian: The northeast quarter of the northeast quarter, the northwest quarter of the northeast quarter, the southeast quarter of the southeast quarter, the southwest quarter of the southeast quarter, the northeast quarter of the southwest quarter, the northwest quarter of the southwest quarter, the southeast quarter of the southwest quarter, and the southwest quarter of the southwest quarter, in section 16, 320 acres.

Together with 43.51 acres of loss due to fractional condition of township 3 north, range 15 east, Salt Lake meridian.

In township 23 south, range 4 west, Salt Lake meridian: The west half and southwest quarter of the northeast quarter of section 36, 360 acres.

In township 23 south, range 4 west: The southeast quarter, section 36, 160 acres.

In township 23 south, range 4½ west: Section 2, 640 acres; the west half of the southeast quarter and the southeast quarter of the southeast quarter section 16, 120 acres; section 36, 640 acres.

In township 24 south, range 4½ west: Northwest quarter of northeast quarter and southeast quarter of northeast quarter section 2, 80 acres.

In township 23 south, range 5 west: West half of northwest quarter and south half of southeast quarter section 36, 160 acres; together with 36.9 acres of loss due to fractional condition of township 5 north, range 4 west, Salt Lake meridian; a total of 4,198.31 acres, more or less.

Provided, That said patent shall not issue until the State of Utah shall have filed an unconditional relinquishment of all the lands covered by Utah segregation list No. 2, as well as a proper release of any interest or claim which the State of Utah may have or assert in or to the lands offered in exchange for those herein proposed to be patented.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded the question is on suspending the rules and passing the bill.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill (H. R. 21139), similar to the Senate bill, be laid on the table.

The SPEAKER. Without objection it will be so ordered. There was no objection.

WITHDRAWAL OF PAPERS.

By unanimous consent leave was granted to Mr. SMITH of Maryland to withdraw from the files of the House, without leaving copies, the papers in the case of Mary Mueller (H. R. 17379), second session, Sixty-third Congress, no adverse report having been made thereon.

Also, the papers in the case of the bill (H. R. 20336) for pension to Mrs. Ida V. Stephens, Sixty-second Congress, no adverse report having been made thereon.

Also, to Mr. KAHN, to withdraw from the files of the House, without leaving copies, papers in the case of Mary A. Brown (H. R. 1261), first session, Sixty-third Congress, no adverse report having been made thereon.

SHIPMENTS IN INTERSTATE COMMERCE.

Mr. RAYBURN. Mr. Speaker, I move to suspend the rules and pass the bill, S. 4522, to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That so much of section 7 of an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, as reads as follows, to wit:

"That any common carrier, railroad, or transportation company receiving property for transportation from a point in one State to a point in another State shall issue a receipt or a bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered, or over whose line or lines such property may pass, and no contract, receipt, rule, or regulation shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed: *Provided*, That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing law," be, and the same is hereby, amended so as to read as follows, to wit:

"That any common carrier, railroad, or transportation company subject to the provisions of this act, receiving property for transportation from a point in one State or Territory or the District of Columbia to a point in another State, Territory, or District of Columbia, or from any point in the United States to a point in an adjacent foreign country shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass, within the United States or within an adjacent foreign country when transported on a through bill of lading, and no contract, receipt, rule, regulation, or other limitation of any character whatsoever, shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed; and any such common carrier, railroad, or transportation company so

receiving property for transportation from a point in one State, Territory, or the District of Columbia to a point in another State or Territory, or from a point in a State or Territory to a point in the District of Columbia, or from any point in the United States to a point in an adjacent foreign country, or for transportation wholly within a Territory shall be liable to the lawful holder of said receipt or bill of lading or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued or not, for the full actual loss, damage, or injury to any such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass within the United States or within an adjacent foreign country when transported on a through bill of lading, notwithstanding any limitation of liability or limitation of the amount of recovery or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule, regulation, or in any tariff filed with the Interstate Commerce Commission; and any such limitation, without respect to the manner or form in which it is sought to be made, is hereby declared to be unlawful and void: *Provided, however*, That if the goods are hidden from view by wrapping, boxing, or other means, and the carrier is not notified as to the character of the goods, the carrier may require the shipper to specifically state in writing the value of the goods, and the carrier shall not be liable beyond the amount so specifically stated, in which case the Interstate Commerce Commission may establish and maintain rates for transportation, dependent upon the value of the property shipped as specifically stated in writing by the shipper. Such rates shall be published as are other rate schedules: *Provided further*, That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under the existing law: *Provided further*, That it shall be unlawful for any such common carrier to provide by rule, contract, regulation, or otherwise a shorter period for giving notice of claims than 90 days, and for the filing of claims for a shorter period than four months, and for the institution of suits than two years: *Provided, however*, That if the loss, damage, or injury complained of was due to delay or damage while being loaded or unloaded, or damaged in transit by carelessness or negligence, then no notice of claim nor filing of claim shall be required as a condition precedent to recovery."

Sec. 2. That this act shall take effect and be in force from 90 days after its passage.

The SPEAKER. Is a second demanded?

Mr. STEVENS of Minnesota. Mr. Speaker, I demand a second.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Texas is entitled to 20 minutes and the gentleman from Minnesota to 20 minutes.

Mr. RAYBURN. Mr. Speaker, in 1906, what is known as the Carmack amendment to the interstate-commerce law was passed. Before that time the liability of common carriers in the different sections of the country was controlled by the laws of the different States. In many, and in most of the States, the carriers by law were held for the full liability of loss, damage, and injury to property that was committed to their care. After the passage of the Carmack amendment the Supreme Court of the United States held that the Federal Government having entered this field at that time took jurisdiction, and in a case upon this question decided differently from what had ever been decided before, namely, that the railroad companies had the right to limit their liability as common carriers, and the bill of lading that the shipper must now sign has two rates in it. One of them is a very reasonable rate. That is, if the shipper will limit his liability, it is a reasonable rate. Mr. Speaker, especially in the shipment of cattle and all character of live stock, the people of the South, the Southwest, and the West, have been great sufferers on account of this decision of the Supreme Court. It is the purpose of this bill alone to cure that, and to say that hereafter no railroad company shall limit its liability lower than the value of the actual loss in damages to the property than that which can be proved in the courts as the actual value. These amendments that have been offered in connection with the bill are simply to make the bill not apply to transportation. At this time you can take a shipment of cattle in this country and go to the freight agent of the railroad company, and he will offer you two rates. One of them is a reasonable rate, in which the railroad company, we will say, will state a value of \$10 per head on a load of cattle, for which they will be responsible if you take a certain rate.

If you want the railroad company to assume full and complete liability, you must pay a much higher rate, something like 10 per cent, which the railroad attorneys themselves, before the Committee on Interstate and Foreign Commerce, said was too high. Also that at this time they had a case before the Interstate Commerce Commission to cut down this rate.

Mr. GREEN of Iowa. Would not the gentleman go a little further and say that the first rate offered is the ordinary rate?

Mr. RAYBURN. Yes.

Mr. GREEN of Iowa. And approved by the Interstate Commerce Commission?

Mr. RAYBURN. Yes; and if a man takes that rate on a carload of steers worth \$75 per head, and they are damaged or injured or lost, he can recover only \$10, or whatever is stipulated in his bill of lading.

Great objection is made to this bill by some of my friends, conscientiously, by saying that especially live-stock shipments in this country amount to a very small percentage of the whole amount of shipments in the country.

They claim, further than that, that if this bill is passed it will give us an increase in the freight rates all over the country. This I deny, for I challenge any man in this House to point to a single instance in shipments like this where, since the decision in the Kroninger case in 1913 by the Supreme Court of the United States upholding a bill of lading like this, shippers in this country are getting their freight rates upon live stock one cent cheaper than they did before. The purpose of this bill, Mr. Speaker, is to restore what was almost the uniform decisions of the Supreme Court in an unbroken line of decisions coming down for many years and to make the railroad companies, regardless of any clause they may write in their bills of lading, responsible to the shipper for the full actual damage or loss to property that occurs while in their care.

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

Mr. STEVENS of Minnesota. Will the Speaker notify me at the end of 10 minutes?

Mr. Speaker, I very much dislike to oppose this bill, because not only do I desire to help wherever I can my good friend from Texas who presents it, but I entirely sympathize with the purpose which is desired to be obtained by the bill. But it is because I am firmly convinced that this bill goes far beyond the scope of what is designed to be accomplished, and if enacted will bring many evils unforeseen by the proponents upon the shipping public of this country, that I oppose the measure. If it were confined only to what the gentleman has stated to the House, I think there would be no particular objection to it. The difficulty is that the scope is far beyond that, as I will endeavor to show this House.

First, the House should understand that this controversy is already in proper form before the Interstate Commerce Commission. The proceeding for the reduction of these rates has been filed, and testimony upon it has been taken, while the commission has entire jurisdiction to order what relief is sought or which is necessary in this case. So this bill is now presented after the case has been presented and before the commission has decided it upon its merits. If one did not know there is merit in the contention, this course would ordinarily be a fatal admission of no merit in the demand.

Again, the commission has entire authority also in another proceeding relative to fixing the terms of the form and substance of bills of lading, which would include a very substantial part of this controversy. In this case the commission has entire jurisdiction, the matter is before it, testimony has been taken, but the decision has not been rendered. Again, this same matter can also be covered in two other cases before the commission—in the express cases, where the practices and rates of the express companies are regulated, and in the proceeding concerning released and unreleased rates. All of these cases are now before the commission, and they involve all phases of this controversy, and their determination will settle this matter.

The testimony has been taken, but the final decisions have not been made. So, if the gentleman would have patience, in a few months the matter would be straightened, I have no doubt, to the entire satisfaction of the shipping public, by the commission itself. It has the entire jurisdiction, the entire authority, the matters are pending, and the testimony is taken, but the gentlemen are not content to wait. I submit to this House that it is not good public policy to grant a great commission plenary authority to settle these controversies, and then, while they are in process of litigation, that Congress shall take the matters wholly out of the hands of the commission regardless of consequences.

Mr. Speaker, now let me show what will be accomplished if this bill should pass. I am as positive as one can be that if this bill shall pass by its terms it will automatically increase merchandise and commodity rates in this country by about 10 per cent in 90 days, when this measure, by its terms, shall take effect. And that is the point I want to show to the gentleman from Texas. I hold here the copies of the bills of lading, the official bills of lading, framed and promulgated by the Interstate Commerce Commission, and which are now used by the carriers and the shipping public. These forms are of both the straight bill and the order bill of lading promulgated by the commission.

The condition of the bill of lading prescribed by the commission now in force provides as follows, by the second paragraph of section 3 of both bills. I read the paragraph covering this controversy:

The amount of any loss or damage for which any carrier is liable shall be computed on the basis of the value of the property (being the

bona fide invoice price, if any, to the consignee, including the freight charges, if prepaid) at the place and time of shipment under this bill of lading, unless a lower value has been represented in writing by the shipper or has been agreed upon or is determined by the classification or tariffs upon which the rate is based, in any of which events such lower value shall be the maximum amount to govern such computation, whether or not such loss or damage occurs from negligence.

You will note that this paragraph of both bills of lading provides for two different rates, exactly as the gentleman from Texas [Mr. RAYBURN] has stated—one a lower rate on limitation of value given by the shipper at the time of shipment, and the other the higher rate, generally about 10 per cent higher, with no limitation of value. Remember both of these rates are now in force under the various classifications and schedules filed with the commission, as required by law. Both are equally effective and are at the option of the shipper. This bill prohibits and makes illegal the lower rate, thus automatically leaving in effect the higher rate. You must realize that if the lower rate be prohibited, the higher rate is the only one which would remain in force. It matters not that it may be too high, as we all think it is and as the railroads admitted before our committee and the commission. Yet that will make no difference; this bill cuts out the lower rate and thus leaves the higher one the only legal rate in existence all over this country.

Mr. ANTHONY. Will the gentleman yield?

Mr. STEVENS of Minnesota. Let me finish this statement before I yield.

So that I am as positive as can be that where the two rates exist now under the law, and the low rate is prohibited, the higher rate would be automatically made effective. It would increase the merchandise rates in this country 10 per cent right off the bat by the operation of this law. I do not believe this is just, and I know it should not be done. You do not desire it, and yet you will accomplish it by the enactment of this bill.

Mr. NORTON. Will the gentleman yield?

Mr. STEVENS of Minnesota. If the gentleman will excuse me, I will not yield now. I am trying to cover these points in only a few moments, and so can not yield. There are too many of them to discuss at any length.

Again, a measure of this kind will result in the permanent increase of rates to some extent throughout the United States for very many of these different articles. There are two rates in effect under these bills of lading, the lower rate with limited liability, the higher rate with an unlimited liability. Now, the courts have held and the commission has held that an element in the fixing of a rate is the liability for value that the railroads are obliged to assume.

You prohibit the limited liability and leave only the necessity of unlimited liability; then the railroads would be necessarily compelled to increase their rates somewhat to meet such risk. It may not be much on some things; it may be considerable on others. But this increase, whatever it may be, would be a serious injury to many industries. Testimony was presented to the committee, and it was voluminous, that in many cases the claims for loss and damage run to nearly 5 per cent of the revenues received from this class of traffic. This increase of liability must be paid for whether the shippers want it or not. Most of them have objected to our committee. They prefer the lowest rate and lowest risk.

And now remember that when this increase is made automatically by this law it can only be changed either by the railroads themselves filing an application for the reduction of rates or by the commission itself initiating a proceeding, holding an investigation, taking testimony, and making an order. You know how long that requires. The provisions of law must be complied with to make it legal. It will require months, possibly years, to have a reduction of rates under the usual operation of law if these reductions are contested. You know many, or most of them, will be contested, and that will make interminable delay, as in the proceedings I have already described to you. Now, the railroads practically told the committee that there ought to be a reduction of the higher rates for unlimited liability; that they were anxious to make a reduction of the higher rates; that they would make a reduction of the higher rates just as soon as the commission would make an order prescribing what that reduction and what just and reasonable rates under such conditions ought to be. The commission should have settled the matter before this if the testimony had been complete.

The commission should have granted that relief before this, if the cases had been fully presented. But you realize if you pass this bill, and the commission is obliged to initiate a new proceeding to attempt to reduce these very rates, the reduction will be postponed for months or years instead of a few months

as under the proceedings now under way. This bill will mean the loss of time for these various shippers who are anxious to have this matter speedily closed. It is a matter of good legislation that we have given the commission the power to fix these rates, to adjust these complaints, to let them finish the work they have begun, instead of bringing forward an act of Congress and taking the power away from the commission to complete the work we have already ordered it to do.

Now, another fact that is of great importance in this bill. When the gentleman from Illinois [Mr. MANN] had charge of the framing of the Mann-Elkins bill and was such an influential factor in the framing of the Hepburn bill, this was the one fact that was made the basis of our railroad legislation, and that is, that the railroads themselves must take the initiative in the making and the fixing of their rates. There was a good reason for it, in that the carriers and their officials had a practical knowledge of conditions, had a motive to up-build their traffic, could more easily adapt their knowledge to conditions and changes and anticipate the needs and demands of the future. But when a rate was unsatisfactory, the commission itself, either on complaint or on its own initiative, could then by proper proceedings fix what should be a proper rate.

This bill revolutionizes that theory as applied to all traffic based on value. It takes away from the railroads the power to initiate rates fixed on value and leaves this power entirely and solely to the commission. Realize what that means. The commission is overburdened with work now. It easily has many times more work than it ought to do and do well. If you take away from the carriers the power to initiate rates based on value and leave that entirely to the commission, which under the Constitution and under the decisions of the Supreme Court is obliged to take competent testimony for its proceedings, you realize that it means an indefinite delay and constant complications in fixing the rates based on value all over the country. It means a very serious disadvantage to a considerable part of the commerce of the country solely on that account. Delay will only be a part of the difficulty. Lack of adaptation will be fully as injurious.

There is another requirement, that goods to be wrapped and packed must have value declared in advance in writing in order to have a reduction of rates. Just think what that means, that goods wrapped and packed must have their value declared in advance. The shipper knows the value better than the carrier possibly can. This is so as to cattle and merchandise. He seeks a rate based on the value as he states it and pays his rates on that basis. That is just as is admitted in our hearings. The less valuable pays for what it is worth; the more valuable on what the owner declares. You change this rule against the less valuable article.

The SPEAKER pro tempore (Mr. RUCKER). The gentleman has used 10 minutes.

Mr. STEVENS of Minnesota. Please notify me at the end of three minutes more. The difficulty is not only a question of liability but of actual handling of the traffic. In the city of New York every night the express companies collect more than 60,000 packages of this kind; throughout the country more than 2,000,000,000 in the course of the year. In order to come within this law and to have the low rate the value must be declared in writing in advance. That is a physical impossibility. The collectors are extremely busy, have not the ability nor the opportunity to do the writing and prepare the bills of lading in advance. Most of the package freight that is shipped throughout the country from the jobbing houses or manufacturing establishments, in order to have the low rate must have the value declared in advance. Now, more than 95 per cent of the commerce of this country is carried on the lowest rate, with a limitation of liability. That is what the shippers want—to have the lowest rate, carry their own risk, and take advantage of conditions which will give them the widest market. This bill takes that privilege away from the shippers. It takes away from the shippers the lower rates. Automatically it makes higher rates. It interferes with the normal course of traffic. It will reduce the rating of traffic for the heavy, bulky, and cheaper goods, and so gravely injure many communities and interests in the country. It will completely revolutionize the business of the express companies by compelling this declaration of value in writing in advance, which can not be made. It makes an indefinite delay in the express business and in the merchandise business, and this will work to the serious disadvantage of the shipping public. This bill was not intended to affect or injure the express business, but it does so seriously, because it compels an unlimited liability on all traffic, and so will compel an entire change and increase of express rates. Now, we are all content with a limited liability and low rates. This will prohibit exactly what we do and want.

Again, this prohibition is not merely against the limitation of liability. It is a prohibition against limitation based on value as to baggage, as to carriage of explosives, carriage of valuable documents, jewels, and so forth, and possibly the limitations on conditions of the routing by the carrier for the handling in transit of grain and cotton. It is subject to indefinite litigation. If you gentlemen pass this bill, it may mean litigation for years to determine what it means in the carriage of your cotton and your grain.

One thing more. The provision abolishes notice for loss, damages, and liability, except for theft. That is the open door to rebating. It will be productive of all kinds of fraud and discrimination. The only kind of notice then will be for loss by theft.

This will encourage the unscrupulous among railroads and shippers to rebate. It will encourage the old sort of dishonesty that we sought to wipe out by the Mann-Elkins Act and by the Elkins Act of 1903. Under these circumstances, much as I regret it, I realize that this bill, if passed in its present form, will cause indefinite evils to the shipping interests of this country. We all want the rates for unlimited liability by the carriers to be reduced. They ought to be, and will be. Under these circumstances, where there can be but a short delay before the decision of the commission, where the matter is now properly presented, the shippers better wait until after the decision of the commission. Then, if further legislation be needed, this Congress will be very glad to grant whatever may be needed without working any of the evils which this measure will produce. The committee did not report some amendments referred to in the Senate report restricting recovery to the represented value; but it can not be done now.

Mr. Speaker, I reserve the remainder of my time.

Mr. GARRETT of Texas. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. I really have not the time. I have refused these gentlemen, much as I would like to yield. I will yield later if I have the time.

Mr. RAYBURN. I yield to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, to listen to the speech of the gentleman who has just left the floor [Mr. STEVENS of Minnesota] one would think that this was an entirely new and revolutionary proposition. As a matter of fact, the conditions that now exist have been in existence only since February, 1913. This bill is intended to restore conditions as they existed prior to that date and not to establish a new status.

Under the common law carriers could not limit their liability for their own negligence by contract. The temptation to do so was so strong, however, that all manner of schemes were devised to evade the rule. To meet these conditions the various States enacted statutes to prevent the practice. These statutes were approved by the Supreme Court.

In 1906 the Carmack amendment to the antitrust law was passed, which provided:

No contract, receipt, rule, or regulation shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed.

It was supposed that this amendment would prevent limitations of liability on interstate shipments, and it was effective to prevent abuses until February, 1913, when the case of Adams Express Co. against Groninger was decided by the Supreme Court of the United States. This decision held that railroads could limit their liability when a rate was based on a fixed valuation of the property. The effect of this decision is to leave the shippers in a worse situation than ever before. It not only takes from them the supposed protection of the Carmack amendment, but it deprives them of the protection given by the State laws, and even the protection which the shipper had under the common law.

Under the practice at present the railroads have a prepared printed shipping contract which the shipper is requested to sign which provides that in case of total loss of the live stock covered by the contract the railroad company shall be liable only for the actual cash value of the stock, but in no case to exceed \$100 for horses, \$50 for cattle, \$10 for hogs and calves, and \$3 for sheep. If he places a higher valuation on his stock, the shipper must pay him from 10 to 25 per cent increase on rates.

The regular rates, in order to obtain which the shipper is forced to accept in case of loss one-half the value of his stock in many instances, were approved by the Interstate Commerce Commission, which took into consideration as part of the operating expenses of the roads payment in full of all such losses—to compel the shipper to pay 10 to 25 per cent increase in order to secure an undoubted right is a rank injustice.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. TOWNER. I am sorry, but I have not time to yield.

The gentleman from Minnesota [Mr. STEVENS] seems to believe that to pass this bill will increase shipping rates for stock 10 per cent. Such a belief is entirely unwarranted. It is based on the idea that because the railroads under existing law can compel a shipper to pay 10 per cent increase above normal and reasonable rates in order to obtain full compensation in case of loss, that to compel the railroads to pay full compensation would "automatically" increase the rates 10 per cent. That such a contention is unjustified a slight consideration of the facts is sufficient to show.

The rates fixed and approved by the Interstate Commerce Commission in Iowa territory in 1910 were based upon full payment of all losses as part of the operating expenses of the roads. The law as then interpreted prohibited contracts limiting liability and compelled full payment in case of damage or loss. There has been no change since in the rates. But since February, 1913, the railroads have been allowed to settle their losses at their own valuation, which lessened to that extent their operating expenses, while they have made no corresponding reduction in their rates.

The idea that a general advance of 10 per cent in rates would follow the restoration of the original status on which the rates were fixed is most absurd. If such an advance could be thus secured, the railroads would all favor the proposition. In the hearings before the House Committee on Interstate and Foreign Commerce Mr. Thorne, of Iowa, representing the shippers, very clearly showed the fallacy of the 10 per cent automatic advance idea, when the following colloquy occurred:

Mr. THORNE. I do not believe that Mr. Wright seriously considers that there is any intention on the part of the railroads to claim—

Mr. WRIGHT (interposing). I said that it was doubtful whether they might do it; but I think it is true that the commission would straightway readjust the rates. However, I think it would result in slight variations and increases in rates.

Mr. COWAN. If the railroads thought it would result in an advance of rates, do you know why they would not be for the bill—

Mr. WRIGHT (interposing). There would be no permanent advance to that extent at all. Nobody would consider it.

Mr. Wright is the general solicitor of the Chicago & North Western Railway Co., and was there representing the western railway companies. When he says frankly that nobody would consider the 10 per cent automatic advance proposition the suggestion need be regarded as of no more value than a "bogey" to induce acquiescence in present conditions.

Rates are made upon all the conditions that affect the cost of traffic. One of the items of operating expenses of railroads is the amount paid as damages for losses occasioned by their own negligence. Such losses should be fully paid, not partially paid. The shipper is willing to pay a reasonable rate based upon full payment. But he is unwilling to pay a rate based upon full payment when he can receive in case of loss only half value for his shipment.

Some of these limited-liability shipping contracts provide:

And in no event shall the carrier's liability exceed \$1,200 upon any carload.

Twenty head or a carload of good fat steers at \$150 a head amount to \$3,000 a car. If destroyed by the carelessness of the railroad the loss to the shipper would be \$3,000 and the railroad would settle such loss under the contract for \$1,200. This would not be a large item in the operating expenses of the railroad, but to lose \$1,800 on one car of steers might mean the loss of a year's work to a farmer in Iowa.

What is asked by this bill is simply that the railroads shall respond for their own negligence just as others do. It has been many times decided that to permit a common carrier to contract against loss by reason of his own negligence is against public policy. Any plan or scheme by which this is done must be unfair and unjust. The shipper is compelled in most cases to ship his stock over the railroads and is compelled to accept their terms. It is only right that the law should compel the railroads to deal fairly with the people in this as in other regards. It is just as wrong to allow the railroads to escape half their liability as it would be to allow them to escape all of it. Anyone would admit that a shipping contract which provided that if the shipper accepted the rates given the railroad should be absolved of all liability for its own negligence would be wrong. It is just as wrong to allow the railroads to escape half of their liability in the same way.

Carriers are public servants. For the monopoly and the quasi public functions they perform they are under obligations to deal fairly with the people. That is all that is required, and that is all this bill requires. It is not proposed that more than actual values should be paid. It is only proposed that when the railroads by their own negligence destroy property which they are paid for carrying they shall respond in damages for the full value of the property, whatever it may be, just as everybody

else is compelled to do. More than that is not asked, and less than that I do not believe anyone is justified in demanding.

Mr. STEVENS of Minnesota. I yield three minutes to the gentleman from Wisconsin [Mr. Esch].

Mr. ESCH. Mr. Speaker, although I am in favor of the principle of this bill, I feel that it is inopportune to ask for any decision thereon at this time. In the first place, there are no large interests to be immediately affected if the bill becomes operative. The cattle industry, which was the principal industry that came before the committee asking for legislation, does not cover possibly more than 1 per cent of the interstate shipments, and of that 1 per cent a small fraction would be lost through accident or injury in transit.

With this comparatively small loss, therefore, I think we can well afford to defer consideration and action on this matter until the Interstate Commerce Commission has concluded its hearings and rendered its decision. That commission, as the gentleman from Minnesota has stated, has had hearings extending over a period of months, has had the best traffic talent in the country on the question of a uniform bill of lading and released values of shipments, and these hearings are not yet concluded, but they are to be in the near future, as we are informed. Why can not we afford to wait until these findings are made and these recommendations are offered to the Congress? When they are made we will have the data on which we can act wisely in the matter.

With reference to the proposition of increasing the rates by the passage of this bill, we have warrant in the testimony of Mr. Lincoln, who was for a long time secretary of the Traffic League and at present is connected with a large New York shipping bureau. His testimony before the committee as to the effect of this bill was that it would result in an increase of rates. If that be the effect of it, certainly we ought not to act now, especially when the findings of the Interstate Commerce Commission are soon to be handed down to us. As a part of his testimony, permit me to read:

Mr. LINCOLN. As I have said, over 95 per cent of shippers' transactions are undoubtedly handled under the limited liability provided for in the uniform bill of lading, or, in other words, the business of practically all the shippers of this country, outside of the live-stock interests, is handled that way. They are shipping under conditions contained in the bills of lading and on a basis of rates that does not provide for a limitation of liability as to value, and they are using the "uniform" and "standard" bills of lading. There is a fear on the part of our shipping public that if by Federal statute, as proposed, the carriers are prohibited from establishing rates based upon any limitation of liability or limitation of the amount of recovery the present limited liability rates would become void and carriers would apply the rates now subject to their common-law liability, which would result in a material increase in the transportation charges they are now paying.

Mr. STEVENS of Minnesota. Will the gentleman from Texas close in one speech?

Mr. RAYBURN. No; but I will yield three minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Speaker, this bill is in the interest of a large body of shippers in this country, more particularly the live-stock feeders and live-stock shippers of the West and Southwest. This bill does two things in restoring the old common-law rule that has prevailed before the interstate-commerce law took the jurisdiction away from the State courts in February, 1913. It forbids the railroad companies in the first place from limiting their liability for the loss of merchandise which is equally open to the inspection of the carrier and the shipper. In the second place, it forbids the company to make any unreasonable limitation on the time of filing a claim or bringing suits.

The second of these, the item of filing suits, was part of a bill which I introduced in this House and presented to the Committee on Interstate and Foreign Commerce, and is embodied in this bill. It has become customary for the railroads to limit to an unreasonably short time the time for filing a claim, and that resulted in the greatest hardship and frequently inevitable loss to small and inexperienced shippers.

The gentleman from Minnesota [Mr. STEVENS] says that to pass this bill and deprive the roads of the right to limit time for filing claims would be to open the doors to fraud and to a secret rebate. I say exactly the contrary, from experience, because the man who is seeking a rebate in collusion with the railroad company will file his notice of claim very promptly, while the man who fails to file it is the little occasional shipper who overlooks the provisions of his bill of lading and does not know that he is caught until he is caught. This bill says 90 days for filing a claim and two years for bringing suit. That is a reasonable time. If the railroad company has given a shipper an illegal rate, it can sue him at any time before the statute of limitations runs for the real rate, but the shipper is shut off, is prevented under the present practice from suing

the railroad company by this limitation that they themselves have imposed.

I want to say another thing to the gentleman from Minnesota. He says this law automatically raises the rate 10 per cent on all of the commodities in this country. He knows that 10 per cent difference between an unlimited liability and a limited liability is a gross overestimate of the cost of insuring the freight. If we had to insure the freight under one rate and did not insure it under the other, 10 per cent difference is too high, but I want to call the attention of the gentleman to his own views as expressed before the committee. The low rate supposed to be for the limited liability is in fact the ordinary rate, and was the ordinary rate until the Supreme Court decided that the Carmack amendment permitted these limitations.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. BORLAND. I will ask the gentleman to let me have one more minute.

Mr. RAYBURN. Mr. Speaker, I yield the gentleman one-half minute.

Mr. BORLAND. The gentleman from Minnesota said before the committee:

The proposition is fundamental, and I think you have struck the keynote. Your people paid a certain rate when the liability was not limited, and they pay the same rate when the liability is limited, and they think the present rate is too high, and I agree with them.

Mr. Speaker, I agreed with the gentleman from Minnesota when he was before the committee.

Mr. STEVENS of Minnesota. Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois is recognized for four minutes.

Mr. MANN. Mr. Speaker, railroad rates are filed with the Interstate Commerce Commission. They are now on file with the Interstate Commerce Commission. If a railroad desires to increase its rates, it must file a new schedule of rates. The Interstate Commerce Commission may suspend that schedule's going into operation until they have had a hearing and made an order upon it. Recently for a long time the eastern roads had pending an application for permission to file schedules increasing their rates 5 per cent. The western roads are now having a hearing before the commission upon that subject. So that at present railroads can not increase their rates unless we do it for them, without the permission of the Interstate Commerce Commission. What are the facts? There are two rates now on file, one for a limited liability and one for an unlimited liability. The unlimited-liability rate averages about 10 per cent more than the limited-liability rate. If we pass this law forbidding the limited-liability rate, we put into execution at once all over the country the unlimited-liability rate, 10 per cent higher than the limited-liability rate. The limited-liability rate to-day covers 90 to 95 per cent of the traffic, and if this bill becomes a law, at once, at the end of 90 days, you can no longer charge the limited-liability rate because this forbids it, and the unlimited-liability rate automatically goes into operation. It does not require the consent of the Interstate Commerce Commission. In order to change the rate ordinarily there would have to be hearings, protracted for years, covering all of these subjects. If Congress has reached that point where it proposes to increase the railroad rates 10 per cent at this time by legislation, then you should vote for this bill. While I think the railroads quite generally are entitled to some increase in their rate, I do not think they ought to have a flat increase of 10 per cent at this time, which is beyond the power of anyone to stop.

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

Mr. MANN. No. I have only four minutes. I think I will contribute more information in this way than I would the other. I do not mean to be discourteous. That is the situation. Of course, I know that a good many of the live-stock people, especially those raising heavy heaves, where the limited liability is less than the value, protest; and yet I hold in my hand a letter from Swift & Co., the largest purchasers of beef in the world, or in the United States, stating that the only effect of this bill, so far as the ordinary shipments of beef are concerned, would be to increase the freight rate 10 per cent. Of course it would be a good thing for the people who raise fancy cattle; but the people who raise fancy cattle, if they desire a limited rate on anything else, are now making a mistake. A man who has a bull or a cow worth fifteen hundred dollars and who ships it on a limited-liability rate and loses it, gets \$50 for it, but he can get an unlimited liability by paying 10 per cent more; and in order to take care of a few of those, it is proposed that by this bill we shall raise the rate on all of the

other cattle 10 per cent. I have in my hand a letter from the best-posted traffic man on the side of the shippers in the United States, Mr. Barlow, the traffic manager for the Chicago Association of Commerce, who has had more to do in furnishing valuable advice to Congress and its committees on the side of the shipper in regard to railway legislation than any other man in the country, and he says, without question, that the only result of this bill will be to raise by 10 per cent the railroad rates on 95 per cent of the traffic of the country. I have heard a good deal of discussion and criticism here about the recent order of the commission granting an increase of about two and a half per cent to the eastern railroads, but vote for this and you vote an increase of 10 per cent all over the country.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GREEN of Iowa. Mr. Speaker, with all deference to the distinguished gentlemen who have opposed this bill, I do not think I need take one minute in which to answer their argument. It has been stated that the result of this bill would be immediately to raise rates 10 per cent. The fact is that all the traffic to which this applies had been carried until the time when the Supreme Court passed on the Carmack amendment under the very same conditions that this bill will bring about, and there was no raise of rates. These rates that have been spoken of here as lower rates have been so termed simply because another rate was mentioned in the bill of lading. It was really the old rate they were allowed to charge, the only rate they could properly charge, the only rate that has ever been sustained and allowed by the Interstate Commerce Commission. The Supreme Court did say they might as a penalty provide in their bills of lading, and in accordance with the contract made thereby, this extra sum; but the lower rate, as it has been called—the real rate, the reasonable and only rate they could charge, the only rate which people had—was the one under which they have operated so long—

Mr. NORTON. This case of Kroninger against Adams Express Co. was handed down on January 13, 1913. There has not been a change in the law since.

Mr. TOWNER. And the rate which was fixed included an allowance, as part of the operating expenses, of payment in full of these damages? In other words, in fixing the rate these expenses were taken into consideration.

Mr. GREEN of Iowa. The gentleman is correct. The rate was based on the assumption that the carriers were liable for full value.

Mr. Speaker, if this bill would produce a 10 per cent increase of rate, the railroads, instead of opposing this bill, would be supporting it. That they have uniformly opposed it is shown by the hearings had by the Senate committee.

Mr. VAUGHAN. Mr. Speaker, for reasons based on sound policy the common law prohibited the common carrier from limiting his liability for negligence long before there were any railroads. Not only the same sound reasons, but the additional reason that the railroads have a monopoly of the carrying business, makes it advisable and proper to prohibit them from limiting their liability as carriers for negligence. If they are left free to do so, they will dictate terms to shippers. The law should and does prescribe the duties and liabilities of those engaged in the public business of carrying freight and passengers for hire. It should and does require them to carry for all alike without discrimination. To permit them by any kind of device to avoid liability for negligence or failure to perform the duties imposed upon them by law is against sound public policy. Having a higher rate than the regular rate, and stipulating in the contract of shipment that the regular rate is charged in lieu of a higher in consideration of the shipper's agreement that the carrier shall not be liable for this, that, and the other, nor above a certain amount, nor in any event unless the claim for damages is presented within a certain time, usually expiring before the shipper is aware that it is in the contract, is nothing but a fraudulent device intended to relieve the carriers from duties and liabilities imposed upon them by law. Texas has a statute prohibiting them from doing so, and declaring void any device by which it is attempted. So have many other States. We are told that if we apply the principle to interstate shipments and pass this law the railroads will raise the rates and charge the higher, which they claim they will charge the shipper, if he will not agree to the limitation of liability, which is never mentioned at time of shipment. Gentlemen are mistaken. The higher rate they claim they will charge the shipper who will not agree to limit liability is a fiction. Nobody ever hears of it except when it is invoked to beat a claim for damages. But we should not at any rate be bluffed out of passing a good law depriving them of one of their

devices by means of which they have wronged many a shipper. We should not refuse to pass this law for fear of their threat to raise freight rates.

I introduced a bill on this subject on April 8, 1914, which I ask to put in the RECORD as a part of my remarks:

A bill (H. R. 15465) to prescribe the duties and liabilities of common carriers engaged in interstate commerce, as at common law, and to prohibit such carriers from limiting or restricting their duties and liabilities under the common law.

Be it enacted, etc., That the duties and liabilities of railroads and other common carriers for hire engaged in commerce between any of the States or Territories, or between any of the States and Territories, or in the District of Columbia, or between the District of Columbia and any of the States or Territories and any foreign nation or nations, shall be the same as prescribed by the common law; and the remedies against them shall be the same except where otherwise specially provided by act of Congress.

SEC. 2. That common carriers of goods, wares, and merchandise for hire, engaged in commerce described in the foregoing section, shall not limit or restrict their liability as it exists at common law, by any general or special notice or by inserting exceptions in bill of lading or memorandum given upon the receipt of the goods for transportation, or in any other manner whatever, and no special agreement made in contravention of this act shall be valid.

Mr. RAYBURN. Mr. Speaker, how much time have I remaining?

The SPEAKER. One minute and a half.

Mr. RAYBURN. Mr. Speaker, the alarming arguments made here have really been amusing. It would seem that these gentlemen think that this proposition was an innovation, that it was something new under the sun. I want to say to this House that the proposition of the railroads in this country limiting their liability upon shipments in this country is itself a new thing, and it came into effect after the Kroninger case was decided in January, 1913. Up until that time, back for years and years, the Supreme Court of the United States had held to the common law, which was the law in nearly all of the States, and after the passage of the Carmack amendment in 1906, down to 1912, this did not affect the proposition. But when the Supreme Court approved this proposition that the railroad companies were allowed to write a limitation of liability in their bills of lading, then this thing became prevalent over the country. And as to this increase of rates of 10 per cent, I think, Mr. Speaker, that that is the veriest farce of an argument. This has been the law in this country all of these years until 1913. Who has heard of the railroads of the country decreasing their rates since that time? I think that is a sufficient argument, Mr. Speaker, to the proposition that the railroad companies will raise and keep their rates 10 per cent higher than the limited liability rate is to-day.

I believe that this bill speaks honesty, that it speaks and tells the railroad companies what they must do and what they should do. The gentlemen say that only a small percentage of the freight of this country is live stock. I admit that this is true, compared with all the freight that moves, but I say this Congress should say definitely that hereafter no railroad company shall have the right by any clause in a bill of lading to limit its liability below the actual loss or damage to such property while in the care of the railroad company.

The SPEAKER. The time of the gentleman has expired. All time has expired, and the question is on suspending the rules and passing the bill.

The question was taken; and the Speaker announced that in the opinion of the Chair two-thirds had voted in favor thereof.

Mr. LEVY and Mr. STEVENS of Minnesota demanded a division.

The House divided; and there were—ayes 114, noes 45.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order there is no quorum present. The Chair will count. [After counting.] One hundred and eighty-one gentlemen are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—ayes 250, nays 66, answered "present" 3, not voting 104, as follows:

[Roll No. 99.]
YEAS—250.

Abercrombie	Barkley	Brown, N. Y.	Burnett
Adair	Bartlett	Brown, W. Va.	Byrnes, S. C.
Adamson	Barton	Browne, Wis.	Byrns, Tenn.
Alken	Beakes	Bruckner	Callaway
Alexander	Beall, Tex.	Brumbaugh	Campbell
Anderson	Bell, Cal.	Bryan	Candler, Miss.
Ashbrook	Bell, Ga.	Buchanan, Ill.	Cantrill
Aswell	Booher	Buchanan, Tex.	Caraway
Austin	Borland	Bulkley	Carew
Bailey	Brockson	Burgess	Carr
Baker	Brodbeck	Burke, Wis.	Chandler, N. Y.

Church	Glass	Lloyd	Sherley
Clark, Fla.	Godwin, N. C.	Lobeck	Sherwood
Cline	Goeke	Logue	Sims
Coady	Goodwin, Ark.	McAndrews	Sinnott
Collier	Gorman	McGillcuddy	Sisson
Connelly, Kans.	Gray	McKellar	Slayden
Connolly, Iowa	Green, Iowa	McKenzie	Sloan
Conry	Gregg	MacDonald	Smith, Idaho
Cooper	Griffin	Maguire, Nebr.	Smith, Md.
Cox	Gudger	Mahan	Smith, N. Y.
Cramton	Hamilton, Mich.	Manahan	Smith, Tex.
Cullop	Hamlin	Mapes	Sparkman
Curry	Hardy	Mitchell	Stedman
Decker	Harrison	Mondell	Steenerson
Dent	Hart	Montague	Stephens, Cal.
Dershem	Hefflin	Moon	Stephens, Nebr.
Dickinson	Helgesen	Morgan, Okla.	Stevens, N. H.
Dies	Helm	Morrison	Stone
Difenderfer	Helvering	Moss, Ind.	Stout
Dillon	Henry	Murdock	Summers
Dixon	Hill	Murray	Sutherland
Donohoe	Hinebaugh	Neeley, Kans.	Switzer
Doolittle	Hobson	Neely, W. Va.	Taggart
Doremus	Holland	Nelson	Talcott, N. Y.
Doughton	Houston	Nolan, J. I.	Tayner
Driscoll	Howell	Norton	Taylor, Ark.
Dupré	Hughes, Ga.	O'Hair	Taylor, Colo.
Eagan	Hughes, W. Va.	Oldfield	Temple
Eagle	Hull	Padgett	Ten Eyck
Edwards	Humphreys, Miss.	Page, N. C.	Thacher
Estopinal	Igoe	Palmer	Thomas
Evans	Jacoway	Park	Thompson, Okla.
Falconer	Johnson, Ky.	Phelan	Thomson, Ill.
Fergusson	Johnson, S. C.	Powers	Towner
Ferris	Keating	Price	Townsend
Fields	Kelly, Pa.	Quin	Vaughan
Finley	Kennedy, Conn.	Ragsdale	Vinson
Fitzgerald	Kettner	Raker	Walsh
FitzHenry	Kinkaid	Rauch	Watkins
Flood, Va.	Kirkpatrick	Rayburn	Watson
Floyd, Ark.	Kitchin	Reilly, Conn.	Webb
Fowler	Konop	Reilly, Wis.	Whitacre
Francis	Korbly	Riordan	White
Frear	Lafferty	Rothermel	Williams
French	La Follette	Rouse	Wilson, Fla.
Gallagher	Lazaro	Rubey	Wingo
Gard	Lee, Pa.	Rucker	Witherspoon
Garner	Lenroot	Rupley	Woodruff
Garrett, Tenn.	Leshar	Sabath	Woods
Garrett, Tex.	Lieb	Scott	Young, Tex.
Gill	Lindbergh	Seldomridge	
Gilmore	Linthicum	Shackelford	

NAYS—66.

Baltz	Gillett	Knowland, J. R.	Rainey
Bathrick	Gordon	Kreider	Roberts, Mass.
Britten	Goulden	Levy	Rogers
Browning	Graham, Pa.	Lewis, Pa.	Russell
Butler	Greene, Mass.	McLaughlin	Sells
Caldar	Greene, Vt.	Mann	Slemp
Carlin	Griest	Martin	Smith, Minn.
Claney	Guernsey	Miller	Stafford
Danforth	Hamilton, N. Y.	Moore	Stevens, Minn.
Davis	Hawley	Morin	Treadway
Drukker	Hayes	Paige, Mass.	Underhill
Edmonds	Hinds	Parker, N. J.	Underwood
Esch	Humphrey, Wash.	Parker, N. Y.	Volstead
Fess	Johnson, Wash.	Peters	Wallin
Fordney	Kahn	Platt	Winslow
Foster	Kennedy, R. I.	Plumley	
Gardner	Kent	Post	

ANSWERED "PRESENT"—3.

Hulings Lewis, Md. Talbott, Md.

NOT VOTING—104.

Ainey	Dunn	Kiess, Pa.	Pou
Allen	Elder	Kindel	Prouty
Anthony	Fairchild	Langham	Reed
Avis	Falson	Langley	Roberts, Nev.
Barchfeld	Farr	Lee, Ga.	Saunders
Barnhart	Gallivan	L'Engle	Scully
Bartholdt	George	Lever	Shreve
Blackmon	Gerry	Lindquist	Small
Borchers	Gittins	Loft	Smith, J. M. C.
Bowdle	Goldfogle	Lobergan	Smith, Saml. W.
Broussard	Good	McClellan	Stanley
Burke, Pa.	Graham, Ill.	McGuire, Okla.	Stephens, Miss.
Burke, S. Dak.	Hamill	Madden	Stephens, Tex.
Cantor	Harris	Maher	Stringer
Carter	Haugen	Metz	Taylor, Ala.
Cary	Hay	Morgan, La.	Taylor, N. Y.
Casey	Hayden	Moss, W. Va.	Tribble
Claypool	Hensley	Mott	Tuttle
Copley	Howard	Mulkey	Vare
Crisp	Hoxworth	O'Brien	Vollmer
Crosser	Johnson, Utah	Oglesby	Walker
Dale	Jones	O'Shaunessy	Walters
Davenport	Keister	Patten, N. Y.	Weaver
Detrick	Kelley, Mich.	Patton, Pa.	Whaley
Donovan	Kennedy, Iowa	Peterson	Wilson, N. Y.
Dooning	Key, Ohio	Porter	Young, N. Dak.

So, two-thirds voting in the affirmative, the rules were suspended and the bill passed.

The Clerk announced the following additional pairs:

Mr. WALKER with Mr. VARE.
Mr. LEE of Georgia with Mr. KELLEY of Michigan.
Mr. OGLESBY with Mr. LANGHAM.
Mr. TAYLOR of Alabama with Mr. MADDEN.
Mr. STRINGER with Mr. SAMUEL W. SMITH.

Mr. SMALL with Mr. MOTT.
Mr. SCULLY with Mr. PATTON of Pennsylvania.
Mr. POU with Mr. PORTER.
Mr. BLACKMON with Mr. BARTHOLDT.
Mr. CARTER with Mr. BURKE of South Dakota.
Mr. DAVENPORT with Mr. FARR.
Mr. HAYDEN with Mr. JOHNSON of Utah.
Mr. PATTEN of New York with Mr. KIESS of Pennsylvania.
The result of the vote was announced as above recorded.

ALSTON G. DAYTON.

Mr. GARD. Mr. Speaker, I desire to present a privileged report (No. 1490) from the Committee on the Judiciary, on House resolution 541. It is the report on the resolution which proposed the impeachment of Judge Dayton.

The SPEAKER. It will be filed and printed.

Mr. WEBB. Mr. Speaker, I ask that the report be read. It is a short one, and I ask that the matter be disposed of at once.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

The Committee on the Judiciary, having under consideration House resolution 541, to authorize the Committee on the Judiciary to inquire into and concerning the official conduct of Alston G. Dayton, United States district judge for the northern district of West Virginia, beg to report to the House of Representatives that a subcommittee of the Committee on the Judiciary, consisting of Representatives MCGILLICUDDY, GARD, and DANFORTH, was appointed to take testimony in investigation of the behavior of Judge Alston G. Dayton, United States district judge for the northern district of West Virginia, and that the subcommittee sat in the cities of Parkersburg and Wheeling, W. Va., and Washington, D. C., and examined numerous witnesses under their oaths touching their knowledge of the alleged misbehavior of the Hon. Alston G. Dayton.

The subcommittee made a report to the Committee on the Judiciary, which report is herewith submitted, setting forth in detail the charges against said judge and the evidence adduced under each charge, and concluding their report that they were impelled to recommend that no further proceedings be had with reference to said House resolution 541.

The Committee on the Judiciary considered the report of said subcommittee and the evidence thereon and came to the conclusion that no further proceedings should be had with reference to said resolution, and the Committee on the Judiciary beg to report the same to the House and recommend that no further proceedings be had with reference to said resolution.

REPORT.

To the Committee on the Judiciary of the House of Representatives:

On the 9th day of February, 1915, the House of Representatives passed the following resolution:

"Resolved, That the Committee on the Judiciary be directed to inquire and report whether the action of this House is necessary concerning the alleged official misbehavior of Alston G. Dayton, United States district judge for the northern district of West Virginia; whether he, the said Alston G. Dayton, has unlawfully conspired with certain corporations and individuals to bring about the removal from office of the late John J. Jackson, judge of the District Court of the United States for the Northern District of West Virginia; whether he has shown marked favoritism to certain corporations having extensive litigation in his court; whether he has summoned on juries in his court persons connected with certain corporations to which he has shown marked favoritism during his term of office; whether he has abused his power and influence as judge to further the interests of his son, Arthur Dayton; whether he has violated the acts of Congress regulating the selection of jurors; whether he has lent his services as judge to the coal operators of West Virginia by improperly issuing injunctions; whether he has shown hatred and bitterness toward miners on trial in his court; whether he has used his office as judge to discourage and prevent said miners from exercising their lawful right to organize and peaceably assemble under the laws of the United States and the State of West Virginia; whether he has conspired with certain corporations and individuals in the formation of a Carbon Trust, in violation of law; whether he has openly stated that he would not permit the United Mine Workers of America to exist within the jurisdiction of his court; whether he has stated in open court that the United Mine Workers of America are criminal conspirators; and whether he has been guilty of any misbehavior for which he should be impeached.

"And in making this investigation the said committee is hereby authorized to send for persons and papers, administer oaths, take testimony, employ a clerk and stenographer if necessary, and is also authorized to appoint a subcommittee to act for and on behalf of the whole committee whenever and wherever it may be deemed advisable to take testimony for the use of said committee. The said subcommittee while so employed shall have the same powers in respect to obtaining testimony as are herein given to said Committee on the Judiciary, with a sergeant at arms, by himself or deputy, who shall serve the process of said committee or subcommittee, and shall attend the sittings of the same as ordered and directed thereby.

"The Speaker shall have authority to sign and the Clerk to attest subpoenas for any witness or witnesses.

"The expense of such investigation shall be paid out of the contingent fund of the House on vouchers approved by the chairman of the Judiciary Committee and approved by the Committee on Accounts and evidenced by the signature of the chairman thereof."

The subcommittee appointed by the Committee on the Judiciary to make investigation of the charges contained in the foregoing resolution heard the testimony of numerous witnesses in Parkersburg and Wheeling, W. Va., and in Washington, D. C., on February 12, 13, 15, 16, 17, 22, 23, 24, and 26, at all of which hearings, except that of February 26 last, the Hon. A. G. Alston, respondent, was present in person and attended by legal counsel; and on February 26 the hearing was had with the consent and approval of said Hon. A. G. Dayton, who was represented at that hearing by legal counsel.

The Hon. A. G. Dayton appeared before the subcommittee and made full and extended statement of and concerning the matters involved in said investigation.

The witnesses and respondent were each and all sworn, their evidence taken by shorthand reporters, the evidence reduced to writing, and is on file with this committee.

The subcommittee submits the following as facts proven by the evidence upon the specifications and matters under investigation:

"I. Whether he, the said Alston G. Dayton, has unlawfully conspired with certain corporations and individuals to bring about the removal from office of the late John J. Jackson, judge of the district court of the United States for the northern district of West Virginia."

A. G. Dayton was nominated district judge of the United States for the northern district of West Virginia on the 6th day of March, 1905. His predecessor in that office was Hon. John J. Jackson, who had occupied that position for more than 40 years.

A. G. Dayton, for 10 years prior to his appointment as judge, was a Representative in Congress from the second district of West Virginia.

Under the direction of the then Attorney General of the United States an investigation was made of the official conduct and private life of Judge Jackson, and A. G. Dayton appeared before a special investigator in the Department of Justice and gave to said investigator the names of certain persons residing in the judicial district of Judge Jackson who might give further information concerning his official conduct and private life. This information given by A. G. Dayton was the first information given to the said special investigator.

Upon at least two and possibly three different occasions A. G. Dayton conferred with the said special investigator regarding this matter.

Judge Dayton now denies recollection of these meetings, except one, which he says occurred at the office of the Department of Justice after his nomination and confirmation, but the positive testimony of the special investigator is that he met with Judge Dayton and talked with him on these matters at least twice while the investigation was in progress.

After the special investigator and a member of the Secret Service had been to Parkersburg, W. Va., Richmond, Va., and Atlantic City, N. J., seeking to learn of the official conduct, and more especially of the private life of Judge Jackson, the latter came to Washington, D. C., and presented his resignation as judge, which resignation was immediately accepted, and within a very few hours A. D. Dayton was nominated to succeed him as such judge.

Within a comparatively short time, at most five months, from the date of his resignation, John J. Jackson was appointed to a position in the legal department of the Baltimore & Ohio Railroad Co., at a salary of about \$500 per month, the evidence adduced failing to show that he actually rendered service for said railroad company, but, on the contrary, showing that he retained his residence in Parkersburg and went about the Federal court room and building quite as before his resignation.

At the time of Judge Jackson's resignation Judge Dayton said to the special investigator: "The thanks of the people of West Virginia are due you for removing a bad condition."

It is but just to the memory of Judge Jackson to say that the circumstances surrounding his resignation do not make for misconduct in official or private life.

Although we do not find from the evidence that Judge Dayton conspired with certain corporations and individuals to bring about the removal from office of the late John J. Jackson, etc., we are of opinion that said A. G. Dayton was fully informed of the investigation of the official and private life of Judge Jackson and gave aid and advice to those in charge of said investigation.

"II. Whether he has shown marked favoritism to certain corporations having extensive litigation in his court."

We do not find the evidence adduced to be sufficient to prove that Judge Dayton has shown marked favoritism to certain corporations having extensive business in his court.

"III. Whether he summoned on juries in his court persons connected with certain corporations to which he has shown marked favoritism during his term of office."

While persons connected with railroad and other corporations in his judicial district are shown to have had service as jurors in his court, we do not find from the evidence adduced that any wrong occurred because thereof or that there was any miscarriage of justice because thereof.

"IV. Whether he has abused his power and influence as judge to further the interests of his son, Arthur Dayton."

We find that Arthur S. Dayton, the son of Hon. A. G. Dayton, is a practicing attorney in the court presided over by his father, and that almost immediately upon his admission to the bar he was appointed as local attorney in Barber County, W. Va., for the Baltimore & Ohio Railroad Co., a position held by A. G. Dayton for a number of years, including the years he was a Representative in Congress from that district, A. G. Dayton being immediately succeeded in that position by Fred O. Blue, a law partner of A. G. Dayton, and afterwards tax commissioner of West Virginia, and Mr. F. O. Blue in turn being succeeded by Arthur S. Dayton; that he is at present the attorney for said railroad in said county; but we do not think the evidence adduced sufficient to find that Judge Dayton has abused his power and influence as a judge to further the interests of his son, Arthur S. Dayton.

"V. Whether he has violated the acts of Congress regulating the selection of jurors."

There is some evidence tending to show that Judge Dayton gave lists of persons whom he desired to have served as jurors in his court to the marshal of the district, saying that he wished those persons drawn for jurors, and that some of those persons shortly afterwards appeared as jurors and served as such in his court. An explanation is given by Judge Dayton that this list was a list of talesmen who were to be specially summoned as jurors in the absence of a sufficient number of previously summoned jurors to hear then pending causes.

"VI. Whether he has lent his services as judge to the coal operators of West Virginia by improperly issuing injunctions."

We find from the evidence that Judge Dayton issued restraining orders of very drastic scope and comprehension in certain cases brought by coal operators of West Virginia against their operatives and employees, which restraining orders were afterwards by him made injunctions, and for the alleged violation of said injunctions a number of persons were ordered by him punished by fine and imprisonment as for contempt of the order of the court.

In one case—that of *The Hitchman Coal Co. v. John Mitchell et al.*—he issued a restraining order and made a permanent order of injunction prohibiting the peaceable persuasion of any person to cause or attempt to cause any employee of the Hitchman Coal Co. to join a labor union when the Hitchman Coal Co. had a contract with said employee not to join a labor union.

The evidence shows that this ruling of Judge Dayton affecting the right to cause by peaceable persuasion any such employee to join a labor union was reversed by the United States Court of Appeals, but this case is now before the Supreme Court of the United States for

adjudication, and therefore we do not deem it proper to make further report on this matter at this time.

Subsequently Judge Dayton issued another restraining order, without notice to the defendants in the case of *The West Virginia Coal Co. v. John P. White et al.*, which he afterwards made a permanent injunction, and which likewise was most drastic and comprehensive and based upon his former opinion, as expressed by him in the *Hitchman Coal Co.* case.

The proceedings in this case will be referred to in connection with the next specification.

"VII. Whether he has shown hatred and bitterness toward miners on trial in his court."

The evidence adduced shows that Judge Dayton before he became judge and after that time was associated at least as a holder of stock in certain coal-mining operations in his judicial district of West Virginia, and that during the trial of certain miners and other persons who were members of a labor-union organization his manner and language toward the defendants while upon the bench was that of hatred and bitterness; he at one time during the proceedings saying, by his own admission from the bench, that if he had John P. White, the president of the United Mine Workers of America before him he would send him to jail for a year, the said John P. White not then being in court and not having been served with any process of said court.

It is but fair to say that the cases last referred to were intimately associated with a very serious dispute between the West Virginia Coal Co. and certain of its employees and certain members of the United Mine Workers of America, a condition in which a number of miners were on strike, and the circumstances surrounding these trials referred to were very unusual and probably afforded opportunity for aggravation, but the evidence adduced shows that at times during these trials Judge Dayton was very impatient of hearing what the defendants had to say, his manner was heated and impassioned, he was laboring under much emotional excitement, and his conduct generally that of one who had prejudged the cases before him.

"VIII. Whether he has used his office as judge to discourage and prevent said miners from exercising their lawful right to organize and peaceably assemble under the laws of the United States and the State of West Virginia."

The evidence adduced shows that at the time of the litigation in the case of *The West Virginia Coal Co. v. J. P. White et al.* an assembly of men in tents near the property of the West Virginia Coal Co. was declared by Judge Dayton to be illegal and in violation of his restraining order theretofore issued, but it is in evidence that with the consent of counsel for the defendants these tents were withdrawn to a place much farther away from the company's property.

There is some question as to the purpose for which these tents were erected and maintained; but among the things enjoined by order of Judge Dayton, some undoubtedly most proper, was the furnishing of aid or assistance by giving food and supplies to those who were on strike at that time, and a punishment as for contempt of those who did so furnish aid and assistance by giving food and supplies.

While Judge Dayton in his opinion written in the *Hitchman Coal Co.* case has defined his idea of the rights of labor and capital to organize, holding that they mutually have such rights under proper conditions, the conduct and trial of these injunction and contempt cases furnish abundant illustration of the strong personal opinion of Judge Dayton upon the question of labor organization.

"IX. Whether he conspired with certain corporations and individuals in the formation of a carbon trust, in violation of law."

The evidence adduced shows that Judge Dayton was and is the owner and holder of stock in the Acme Carbon Co. in the amount of \$10,000, and that the product of the Acme Carbon Co. was marketed by a selling agency known as the Federal Carbon Co., which sold the output of other carbon concerns as well, and there is some evidence to prove that he was consulted with reference to the legality of the contract of the Acme Carbon Co. with the Federal Carbon Co., and that he had written or assisted in writing a letter to the Acme Carbon Co. urging the payment of larger dividends to him upon his stock under the coercion of a possible proceeding for receivership in a Federal court. Judge Dayton denies any knowledge of the contract for marketing the product of the Acme Carbon Co. by the Federal Carbon Co., and has produced a copy of a letter to the former company written by him in which reasons are given why there should be a payment of larger dividends.

Mr. A. T. Sweeney, the secretary of the Acme Carbon Co., testified that to his knowledge Judge Dayton was not concerned in the making of the contract between the Acme Carbon Co. and the Federal Carbon Co., and that the Acme Carbon Co. was a solvent corporation.

"X-XI. Whether he has openly stated that he would not permit the United Mine Workers of America to exist within the jurisdiction of his court; and whether he has stated in open court that the United Mine Workers of America are criminal conspirators."

The evidence adduced shows that Judge Dayton has said that in certain cases, under what he called the old constitution and by-laws of the United Mine Workers of America, the members thereof who held to such belief and gave practice and effect to the constitution and by-laws were criminal conspirators, and, having formed that opinion, which is very positive with him, he has steadfastly maintained it, and it is in evidence that he has said in a certain case that if the evidence disclosed that the defendant was a member of the United Mine Workers of America, he wanted no further evidence to determine guilt and impose punishment as for an alleged contempt of court.

"XII. Whether he has been guilty of any misbehavior for which he should be impeached."

The evidence adduced shows that in 1906, at a time when he was Federal judge of the northern district of West Virginia, at the request of certain political and personal friends and business associates, Judge Dayton gave a letter to them for use in behalf of the sale of either stock of the company or lands controlled by the company of the Meadowvale Coal Co.

The Meadowvale Coal Co. was a corporation organized by these political, personal, and business friends and associates of Judge Dayton to open up a coal-mining operation very near to coal lands in which Judge Dayton had a financial interest, and for the purpose of selling stock the Meadowvale Coal Co. issued a prospectus in which it caused to be printed in a most prominent manner the letter given by Judge Dayton to the promoters of the Meadowvale Coal Co., this letter being written upon the official letterhead of the judge, being addressed "To whom it may concern," and reciting his belief in the integrity of the company and the value of its holdings, concerning which last, as a matter of fact, there was some question.

The evidence adduced also shows that in charges to grand juries Judge Dayton expresses in the most positive and sometimes intemperate language his own personal views on matters which may be presented to the grand jury, and that he discusses in these charges cer-

tain questions of political or economic nature which have absolutely nothing to do with the deliberations of the body addressed, giving his personal opinions upon these irrelevant matters.

The evidence also shows a certain violence of language in commenting on verdicts of juries, although it is but fair to say that the seeming inconsistency of at least one of the verdicts so commented on is apparent.

The evidence adduced shows that Judge Dayton has financial interests in a number of enterprises in his judicial district and vicinity, and is borrower and indorser of and for a large amount of money, but the evidence discloses no connection of official misconduct therewith.

Certain instances of alleged political activity on the part of Judge Dayton since he has been upon the Federal bench have been given by witnesses, as well as the fact of his appointing an aged negro as "a personal attendant" for which the Government of the United States paid the sum of \$40 per month, the work of this negro being almost altogether to attend to the garden at Judge Dayton's private residence and take care of a cow and the horse of Arthur S. Dayton, and the wife of this negro was the cook for Judge Dayton and his family and received no pay, save that half of the \$40 compensation for "a personal attendant" was given to her.

It is a most unpleasant task to be called upon to express judgment of the temperamental efficiency of a judge, since human nature is so variable as to give to each man certain methods and expressions, many of which are often misunderstood, and we realize the necessity for a strong, vigorous, and essentially upright judiciary, and the instances cited of offensive mannerisms, arbitrary actions, and intemperate language on the part of Judge Dayton in his official capacity may be isolated and therefore difficult to properly estimate and adjust with circumstances and conditions, but they are apparently so persistent as to most naturally evoke more than passing comment.

While we realize that many persons in the judicial district of Judge Dayton think conditions there intolerable because of his alleged official misconduct, we realize, too, the necessity of strong particular instances of positive evidence rather than a somewhat general opinion before a charge of impeachment should be referred for trial in the Senate of the United States against a Federal judge, for we do not think that this gravest of procedures against a jurist, one who has taken the oath to administer justice without fear or favor, should be made upon personal opinions or adverse sentiment; and we have, therefore, endeavored to bring to this committee for its action our report of the evidence as it has been given to us.

This evidence shows many matters of individual bad taste on the part of Judge Dayton—some not of that high standard of judicial ethics which should crown the Federal judiciary—but a careful consideration of all the evidence and attendant circumstances convinces us that there is little possibility of maintaining to a conclusion of guilt the charges made, and impels us, therefore, to recommend that there be no further proceedings herein.

WARREN GARD.
HENRY G. DANFORTH.

MARCH 3, 1915.

I concur with my colleagues in the above findings of fact, but I do not concur in the recommendation that no further proceedings be had, as it is my opinion that the evidence taken by the subcommittee and findings of fact, above made, warrant further proceedings looking toward impeachment.

D. J. MCGILLICUDDY.

MARCH 3, 1915.

The SPEAKER. If there be no objection, the report will be agreed to.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had further insisted upon its amendments to the bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BANKHEAD, Mr. SWANSON, and Mr. PENROSE as the conferees on the part of the Senate.

VIOLATION OF NEUTRALITY.

Mr. UNDERWOOD. Mr. Speaker, I move to suspend the rules and pass the joint resolution that I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

Mr. UNDERWOOD. Mr. Speaker, I desire to say that this resolution is not printed. It may be of interest to the House, and I shall be glad to have quiet, so that the House may hear it read.

The Clerk read as follows:

House joint resolution 439.

Resolved, etc., That, from and after the passage of this resolution, and during the existence of a war to which the United States is not a party, and in order to prevent the neutrality of the United States from being violated by the use of its territory, its ports, or its territorial waters as the base of operations for the armed forces of a belligerent, contrary to the obligations imposed by the law of nations, the treaties to which the United States is a party, or contrary to the statutes of the United States, the President be, and he is hereby, authorized and empowered to direct the collectors of customs under the jurisdiction of the United States to withhold clearance from any vessel of American register, or license, which he has reasonable cause to believe to be about to carry fuel, arms, ammunition, men, or supplies to any warship, or tender, or supply ship of a belligerent nation, or to commit any other similar act in aid of the prosecution of hostilities in violation of the obligations of the United States as a neutral Nation.

That, further, the President be, and he is hereby, authorized and empowered to direct the collector to give clearance to any such vessel of American register or license: *Provided*, That before clearing out the same, the owners or master or other person or persons having charge or command thereof give bond to the United States, with sufficient

sureties, in double the amount of the value of the vessel and cargo on board, conditioned that the vessel shall not be employed in the commission of such act or acts; and in case of a breach of the condition thereof the bond shall be forfeited to the United States, and the owner or master or other person or persons having charge or command of any such vessel shall, in addition, be severally liable to a fine of not less than \$1,000, nor more than \$5,000, or to imprisonment not to exceed one year, or both; and in case any such vessel of American register or license shall depart or attempt to depart from the jurisdiction of the United States without clearance in pursuance of such act or acts above set forth, the owner or master or person or persons having charge or command of such vessel shall severally be liable to a fine of not less than \$2,000, nor more than \$10,000, or to imprisonment not to exceed two years, or both, and, in addition, such vessel shall be forfeited to the United States.

That the President be, and he is hereby, authorized and empowered to direct the collectors of customs or other appropriate authorities to accord the treatment of a vessel of a belligerent, including internment, to any vessel of foreign register in, or hereafter arriving in, a port of any territorial waters of the United States, when such vessel is acting, or preparing to act, or attempting to act, or intending upon departure from the jurisdiction of the United States to act as a tender to the armed forces of a belligerent, or otherwise to act in aid of the prosecution of hostilities.

That the President of the United States be, and he is hereby, authorized and empowered to use such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this resolution.

That the provisions of this resolution shall be deemed to extend to all lands and waters, continental or insular, and to all air spaces that fall within the jurisdiction of the United States.

Mr. MANN. I ask for a second.

The SPEAKER. The gentleman from Illinois asks for a second.

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

The SPEAKER. The gentleman from Alabama asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Alabama has 20 minutes and the gentleman from Illinois has 20 minutes.

Mr. UNDERWOOD. Mr. Speaker, within the hour I have received from the State Department the resolution that the Clerk has just read. It was prepared by the State Department, and I ask the Clerk to read the letter of Mr. Lansing, the Counselor for the State Department, transmitting the resolution to me.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, March 3, 1915.

Hon. OSCAR W. UNDERWOOD,
House of Representatives.

MY DEAR MR. UNDERWOOD: The Secretary has had to leave the department this afternoon to attend a meeting of a committee of the Pan American Union, and as he left he requested me to address you on a subject of vital importance to the Government in the present war situation. I refer to the necessity for additional legislation to enable the Government to enforce its neutral duties during the present war. It is known in some quarters that the Government has been hindered by lack of sufficient legislation to prevent vessels from leaving American ports with coal and supplies for warships at sea in contravention of the neutrality of the United States. The United States is bound by treaties in force to prevent the use of its ports as bases of naval operations but there is no legislation by Congress to enable the Government to carry out these obligations.

The Department of Justice, therefore, had drafted a proposed resolution which, in its opinion, will give the President such power as will be necessary to carry out the neutral obligations of the Government in these respects. The Department of State heartily supports the proposed resolution, and I desire to emphasize the great urgency and need of the immediate passage of a resolution in some such form as the one inclosed, in order that, in the present critical situation brought about by the stupendous conflict in Europe, the Government may not be bound internationally and yet have its hands tied so as to be unable to act in the discharge of its international duties.

Very sincerely, yours,

ROBERT LANSING.

Mr. UNDERWOOD. Mr. Speaker, on the 18th day of October, 1907, the Government of the United States entered into a convention with the other great powers of the world, and in that convention the following propositions were agreed to.

Article 5 of the convention provides:

Belligerents are forbidden to use neutral ports and waters as a base of naval operations against their adversaries, and particularly to erect wireless telegraph stations or any apparatus for the purpose of communicating with the belligerent forces on land or sea.

Article 8 of the same convention provides:

A neutral Government is bound to employ all means at its disposal to prevent the fitting out or arming of any vessel within its jurisdiction which it has reason to believe is intended to cruise or engage in hostile operations against a power with which that Government is at peace. It is also bound to display the same vigilance to prevent the departure from its jurisdiction of any vessel intended to cruise or engage in hostile operations which had been adapted entirely or partly within said jurisdiction for use in war.

Article 25 of the same convention provides:

A neutral power is bound to exercise such surveillance as the means at its disposal allow to prevent any violation of the provisions of the above article occurring in its ports, roadsteads, or in its waters.

The purpose of the joint resolution that I send to the Clerk's desk is to enable the President to exercise the power that will

enforce the provisions of this convention that was held at The Hague in order to protect our neutrality. I say to the House candidly that I have had no chance to investigate this question, that it has come to me within the last hour, but I feel that there is no greater obligation resting on this Congress as the representatives of the American people than to do all in their power to protect the neutrality of the United States. [Applause.]

The President of the United States must exercise that power. In a condition of that kind there can be but one man and one mind, and it is our duty to sustain him as the Chief Executive of the Nation. He has asked us to confer this power upon him before the Congress adjourns. I believe, Mr. Speaker, that it is our plain duty to pass this resolution immediately.

Mr. HOBSON. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. HOBSON. I listened very carefully to the reading of the resolution, but I would be glad for some explanation or assurance from the gentleman to see if I understand it. It seemed clear, from what I heard, that any vessel undertaking to proceed from an American port to carry fuel or supplies to a war vessel, a cruiser of the belligerents, could be thus dealt with. I want to ask the gentleman if he thinks the resolution would clearly reach such a case as this: Would it also reach the case where, to put it into the concrete, great guns, say 15-inch guns, were being shipped by the Bethlehem Iron Works to be used to fit out the ships of war of a belligerent?

Mr. UNDERWOOD. I will say to my colleague, as I said to the House a moment ago, that I did not prepare this resolution; that it was prepared by the Department of Justice, and viséed by the Department of State, and has only come to me within the hour. Necessarily I have had no chance to give it very careful study. As the proponent of the resolution not having had a chance to give it that study and deliberation which it deserved, and acting in the last hour and necessarily in haste, I do not think it would be very wise for me to voice my opinion. I mean no discourtesy to the gentleman from Alabama, but I do not think it would be wise for me to give an opinion as to how far-reaching the resolution is.

Mr. HOBSON. Will the gentleman permit me? I do not desire to embarrass him, but this may have a very far-reaching influence on our attitude as a neutral toward the belligerents of Europe, and my interpretation of the resolution in its effect, having heard it read for the first time, is that it would shut off any supplies, fuel, and so forth, that might possibly go from the American ports to the assistance of one or two German cruisers, but that it would have no bearing upon the sending from our ports of guns and other war implements for the fitting out or rearmament of the battleships of the allies; that the effect would be felt on one side only of the belligerents. We are doing our best to be strictly neutral, as I understand it, but nevertheless the effect is to be very serious to one side only in the great war. I would like to be assured on that subject.

Mr. UNDERWOOD. I will say to my colleague from Alabama that not having drafted the resolution myself, and not having time to give it the careful study that I would have done if I had drafted it, I do not want to risk a hasty interpretation of the resolution.

Mr. HOBSON. Can the gentleman give some reason for its not being sent here before this hour, and not having been sent earlier to give us some chance to deliberate on it and find out its real effect?

Mr. UNDERWOOD. I can give no reason why it was not sent at an earlier hour. I have only heard of it within the hour. The resolution clearly is intended to enable the President to protect our obligations under the convention at The Hague and to maintain the neutrality of the United States. Whether it does not go far enough is a question I do not pass upon, but that it is entirely proper, as far as it goes, and is intended to protect our neutrality I have no doubt.

Mr. HOBSON. I will ask the gentleman this question—

Mr. FLOOD of Virginia. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. FLOOD of Virginia. I want to interrupt the gentleman to answer a question that the gentleman from Alabama [Mr. Hobson] asked.

The SPEAKER. The gentleman from Alabama [Mr. Hobson] has no time to yield.

Mr. UNDERWOOD. I will yield to the gentleman from Virginia; he is the chairman of the Committee on Foreign Relations.

Mr. FLOOD of Virginia. The gentleman from Alabama [Mr. Hobson] asked if this applied to the shipments of big guns from this country to the belligerents.

Mr. HOBSON. Yes.

Mr. FLOOD of Virginia. It does not. It applies only to the vessels and not to the freight the vessels are carrying. It applies to those vessels that are supplying belligerent vessels, which would use our coasts as a base of supplies. It has no reference to the shipment of arms or munitions of war of any character.

Mr. HOBSON. But suppose—

Mr. UNDERWOOD. Oh, Mr. Speaker, I will ask the gentleman not to take up too much of my time.

Mr. HOBSON. There are heavy shipments of big guns going to fit out warships. Those warships may not be hovering near our shores, but they are out on the waters, and very heavy shipments are going on now to fit out those warships, and my question is whether this would apply to them?

Mr. FLOOD of Virginia. I do not know anything about the state of affairs referred to by the gentleman. I do know that this resolution does not give the President the power to put an embargo on the shipment of arms and munitions of war to one or both belligerents, which in itself would be an unneutral act.

Mr. HOBSON. I want to ask the gentleman before he sits down, the chairman of the Committee on Foreign Affairs, whether they would accept an amendment—

Mr. UNDERWOOD. Oh, no; I would not.

Mr. HOBSON. That would really in spirit as well as in letter make our country neutral and not a basis of fitting out with guns or other essential features warships of any belligerent.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from Alabama that this resolution was prepared by the Department of Justice, I have no doubt at the instance of the President of the United States, who must maintain the neutrality of our country, and I would not feel justified in allowing any amendment to the resolution at this time. I reserve the remainder of my time.

The SPEAKER. The gentleman reserves five minutes.

Mr. MANN. Mr. Speaker, I would like to have the resolving clause read again.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled.

Mr. MANN. Mr. Speaker, I will ask the gentleman from Alabama to agree to an amendment to insert after the words "United States" the words "of America," which the law requires, though they have not discovered that apparently at the Department of Justice.

Mr. UNDERWOOD. Mr. Speaker, the gentleman is correct about that. I ask unanimous consent that the words "of America" be added after the words "United States" in the resolving clause of the resolution.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the words "of America" be added after the words "United States" in the resolving clause of the resolution.

Is there objection?

There was no objection, and it was so ordered.

Mr. MANN. Mr. Speaker, a number of gentlemen have asked that the resolution might be again reported, and I ask unanimous consent that it may be again read by the Clerk.

The SPEAKER. Without objection, the Clerk will again report the resolution.

There was no objection, and the Clerk again reported the joint resolution.

Mr. MANN. Mr. Speaker, I may be in error, but I think that the effect of the resolution is practically only to give a method of enforcing what is now the law under the statute law and the treaty law of the United States. It is perhaps unfortunate in a way that it comes to the House without any opportunity of having it printed in advance. I suppose probably it has just occurred to the Secretary of State, as he was leaving his office to go to a committee meeting this afternoon, that the passage of this resolution was of vital importance to the Nation, and hence he directed one of the clerks or employees in his office to send a communication to Congress during the last day of its session. And yet I am not disposed to criticise him for that, although, it seems to me, it would have been a little more dignified, if the matter is of vital importance, to have had either the President himself or the Secretary of State send a communication to the Speaker of the House, as is required under the rules of the House. But, after all, we will probably have to forget and forgive a good many things before the European war is over; and when the administration asks of us something which the administration believes will aid it in preserving the neutrality of our country, I am in favor of giving them the legislation without hesitation and without

quibble. [Applause.] I hope that during the vacation—that while we are away, and after—the President and his administration will be able, in the troubled waters through which they must pass, to preserve our neutrality and our dignity and our rights; but it will be no easy task, and we ought not to be faultfinding in regard to it, and for one I shall support the resolution. [Applause.]

Mr. HOBSON. Mr. Speaker, I will ask the gentleman to yield me some of his time.

Mr. MANN. I think not.

The SPEAKER. The question is on suspending the rules and passing the joint resolution.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. FORDNEY] may have 10 minutes in which to address the House.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Michigan [Mr. FORDNEY] may have 10 minutes in which to address the House. Is there objection?

Mr. HOBSON. Mr. Speaker, reserving the right to object, on what subject?

Mr. MANN. I do not know.

Mr. HOBSON. The gentleman knew on what subject I wanted to speak to the House.

Mr. MANN. Oh, I knew that the gentleman wanted to get us into trouble of some kind. [Laughter.]

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Michigan [Mr. FORDNEY] be permitted to address the House for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

BEET AND CANE SUGAR INDUSTRY.

Mr. FORDNEY. Mr. Speaker, two or three days ago the gentleman from Colorado [Mr. KEATING] made some reference to some remarks which I had made on this floor regarding the beet and cane sugar industry of this country, and he placed in the RECORD some printed matter published by a paper in the State of Colorado. The gentleman from Colorado said that four out of seven beet-sugar factories in his State had closed their doors and were not operating at the present time.

The reason given by the gentleman from Colorado [Mr. KEATING] for the closing of the doors of those four factories was that the machinery was antiquated and not up to date, and therefore those factories were at a disadvantage with other factories in his State with more modern machinery and more favorably located for the production and manufacture of sugar.

Mr. KEATING. Mr. Speaker, will the gentleman yield just a moment?

Mr. FORDNEY. Yes, sir.

Mr. KEATING. I am sure the gentleman has no desire to misquote me.

Mr. FORDNEY. Oh, not at all; not under any circumstances.

Mr. KEATING. If the gentleman will refer to my remarks in the RECORD he will find that I said that the real reason those factories were closed was because the companies which controlled them refused to pay the farmers a sufficient price for their beets.

Mr. FORDNEY. No; I beg to differ with the gentleman. That was not your statement. Your statement was that the trust-controlled factories would not pay the farmers a reasonable price for their beets.

Mr. KEATING. Yes; and I reiterate that.

Mr. FORDNEY. Well, then, let me call your attention to the fact, my friend, that you are in error, because the Sugar Trust has no interest in the four factories in question that closed down, and the only factories operating in your State are the ones in which the Sugar Trust holds stock—the Great Western Sugar Co.

Mr. KEATING. Of course, I can not controvert that statement.

Mr. FORDNEY. I will give you the names of the factories that did close down. Here they are: The Lamar, owned by the American Sugar Co.; the Holly, owned by the Holly Sugar Co.; the Monte Vista, owned by the San Luis Valley Beet Sugar Co.; and the Las Animas, leased by the American Beet Sugar Co. All the factories in your State owned by the Great Western Sugar Co., and in which the American Sugar Refining Co., the so-called Sugar Trust, has any stock, sir, are running.

Mr. KEATING. Will the gentleman yield for just a moment?

Mr. FORDNEY. For just a short question.

Mr. KEATING. Does the gentleman contend that those factories, the ones controlled by the Sugar Trust, have dealt more generously with the farmers of Colorado than the others?

UNDER DEMOCRATS INDEPENDENT FACTORIES MUST CLOSE.

Mr. FORDNEY. The others, since 1913, could not deal at all with your farmers, because of your tariff legislation, and have closed their doors. And the only factories dealing with the farmers in your district are the ones in which the Sugar Trust is interested. [Applause.] That is correct, is it not?

Mr. KEATING. No; that is absolutely incorrect. The gentleman is mistaken.

Mr. FORDNEY. Pardon me just a minute.

The gentleman suggests in the article which he prints that last year a certain factory sliced 201,600 tons of beets, out of which was produced 500,000 bags of sugar, of 100 pounds each, or 50,000,000 pounds, and then says that he wants to see the time come, or the condition brought about, when the farmer in his State can receive a fair price for his beets. The gentleman, of course, believes in the Underwood tariff law—free trade on sugar—in order to bring about that condition.

Now, 50,000,000 pounds of sugar from 201,600 tons of sugar beets means 258 pounds of sugar extraction per ton, a reasonable amount of sugar extracted from a ton of beets, that test 16 per cent saccharine matter.

In the State of Michigan, where the average test is about 15 per cent, the factories produce some 240 pounds of sugar per ton of beets, showing a loss of 3 per cent in extraction, which is about correct, and the extraction in your State, sir, is no more. There is no modern machinery to-day with which the manufacturer can extract more than about 240 pounds of sugar from 15 per cent beets. In other words, there will be a loss of 3 per cent in extraction. The article put in the Record by the gentleman from Colorado states that the factory owners claim those beets cost them \$7.44 a ton delivered at the factory. He states, and his friends who published the article say, that the farmers received only \$5.30 a ton for their beets, but he neglects to add that in the State of Colorado most of the beets that are produced are siloed, at a cost of from 50 to 75 cents a ton. And in addition the factory pays the freight on the beets from weigh stations to the factory. They also pay the cost of unloading, they pay the expense of their field men, of overhead charges, interest, taxes, and insurance. All those costs must be added to the price paid to the farmers for beets. And you, my friend, accepting the statement of somebody who does not claim to be a manufacturer of sugar, deny or dispute the statement given out by the owners of the factories, that those beets cost them \$7.44 a ton delivered at the factory. If you will divide \$7.44 by 258—which you claim was the number of pounds of sugar produced from a ton of beets in Colorado—it will show that it costs the factories 3 cents a pound for the sugar in the beets delivered at the factory.

And, if I have the time, I want to show you statistics furnished by Willett & Gray, sugar statisticians, that the Sugar Trust, in October, 1913, before the Underwood tariff law took effect, and when the domestic sugar was on the market in this country, ran down the differential. What I mean by the differential is the difference between the price paid for raw imported sugar and the price of granulated sugar fixed by the trusts, out of which must come the refining cost, which is, in round numbers, 40 cents per 100 pounds.

UNDERWOOD TARIFF HELPED THE TRUST.

Early in the spring of 1914, before the reduction in tariff on sugar provided for in the Underwood law went into effect, and at a time when the domestic beet sugar was on the market, the refiners or so-called Sugar Trust ran down that differential to 44 cents per 100 pounds, which yielded about 4 cents profit on each 100 pounds. A profit of 4 cents per 100 pounds amounts to 14 cents profit on a barrel of sugar of 350 pounds.

And in September last, just before the beet sugar came on the market, and at a time when there was no domestic sugar with which the refiners must compete, the trust rapidly advanced their differential to \$1.84 per 100 pounds. Take from that \$1.84 the cost of refining—40 cents—and it leaves \$1.44 per 100 pounds as the Sugar Trust's profit, or \$5.04 profit per barrel of 350 pounds. With that enormous differential of \$1.84 the American Sugar Refining Co., producing 45,000 barrels of sugar per day, is able to realize a daily profit amounting to no less than \$225,000. On the other hand, when their differential was but 44 cents their profit was only \$6,300 a day. That is the difference in the control the Sugar Trust has over sugar prices when there is no domestic sugar on the market and when they have domestic competition. In January and February, 1914, the price paid by the Sugar Trust for Cuban raw sugar f. o. b. New York was \$2.01 per hundred pounds, and as above shown the beet-sugar factories in your State last year paid 3 cents per pound for the sugar in the beets delivered at the factories,

Now, in view of this fact, how can you consistently say sugar can be produced in Colorado as cheaply as any place in the world?

In January and February, 1914, before the new rate on sugar provided in the Underwood tariff law took effect, the price of raw sugar to the Sugar Trust f. o. b. New York was \$2.01 per hundred pounds, and in March and April, 1914, after the tariff reduction, the price was \$2.04 per hundred pounds, practically no change at all.

FREE SUGAR HELPS REFINING TRUST.

You say that the high price of sugar exacted from the people of this country in August and September last year was due to the war in Europe. That war rages as fiercely to-day as ever. There is no reason why the price of sugar should be any less to-day than in August and September of last year, except that when our domestic sugar is on the market the Sugar Trust always reduces the price. Every time you vote for a reduction of the duty on raw sugar or for free trade, you cast a vote in favor of the Sugar Trust, and they make the American people pay the penalty by putting up the price. [Applause on the Republican side.] When our domestic sugar comes on the market the price goes down. Our domestic production of sugar in this country amounts to 25 per cent of the total consumption. That domestic sugar is on the market six months in the year. Therefore during that six months our domestic production of sugar furnishes us 50 per cent of our consumption at a lower price, because the Sugar Trust reduces the price of its sugar, and during the remaining six months the sugar refining companies make their profits for the whole year. Every time you vote for a reduction of the duty you vote for a higher price of sugar, but you vote for a lower price for beets to the farmers of this country, as is evidenced by your own statement that last year's price of beets was 50 cents a ton less than the previous year. [Applause on the Republican side.]

In his remarks before this House last Friday the gentleman from Colorado [Mr. KEATING] took it upon himself to assail me for criticizing the policy of the present administration toward the domestic sugar producers.

He embodied in those remarks certain "figures" intended to prove that the domestic sugar manufacturers, who are now at death grips with the seaboard refiners of sugar, were themselves making inordinate profits. No such "figures" as he presented have been heard in Washington since the days of Mulberry Sellers. The gentleman from Colorado resembles "Mulberry" in more ways than one. Both turn to agriculture when they indulge in flights of fancy, and to preserve the parallel both have a fondness for the root crops. Mulberry Sellers reveled in turnips, and maintained that the high cost of living could be solved by eating turnips and drinking water. His successor from Colorado has substituted the sugar beet for the turnip crop, but otherwise appropriates both the logic and phraseology of his famous predecessor, and solemnly informs us that there are "millions in it."

HOW MR. KEATING FIGURES.

By multiplying the total output by the highest market quotation for granulated sugar and then deducting the price that the company paid the farmers for the beets, the gentleman from Colorado has proved entirely to his own satisfaction that the Rocky Ford (Colo.) Co. has made a net profit this year of \$1,116,028 on an investment of \$1,000,000. The process is very simple and one of its advantages lies in the fact that any net profit desired can be secured when the costs are known by selecting the market price at which the total output is to be sold. It is the favorite plan followed by those about to break into the poultry business. They figure the number of eggs a hen will lay; make a certain allowance for breakage, for the molting period, and for the natural perversity of the hen, and then, after feeling that they have made due allowance for all adverse contingencies, simply multiply the result by a sufficient number of hens to yield the income they started out to secure.

This is the highly intelligent process followed by the gentleman from Colorado, only he has substituted sacks of granulated sugar for eggs. He solemnly informed the House that during the season just closed the factory handled 201,600 tons of beets, at a cost of \$1,673,280, from which it secured 500,000 bags of sugar of 100 pounds each.

The farmers figure that the factory received \$5.25 per sack for this sugar, a very moderate estimate, as I have shown—

Says Mr. KEATING—

because the current price for sugar is from 50 cents to a dollar higher than that figure. Let us accept the farmers' figure, however, or \$5.25 per sack, and we find that the sugar company received \$2,625,000 for the sugar. It is estimated that it received \$164,308 for various by-products, or a total of \$2,789,308.

If we deduct from this latter sum the amount paid the farmers for their beets and the total cost to the factory for handling the beets, we find that the company's net profit was \$1,116,028.

This is on an investment of about \$1,000,000.

This method of calculation is in keeping with the entire process of reasoning that was followed by the Democrats in dealing with the tariff. It would all be very amusing if it had not proven so serious for the business of the country. In the present instance it is all the more inexcusable because the gentleman from Colorado could have learned the facts had he made the slightest effort, and thus avoided the ludicrous spectacle that he made of himself when he submitted those figures.

A few minutes of investigation of the trade reports would have convinced him that neither the Great Western nor any of the other beet-sugar companies have realized anything like the prices which he asserts they secured for their entire output. In fact, the losses they have sustained through not being able to sell at current market prices, because of the fact that they had contracted for their output before the advance, had been notorious in sugar circles since the outbreak of the European war.

As long ago as August 20, 1914, Willett & Gray's Weekly Statistical Trade Journal, page 308, announced:

We are advised that both the American Beet Sugar Co., having factories in California, Colorado, and Nebraska, and the Great Western Sugar Co., of Colorado, have made free contracts for deliveries of their products at the low prices current before August 1, and are disposed to continue sales as rapidly as sugar can be produced in order to relieve any acute situation that may arise. The beet crops east of the Rocky Mountains do not come to market until October.

EUROPEAN WAR DID NOT HELP INDEPENDENTS.

On August 22, the Louisiana Planter, page 126, published a telegram from Mr. Truman G. Palmer, beet-sugar statistician, of this city, giving extracts from reports of a number of beet-sugar factories throughout the West. They show conclusively that the small manufacturers of this country derived no benefit from the colossal sum of which the Sugar Trust, with the connivance of the Democratic administration, mulcted the consumers of this country during the month of August, 1914. Here is the telegram:

WASHINGTON, August 19, 1914.

Except in California, the domestic beet-sugar crop is not ready to harvest, and the following telegrams received by me to-day from seven of the nine California manufacturers of beet sugar show how much warrant there is for the widely published statement that the present high price of sugar is due to a conspiracy among American beet-sugar manufacturers to hold back their 1914 crop:

"Your wire 16th: Have sold 124,000 bags. Have manufactured to date 27,500 bags. All buyers clamoring for deliveries. It will take until October 5 to manufacture and deliver all this sugar at old prices. Have not sold car at higher prices." (Los Alamitos Sugar Co.)

"Have made 6,560 bags of sugar this season, all of which has been shipped as made, and direct to purchasers, on bona fide sales made during June and July." (Santa Ana Cooperative Sugar Co.)

"Large portion of our sales are Missouri River territory. Our total sales several times greater than production to date, and nearly all made prior to advance, account of war." (Holly Sugar Co.)

"We expect to make 1,500,000 bags present campaign, of which we have contracted to sell 1,000,000 bags. Sales of sugar at present date will employ capacity of factories until late December." (American Beet Sugar Co.)

"All sugars manufactured by this company not consumed in California shipped to Missouri River territory, and shipping as rapidly as made. When southern California factories went into market to sell sugar, jobbers refused to buy, stating they had supply on hand and contracted to last October 1—some, January 1. Sold 75 carloads to be shipped on instructions. Have received instructions for 11 cars. Have filled these and shipped 10 cars additional to our brokers at Kansas City, and shipping more daily." (South California Sugar Co.)

"We have sold for August and early September delivery 67,790 bags of 100 pounds each. We have made and delivered on these contracts 21,000 bags, and are shipping as fast as we can possibly make it and holding back nothing. Have not been up to capacity until last Saturday, owing to slow delivery of beets." (Anahelm Sugar Co.)

The average price received by all of these factories for their 1914 sugar, f. o. b. factory, has been 4.04 cents per pound, the highest average price received by any one of the factories being 4.75 cents per pound.

Due to the reduction of the import duty and the low price of sugar before the outbreak of the war in Europe, eight American beet-sugar factories closed down, others reduced their acreage, and the 1914 crop of domestic sugar will be from two and one-half to three million bags less than the 1913 output.

To finance their operations, a large portion of the crop is sold several months in advance of its manufacture, and the extra profits, because of the advance in price, will inure to the dealers and not to the manufacturers.

TRUMAN G. PALMER.

On September 10, Willett & Gray, page 339, announced the following:

The Great Western Sugar Co. is reported to have sold 250,000 bags of its 1914 product at prewar-time prices. The campaign at Grand Junction is expected to start not later than October 1.

ADMINISTRATION DID NOT CURB REFINERS.

The outrageous robbery of the American people last summer by the Sugar Refining Trust, with the connivance of the Democratic administration, occurred during the months of August and September. The wholesale price of fine granulated sugar at the port of New York was jumped by leaps and bounds from 4.16 cents per pound on July 28 until it reached 7.35 on August 18. It continued at inflated prices until October, when

the domestic crop began moving and brought relief to the American consumers.

As the extracts I have read conclusively show, none of the independent manufacturers had any stocks on hand in August and September, 1914, when sugar reached the highest point in modern history.

The hypocritical campaign that had been carried on by the refiners while the Underwood bill was under discussion had depressed the price of raw sugar to the lowest point on record. Many producers were compelled to sell at less than the cost of production. Thousands of farmers were ruined and many of the smaller sugar houses were dismantled. Those of the independent operators who survived contracted to sell the first part of this year's output at prices which prevailed prior to the European war in order to secure advances for operating expenses.

The only stocks of sugar held in this country were in the hands of the seaboard refiners. While the tariff bill was before Congress they sold stock at an actual loss, in order to further their deceitful campaign for free sugar. But after their purpose was accomplished they steadily advanced prices to make up their losses, and the consumer, who was deceived for a short period, was compelled to reimburse them as soon as the European war gave them a pretext for raising prices.

This course of the refiners in this matter was made clear in a letter from the Louisiana-Porto Rico headquarters, which was published in the CONGRESSIONAL RECORD for August 14 last by Senator RANSDALL. It said:

Developments in Europe during the past week have resulted in a sensational advance in both raw and refined sugar. Prices now promise to soar far above the level of 1911, when the shortage of the European beet crop was followed by a world-wide advance in prices.

But the refiners should not be allowed to take advantage of the war in Europe to deceive Congress or the consuming public regarding their course in advancing prices. Their record in this connection should be made plain to the people.

They broke their promise, at the same time issuing misleading statements that the consumers were receiving the full benefit of the 25 per cent cut in the tariff on raw sugar. This was before the slightest cloud had appeared upon the horizon of European politics.

As stated in the cited case of Crystal Dominos, the refiners began the advance during the week of May 21-28, a full month before the Austrian Archduke Ferdinand was assassinated at Sarajevo, on June 28. All the advances I cited occurred prior to July 16, but Austria did not send her ultimatum to Servia until a week after that date, July 23. Consequently the refiners can not plead the European trouble for breaking their promise.

Should a readjustment of the import duties be deemed necessary by reason of the European war, these facts should be brought to the attention of Congress in considering the sugar schedule.

Not only did the Sugar Refining Trust and its allies fail to live up to its promise to give the consumers the full benefit of the tariff cut on raw sugar, but before the war in Europe afforded them the slightest excuse they were cleaning up millions of dollars at the expense of the domestic producers.

MR. KEATING'S PRICES ARE QUESTIONED.

That same letter, which was subsequently sent to all Members of Congress under Senator RANSDALL's frank, contained certain statements regarding the price of sugar in Colorado before and after the passage of the Underwood bill which are in direct conflict with the statement made on the floor of this House by the gentleman from Colorado.

In concluding his remarks the gentleman from Colorado said:

During my campaign in Colorado in the fall of 1912 I took occasion to ascertain the retail price of sugar in the various towns I visited. I found that the grocers were selling from 12 to 14 pounds of sugar for \$1. After the Underwood bill was enacted those same grocers sold 20, 21, and even 22 pounds of sugar for \$1. The consumer of sugar, therefore, received from 6 to 8 pounds more of sugar for his dollar than he had received prior to the change in the tariff.

Inquiry at any grocery in the city of Washington will confirm these figures.

The letter which was published in the CONGRESSIONAL RECORD by Senator RANSDALL, from the Louisiana-Porto Rican people, contained excerpts taken from the advertising columns of the daily papers of 36 States, now on file in the Library of Congress.

These advertisements—

It said—

show the retail price of sugar.

This is the fairest way of ascertaining how the consumer has actually fared. The merchants paid for the newspaper space carrying these advertisements. The prices were announced as "bargains," and in many cases sugar was offered at cost in order to stimulate the sale of other goods.

Wherever it has been possible to do so, corresponding prices for a year ago have been given from the papers on file in the Library.

Under the heading of "Colorado," the letter gives the following:

COLORADO.

1914.	1913.
The John Thompson Grocery Co., Denver, 22 pounds fine granulated sugar, \$1. (From the Rocky Mountain News, July 12, p. 4, sec. 2.)	The John Thompson Grocery Co., Denver, sugar, 100 pounds, beet, \$5.10; sugar, 100 pounds, cane, \$5.30. (From the News, July 13, p. 4.)

The sugar schedule of the Underwood bill became operative March 1, 1914, and these figures of the John Thompson Grocery Co. do not bear out the experience of the gentleman from Colorado, who says he now obtains from 20 to 22 pounds of sugar for a dollar, whereas he formerly obtained only 12 to 14 pounds.

I believe, Mr. Speaker, that these few extracts I have taken from the patchwork "figures" that were used so recklessly by the gentleman from Colorado warrant the comparison I have drawn between him and Mulberry Sellers.

But whereas Mark Twain's poor old visionary, over whose vagaries two generations of Americans have laughed, was never vicious, his successor from Colorado has seen fit to impugn my motives in the fight I have been making here for the preservation of a great American industry and gratuitously insinuate that my sympathies are with the Sugar Trust and not with the farmer.

With a blandness which has few parallels, he has also attempted to shift the alliance which the administration has notoriously maintained with the Sugar Refining Trust since it came into power two years ago from the Democrats to the Republicans. There never was a more flagrant wearing of the livery of heaven to serve the devil, and no better proof of this can be had than is furnished by the Democrats themselves. Sugar farmers of Louisiana, who for a quarter of a century have maintained an unbroken fealty to the Democratic Party, are so outraged at the conduct of this administration in betraying them to the Sugar Trust that they overwhelmingly drove it from power last November and sent a protectionist here to represent them. That representative, who has been in Washington for the past week and who is thoroughly familiar with the domestic sugar situation, appears to have read the remarks of the gentleman from Colorado as printed in the RECORD with astonishment. I was surprised and gratified to receive the following letter from him this morning:

WHAT THE LOUISIANA INTERESTS SAY.
UNITED STATES HOUSE OF REPRESENTATIVES,
Washington, D. C., March 1, 1915.

HON. JOSEPH W. FORDNEY,
Washington, D. C.

MY DEAR MR. FORDNEY: Just as I was about to leave the city I chanced to see the very remarkable address delivered by Mr. KEATING, appearing in the CONGRESSIONAL RECORD of February 26. I wish to state that the sugar growers of my State resent the insinuation contained in the address of Mr. KEATING that your remarks of a few days ago were in the interest of the Sugar Trust.

Anyone acquainted with the history of sugar legislation knows that the trust has always worked for and favored free sugar, to the end that the sugar producer, both beet and cane, might be put out of business and thus enable the trust to absolutely control and manipulate the sugar market. When the Underwood bill was under consideration the Sugar Trust maintained an active lobby at the Capitol, and it gained a great victory when the Democratic Party was persuaded to violate its platform pledge—not to injure or destroy any legitimate industry—and place sugar upon the free list.

The European war is all that saved the sugar growers in my State, and the fact that we of Louisiana are still in the sugar business is not due to anything the Democratic Party has done for us, but in spite of all that it has done against us.

The attack upon the motive which has governed you in your fight for a duty on sugar is both unjust and unfounded. We of Louisiana fully appreciate the high and disinterested purpose which has prompted you to urge the retention of a duty upon sugar, as we are fully aware that the European war will not last always, and unless there is some favorable legislation looking toward the restoration of a duty the great sugar industry of this country is doomed.

Permit me to thank you for your efforts to save the sugar grower of my State and to assure you that your interest in our welfare is much appreciated.

With assurances of high regard, I am,
Yours, very truly,

W. P. MARTIN.

The entire statement of the gentleman from Colorado was a fantastic crazy quilt of inaccuracy and misstatement. To begin with, the closing of four beet-sugar factories in his State last year, which he attributed to the influence and policy of the Sugar Trust, giving the impression that the closed factories were those in which the trust is interested, is misleading, inasmuch as all of the four factories which were closed are independent factories, in which the trust has no interest whatever. The closed factories, as before stated, were as follows:

- Lamar, owned by the American Beet Sugar Co.
- Holly, owned by the Holly Sugar Co.
- Monte Vista, owned by the San Luis Valley Beet Sugar Co.
- Las Animas, leased by the American Beet Sugar Co.

All of the nine factories owned by the Great Western Sugar Co., in which the Sugar Trust has a minority interest, were operated.

Mr. KEATING says three factories were closed because they were old and the machinery antiquated. They were erected in the following years, all but Lamar, with entirely new machinery:

Lamar	1905
Las Animas	1907
Monte Vista	1911
Holly	1905

MORE WILD STATEMENTS EXPOSED.

The gentleman from Colorado in the course of his tirade against the domestic sugar industry was interrupted by the gentleman from New York [Mr. TALCOTT], who, seeking certain definite information, asked if the production in 1914 of sugar beets in Colorado was much below that of 1913.

With characteristic inaccuracy and assurance the gentleman from Colorado replied:

No; it was approximately the same. I have not the exact figures at hand.

As a matter of fact, the falling off in the production of sugar beets in his State for the past year, as shown by the preliminary report of the Department of Agriculture, Farmers' Bulletin 641, page 5, was not only greater in tons, but greater in percentage than in any other State but one. The loss to Colorado was put at 288,653 tons, out of a total decrease for the United States of approximately 500,000 tons. The figures given by the Department of Agriculture show that the tonnage for the United States fell off something more than 9 per cent, most of that calamity falling upon his own State, where the crop shortage amounted to practically 15.6 per cent, and yet he flipperily announced when questioned that this heavy loss to one of the great staple crops was only "approximate."

Mr. TALCOTT of New York then asked:

That was so throughout the country also, was it not?

To which the gentleman, with the same bland assurance, replied:

I have not the figures at hand. I do not think the reduction was very great.

If Mr. TALCOTT of New York was seeking information regarding the production of cane sugar in the Southern States as well as beet when he used the term "throughout the country," the reply of the gentleman from Colorado was even more misleading to the second question than to the first. The same official publication from which I have quoted estimated that the tonnage in Louisiana had been reduced from 4,214,000 short tons to 3,600,000 short tons of cane, as a result of the free sugar policy of the gentleman's party, which has well-nigh ruined the principal industry of that State.

If the gentleman's crop estimates are thus unreliable, his quotation of market prices is even worse and more inexcusable, as he had every opportunity to correctly inform himself on this point had he made the slightest effort to do so. With a great flourish he informed the House that he had "studied the sugar question with some care." At the same time he announced:

Granulated sugar is now selling in eastern markets at \$5.75 per hundred pounds. It commands \$6.25 per hundred pounds in the Denver market, and corresponding prices in other markets of the country. Six dollars per hundred pounds would be a good average price.

PRICES OF SUGAR ON DENVER MARKET.

When the Sugar Trust was exploiting the people of Colorado without interference from the Democratic administration during the months of August and September, sugar was selling on the Denver market at prices ranging from 7.10 to 7.55 cents per pound. When the domestic beet crop came to the relief of the consumers in October the Sugar Trust was compelled to suspend its extortion, and on October 6 Colorado beet was quoted on the Denver market at 6.55, a drop of a full cent per pound from the price asked for granulated cane sugar on September 21, and 80 points below the price of beet on the corresponding date.

The following Denver prices, as taken from Willett & Gray's for the past four months, will suffice to show how accurate and fair the gentleman is when he informs this House that this sugar is selling on the Denver market for 6.25:

Date.		Price of beet sugar.
1914.		
Oct. 6	Denver	6.55 differential 50 points.
13	do	6.30 less 2 per cent.
24	do	6.05 less 2 per cent.
24	do	5.85 less 2 per cent.
30	do	5.55 less 2 per cent.
Nov. 4	do	5.35 less 2 per cent.
5	do	5.05 less 2 per cent.
13	do	5.15 less 2 per cent.
23	do	5.25.
30	do	5.35.
Dec. 7	do	5.45.
1915.		
Jan. 16	do	5.40 less 2 per cent.
Feb. 1	do	5.40 less 2 per cent.
4	do	5.60 less 2 per cent.
5	do	5.70 less 2 per cent.
6	do	5.85 less 2 per cent.
9	do	6.10 less 2 per cent.

Upon questions of policy men may honestly differ, and upon questions of fact when the evidence is conflicting or not clear the same applies. But there is no occasion for dispute regarding the market quotations of the staple commodities of the United States. They are fixed and certain, and may be known to all men. When the gentleman, therefore, makes the sweeping statement that it is false to deny the consumer "is not benefited from the reduction of the sugar tariff," when that fact is notorious and is susceptible of proof, he is without justification or excuse.

And when he transgresses the pale of controversial discussion and the best traditions of this House to intimate that my sympathies in this matter are covertly with the Sugar Trust rather than the American farmer, I want to brand that statement so that all honorable men will know it. My course in this sugar controversy is fully known to the beet farmers of the West and the cane farmers of the South, and if there was the slightest question regarding it I would unhesitatingly submit to their verdict.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS, Mr. PITTMAN, and Mr. SMOOT as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16510. An act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, to extend to certain of such officers the thanks of Congress, and for other purposes;

H. R. 21328. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 20975. An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 20347. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1916;

H. R. 21201. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1916;

H. R. 20643. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 21089. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 21218. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 9899. An act to authorize the laying out and opening of a public road on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations in Nebraska and on Indian reservations in Montana.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 4180. An act to validate title to certain town sites in the State of Montana;

S. 7212. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 7188. An act to increase the limit of cost of the United States post-office building at Garden City, Kans.;

S. J. Res. 191. Joint resolution to convey appreciation of Congress to their excellencies Señor Domicio da Gama, Señor Rómulo S. Naón, and Señor Eduardo Suárez for their generous and distinguished services as mediators in the controversy between the Government of the United States and the leaders of the warring parties in Mexico;

S. 3362. An act to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries, to make a survey of natural oyster beds, bars and

rocks, and barren bottoms contiguous thereto, in waters along the coast of and within the State of Texas; and

S. 7362. An act authorizing and directing the Secretary of the Interior to patent certain lands to the State of Utah and to accept relinquishment from the State of Utah of certain other lands in lieu thereof.

ENROLLED BILLS 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 bills:

H. R. 16642. An act authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Vineland, N. J.;

H. R. 15038. An act proposing an amendment to the Federal reserve act relative to acceptances, and for other purposes;

H. R. 1698. An act to amend an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplemental thereto;

H. R. 4545. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. J. Res. 366. Joint resolution authorizing the Secretary of War to use any allotment made under the provisions of an act approved October 2, 1914, entitled "An act making appropriations for the construction, repair, and reservation of certain public works on rivers and harbors, and for other purposes," for the improvement of East River and Hell Gate, N. Y.;

H. R. 1090. An act for the relief of Alonzo D. Cadwallader;

H. R. 9701. An act for the relief of F. W. Theodore Schroeter;

H. R. 2662. An act for the relief of Andrew J. Lawrence;

H. R. 12229. An act for the relief of William A. Wallace;

H. R. 3430. An act for the relief Lottie Rapp;

H. R. 7205. An act for the relief of H. S. Hathaway;

H. R. 9734. An act for the relief of Victoria Coffman;

H. R. 20894. An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes;

H. R. 12909. An act for the relief of James W. McGreevey;

H. R. 20975. An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 21328. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 2642. An act authorizing the President to reinstate Joseph Eliot Austin as an ensign in the United States Navy;

H. R. 21121. An act to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914; and

H. R. 16510. An act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, to extend to certain of such officers the thanks of Congress, and for other purposes.

MAJ. JOHN O. SKINNER, SURGEON, UNITED STATES ARMY, RETIRED.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2789) to award the medal of honor to Maj. John O. Skinner, surgeon, United States Army, retired.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to award the medal of honor to Maj. John O. Skinner, surgeon, United States Army, retired, for gallantry in action while serving as an acting assistant surgeon, United States Army, in having rescued a wounded soldier who lay under a close and heavy fire during the assault on the Modoc stronghold during the battle of January 17, 1873, in the Lava Beds, Oreg., after two soldiers had unsuccessfully attempted to make the rescue and both had been wounded in doing so.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I should like to ask the gentleman from Alabama [Mr. UNDERWOOD], the leader of the majority, if he contemplates moving that the House take a recess to permit the Members to go to their hotels for dinner?

Mr. UNDERWOOD. It is my desire to take a recess as soon as this bill is disposed of.

Mr. CARLIN. Let us dispose of it quickly, then.

Mr. STAFFORD. I know the gentleman is very anxious to dispose of it quickly, because the report of the Secretary of War is adverse to the granting of this medal of honor to this assistant surgeon.

Mr. HAY. If the gentleman will permit me—

Mr. STAFFORD. I shall be glad to hear the statement of the chairman of the committee that reported the bill.

Mr. HAY. The reason given by the Secretary of War for his adverse report is that under the law these medals of honor can be granted only to commissioned officers or enlisted men. Now, this man was a contract surgeon, and therefore was neither a commissioned officer nor an enlisted man. But the Secretary of War and the Adjutant General of the Army both admit that this is a very meritorious case; and I may say to the gentleman that medals of this character have been awarded to men who were contract surgeons, when they had not performed as gallant service as this man performed, and those awards have been made, not by act of Congress, but by the War Department.

Mr. STAFFORD. I half agree with the statement of the gentleman, but I believe a close reading of the report of the Secretary of War shows that he is opposed to the granting of this medal of honor, because there are hundreds of civilians who are equally entitled to it.

Mr. CARLIN. Has the gentleman made up his mind to object?

Mr. STAFFORD. I was quite impressed with the statement of the chairman of the committee that medals of honor had been awarded to other persons who had not performed as meritorious service as this gentleman.

Mr. HAY. I think this was an unusually gallant act.

Mr. STAFFORD. The Secretary of War, as I was about to state, bases his objection on the fact that to award these medals of honor to civilians promiscuously would lower the purpose and dignity intended to be conferred by the original law, which provided that this medal of honor should be awarded only to those in the military service.

Mr. HAY. But it is within the power of Congress to regulate that; and I will say to the gentleman that while there are very numerous bills pending before the Committee on Military Affairs to confer these congressional medals of honor upon certain civilians this is the only case which appealed to us as strong enough to justify us in reporting the bill, and I do believe you could not find a stronger case than this, where a man under fire went to rescue a wounded soldier and placed himself under fire in order to do so. I hope my friend from Wisconsin will not object.

Mr. STAFFORD. The gentleman thinks that this will not be taken as a precedent and these medals of honor given to civilians who have not performed real gallant service?

Mr. HAY. Oh, no.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

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

EXTENSION OF REMARKS.

By unanimous consent, the following Members were given leave to extend remarks in the RECORD: Mr. SLEMP, Mr. KEATING, Mr. FLOOD of Virginia, Mr. VAUGHAN, Mr. MANN, Mr. MACDONALD, Mr. FORDNEY, Mr. TAVENNER, Mr. FESS, Mr. AUSTIN, Mr. KELLY of Pennsylvania, Mr. HOBSON, and Mr. TAYLOR of Colorado.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess until half past 8 this evening.

Mr. MANN. I would like to ask the gentleman if there is any possibility that the agricultural bill will be back from the Senate at that time.

Mr. UNDERWOOD. I understand that the conferees have agreed, and possibly it may be back at that time.

Mr. MANN. Does the gentleman know whether the Senate has taken a recess?

Mr. UNDERWOOD. I do not know the recess hour of the Senate. However, Mr. Speaker, I will move that the House take a recess until 9 o'clock.

The SPEAKER. The gentleman from Alabama moves that the House take a recess until 9 o'clock. The Chair will state to the House that the gentleman from South Carolina, Mr. LEVER, chairman of the Agricultural Committee, informs the Chair that the conferees have a general agreement on the agricultural bill.

Mr. MANN. But it has first to be acted upon in the Senate.

Mr. LEVER. The Senate has to act first, and of course it will not be over here before 9 o'clock.

Mr. MOORE. Mr. Speaker, I want the gentleman from Alabama to indulge me for a moment. There are two resolutions pending, which are privileged, which pertain to the business of the War Risk Bureau. In view of the resolution which the gentleman offered a little while ago, it might be a question whether they should be called up now; but this is the last opportunity to call them up, and while I think it would be well to

have the information they call for, I do not want to embarrass the State Department. I want to know whether it would embarrass the situation to call them up now.

Mr. UNDERWOOD. I can not say, because I am not informed; but I think it would be wiser not to call them up at the present time.

Mr. MOORE. I am inclined to agree with what the gentleman has done, although I think perhaps what has been done was aggravated by those resolutions and by what has been said about the War Risk Bureau. I asked the gentleman from Georgia for information yesterday, and when he was about to answer we were both cut off. If the gentleman from Alabama will yield to the gentleman from Georgia, who is chairman of the committee to which my resolutions were referred, he may say whether the Treasury Department means to give the information voluntarily that has been asked for.

Mr. ADAMSON. In view of the statement of the gentleman from Pennsylvania, that it was not expedient to call up the resolutions now, I do not think that I should answer.

Mr. MOORE. If it embarrasses the administration, I may not ask it.

Mr. ADAMSON. I prefer not to answer.

Mr. UNDERWOOD. I hope the gentleman will not press his resolutions at this time.

The SPEAKER. The question is on the motion of the gentleman from Alabama that the House take a recess until 9 o'clock this evening.

The motion was agreed to; accordingly the House, at 6 o'clock and 12 minutes, stood in recess until 9 o'clock p. m.

EVENING SESSION.

The recess having expired, the House was called to order by the Speaker at 9 o'clock p. m.

AMERICAN REGISTRY OF FOREIGN-BUILT SHIPS (H. DOC. NO. 1664).

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to print as a House document a list of foreign-built ships admitted to American registry since December 17, 1852.

The SPEAKER. The gentleman from Missouri asks unanimous consent to print as a House document a list of foreign-built ships admitted to American registry since 1852. Is there objection?

There was no objection, and it was so ordered.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I present a conference report on the bill H. R. 21546, the general deficiency appropriation bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York presents a conference report on the general deficiency appropriation bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I will ask the gentleman from New York if there is anything in the conference report that is subject to the point of order?

Mr. FITZGERALD. There is nothing that is subject to the point of order.

Mr. MANN. I do not object.

The SPEAKER. The Clerk will read the statement.

The Clerk read the statement of the conferees.

The conference report is as follows:

CONFERENCE REPORT (NO. 1503).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21546) making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 8, 13, 14, 16, 18, 19, 20, 21, 22, 25, 34, 37, 47, 51, 52, 55, 60, 69, 70, and 77.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 9, 10, 11, 15, 17, 23, 24, 26, 28, 29, 30, 32, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 53, 54, 57, 58, 62, 63, 64, 65, 66, 67, 68, 71, 72, 73, 74, 75, 76, and 78, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the following: "Interstate Commerce Commission, as well as for"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment, after the word "purchase," insert the following: "until the end of the fiscal year 1916,"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "\$25,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and on page 27 of the bill, in line 20, strike out "\$26,735.36" and insert in lieu thereof "\$26,864.72"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$2,000"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$36,000"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$65,000"; and the Senate agree to the same.

JOHN J. FITZGERALD,
C. L. BARTLETT,
FREDK. H. GILLETT,

Managers on the part of the House.

N. P. BRYAN,
F. E. WARREN,

Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. GILLETT] and myself may have leave to extend our remarks in the RECORD by printing a statement relative to the appropriations made by the Congress at this session.

The SPEAKER. The gentleman from New York asks unanimous consent that he and the gentleman from Massachusetts [Mr. GILLETT], the ranking Republican member of the Committee on Appropriations, have leave to extend their remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Clerk will report the first bill on the Calendar for Unanimous Consent.

ADVISORY COMMITTEE FOR AERONAUTICS.

The first business on the Calendar for Unanimous Consent was H. J. Res. 413, to authorize the appointment of an advisory committee for aeronautics.

The Clerk read the title of the resolution.

Mr. MANN. Mr. Speaker, I believe that resolution is included in the naval appropriation bill, which was passed this afternoon. The gentleman from Pennsylvania [Mr. BUTLER] will know whether the advisory committee provision remained in the conference report?

Mr. BUTLER. It did.

The SPEAKER. The Clerk will call the next bill.

PUBLIC BUILDING AT BLYTHEVILLE, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11291) for the purchase of a site and the erection of a public building at Blytheville, Ark.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I do not know who is in charge of this bill, but there are a number of these bills on the calendar and I would like to ask somebody a question about them. The department has reported

upon all of these bills, each providing for the purchase of a site.

Mr. GOODWIN of Arkansas. Mr. Speaker, my colleague, Mr. CARAWAY, is unavoidably absent from the Chamber, and I ask unanimous consent that this bill be passed over temporarily.

The SPEAKER. The gentleman from Arkansas [Mr. GOODWIN] asks unanimous consent that the bill be passed over temporarily until his colleague [Mr. CARAWAY] returns. Is there objection?

There was no objection.

PUBLIC BUILDING AT ELKINS, W. VA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20340) to increase the appropriation for a public building at Elkins, W. Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost heretofore authorized for the erection of a building for the use and accommodation of the post office and other offices of the Government at Elkins, W. Va., be increased from \$85,000 to \$135,000.

With the following committee amendments:

Line 6, strike out the figures "\$85,000" and insert in lieu thereof the figures "\$95,000."

Line 6, strike out the figures "\$125,000" and insert in lieu thereof the figures "\$145,000."

Mr. MANN. Mr. Speaker, the bill provided for an increase in the cost of the building from \$85,000 to \$135,000. The committee has recommended amendments changing the amount to \$95,000 and \$145,000. It would be the same increase; but the committee amendments are wrong. The original authorization for a site and a building was \$95,000, \$10,000 for the site and \$85,000 for the building. If it is proposed to increase the authorization for the site and the building, that would be from \$95,000 to \$145,000; but this bill merely provides for an increase in the cost of the building. The original cost of the building was fixed at \$85,000, and hence the committee amendments ought to be disagreed to, for fear the bill would not amount to anything.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were rejected.

The SPEAKER. 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.

REORGANIZATION OF RURAL MAIL SERVICE.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 738, which I send to the desk and ask to have read.

The Clerk proceeded to read the House resolution.

Mr. MANN (interrupting the reading). Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. How does this come before the House?

The SPEAKER. The gentleman from Kentucky asks unanimous consent for its present consideration.

Mr. MANN. Mr. Speaker, I object.

Mr. THOMAS. Then, Mr. Speaker, I move to suspend the rules and pass the resolution.

The SPEAKER. The Chair will not recognize the gentleman for that at the present time. The Clerk will report the next bill on the Calendar for Unanimous Consent.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 56.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the Journal of the Forty-ninth National Encampment of the Grand Army of the Republic for the year 1915, not to exceed \$1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20415) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916.

GRANT OF COAL LANDS TO GRAND JUNCTION, COLO.

The next business on the Calendar for Unanimous Consent was the bill H. R. 1633, a bill granting certain coal lands to the city of Grand Junction, Colo.

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

Mr. MANN. I object.

HOMESTEAD ENTRIES FOR MINORS.

The next business on the Calendar for Unanimous Consent was the bill S. 2419, an act permitting minors of the age of 18 years or over to make homestead entry or other entry of the public lands of the United States.

The SPEAKER. This bill is on the Union Calendar.

Mr. MANN. Unanimous consent has not been obtained for its consideration as yet.

The SPEAKER. Is there objection?

Mr. MOORE. I object, Mr. Speaker.

REFUND OF MONEY TO MEMBERS.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move to suspend the rules, discharge the Committee on Accounts from further consideration of House joint resolution 437, and agree to the same.

The SPEAKER. The gentleman from Mississippi moves to suspend the rules and discharge the Committee on Accounts from further consideration of House joint resolution 437. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 437) authorizing and directing the Sergeant at Arms to refund to Members of the House of Representatives amounts of money deducted from their salaries.

Resolved, etc., That the Speaker be, and he is hereby, directed to certify for payment the respective amounts heretofore deducted from the annual salaries of Members of the House in obedience to House resolution 601, agreed to August 25, 1914. And the Sergeant at Arms is directed to pay said Members the amounts so respectively certified.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second, Mr. Speaker.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Mississippi [Mr. HUMPHREYS] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I do not care to make any remarks. I ask for a vote.

The SPEAKER. The gentleman from Illinois [Mr. MANN] has 20 minutes.

Mr. MANN. Mr. Speaker, I do not desire to take the time of the House.

The SPEAKER. The question is on suspending the rules and passing the resolution.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended, and the joint resolution was passed.

The SPEAKER. The Clerk will report the next bill on the Unanimous Consent Calendar.

The next business on the Calendar for Unanimous Consent was the bill H. R. 15288, "A bill to provide for a commission to codify and suggest amendments to the general mining laws."

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

Mr. MOORE. I object, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania objects. The Clerk will call the next bill.

OPENING OF THE DALLES-CELILLO CANAL.

The next business on the Calendar for Unanimous Consent was House joint resolution No. 426, providing that the Congress of the United States shall participate in the celebration of the opening of The Dalles-Celillo Canal.

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

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I should like to have the resolution read.

The SPEAKER. The Clerk will report the resolution.

The joint resolution was read, as follows:

Joint resolution (H. J. Res. 426) providing that the Congress of the United States shall participate in the celebration of the opening of The Dalles-Celillo Canal.

Whereas The Dalles-Celillo Canal, on the Columbia River, has been under construction by the General Government for a number of years past and is to be opened for traffic on the 5th day of May, 1915; and

Whereas the opening of said canal will mark the completion of a great governmental work in aid of navigation, directly affecting the industry and commerce of a vast section comprising the territory drained by the Columbia River and its tributaries, which event is to be marked by a celebration participated in by the people of the several States of the Northwest: Therefore be it

Resolved, etc., That the Congress of the United States participate in such celebration and that a committee of 12 of its Members be appointed to attend and represent the Congress of the United States at said celebration, 3 to be appointed by the Vice President on behalf of the Senate and 9 by the Speaker of the House of Representatives on behalf of the House of Representatives.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I notice the report is very illuminating in this case, consisting of two lines. I should like to inquire whether, if the invitation is extended and a committee is appointed, any expense will be occasioned as the result of the visit of the committee?

Mr. SINNOTT. Mr. Speaker, in reply to the question I will say it is not the intention to ask for any appropriation. The expense will be met by the States or by the Members attending. It is likely that the Members living in the States interested will attend the opening of the canal. This canal will open to navigation some 600 miles of the Columbia River. It is about 8 miles long, and on it there has been spent some \$5,000,000. Congress will not be asked for any appropriation.

Mr. STAFFORD. I withdraw the objection on the assurance of the gentleman that there will be no obligation on the National Treasury.

The SPEAKER. This resolution is on the Union Calendar.

Mr. SINNOTT. Mr. Speaker, I move that the resolution be considered in the House as in the Committee of the Whole.

Mr. FOSTER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FOSTER. How is it that this is on the Union Calendar when there is no expense provided for?

The SPEAKER. The Chair does not know.

Mr. MANN. I think I can answer the inquiry of the gentleman, and it is a proper inquiry. This resolution, if passed, would authorize an appropriation, and hence it was placed on the Union Calendar. But the statement is made that no appropriation will be asked for, and if it is not asked for pretty soon, I do not see how it could get through, and I do not see how it could get through if it were asked for.

The SPEAKER. The Chair thinks this is properly on the Union Calendar.

The question is on agreeing to the joint resolution.

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

REORGANIZATION OF RURAL MAIL SERVICE.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 738.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 738.

Resolved, That we are opposed to any reorganization of the Rural Mail Service by the Post Office Department or otherwise that will render that service less effective or will tend in any way to reduce the number of rural mail routes; and

Resolved further, That we are in favor of improving and extending such service so as to furnish as nearly as possible all the rural population of the United States with adequate Rural Mail Service.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to inquire of the gentleman from Kentucky the real purpose sought in the resolution which he has submitted?

Mr. THOMAS. As explanatory somewhat of that purpose I ask that the following Washington dispatch, printed on the 12th of February in the Louisville Courier-Journal, be read. This will explain it better than I can.

The SPEAKER. The Clerk will read.

Mr. LEWIS of Maryland. Mr. Speaker—

Mr. THOMAS. For what purpose does the gentleman from Maryland rise?

Mr. LEWIS of Maryland. For information. The gentleman from Kentucky has asked unanimous consent for the present consideration of his resolution.

The SPEAKER. And he has secured that.

Mr. THOMAS. You are 20 minutes behind. [Laughter.]

The SPEAKER. The Clerk will read.

The Clerk read as follows:

RURAL DELIVERY SYSTEM TO BE REORGANIZED—AMENDMENTS TO POSTAL LAWS ARE ANNOUNCED—MANY KENTUCKY ROUTES TO BE DISCONTINUED—REGULATIONS NOW IN FORCE.

WASHINGTON, February 12, 1915.

A sweeping reorganization of the Rural Delivery Service throughout the United States for purposes of economy will be completed within the

next six months in accordance with amendments to the existing postal laws and regulations issued to-day by Postmaster General Burleson. The effect of the new regulations will be the discontinuance of many routes in sparsely settled communities in Kentucky and elsewhere; the reduction in frequency of service of many routes, and the rearrangement of routes where duplication may exist.

Data upon which changes in existing routes are to be based will be secured by postmasters. During one month of each quarter every piece of mail carried by rural carriers shall be counted and weighed, and an accurate account shall be made of the number of patrons served. Routes on which the quantity of mail collected and delivered has averaged for six consecutive months less than 756 pieces per month per mile are to be discontinued unless they can be rearranged so as to come under the new rules.

This regulation of all the new rules will make the greatest changes in Kentucky, for there are many routes serving sparsely-settled communities which can not show this many pieces of mail. Routes which have service not more frequent than three times a week will have the greatest difficulty in getting daily service. The requirement for increase of thrice-weekly service is that 150 pieces of mail per mile per month shall be delivered to families numbering four to the mile. The biggest stumblingblock to the establishment of new routes is the rule that patrons living within a mile of a post office, star route, or rural-delivery route shall not be counted as prospective patrons of a proposed new route. This carries with it the inference that persons living within a mile of a post office need no better service. If farther than a mile from a post office they are expected to get their mail from a box on a rural-delivery route within a mile of their homes.

The regulations are in effect now, but their full force will not be felt under six months.

Mr. THOMAS. Answering the question of the gentleman from Minnesota, I will state that the object of this resolution is to put this House on record as being opposed to any reorganization of the Rural Mail Service that will render it less effective than it is at the present time. [Applause.] The dispatch read by the Clerk appeared in the Louisville Courier-Journal upon the 12th day of February, and was sent to the Courier-Journal by its correspondent from this place, Mr. Krock, who is in every way reliable.

When this dispatch was published I immediately began to receive letters of protest from all over my district. Now, if the service is reorganized as that dispatch says the department proposes to organize it, there must be a delivery of 750 pieces of mail along every mile of each route every month. People in the country do not get that much mail. There are but few people in the most densely populated communities who receive that much mail. Along the triweekly mail routes there must be 156 pieces delivered along every mile where there are four families, and country people do not receive that much mail. The effect of that order as recited in the Courier-Journal, if carried out, would be practically to wipe out the Rural Mail Service in many parts of the country.

Now, bearing upon this question, I will read to you an editorial from the Mayfield (Ky.) Daily Messenger of February 22 last. This proposed or some other order has been carried into effect in that county with disastrous results to the rural service.

IS THERE NO REMEDY?

We have hardly said enough about the radical changes in the rural-mail routes in this county.

There are at least 3,000 homes in this county, whose inmates are indignant at what has recently been done in disarranging all of the rural-mail routes in Graves County.

These routes were so well arranged when they were first established that the people were well pleased and everything was running smooth and satisfactory to both the carriers and the people until the inspector, or whoever recommended the new order of things, got the department to comply with his recommendations.

Besides, the postmaster and the carriers here kept pleading with the fiscal court until good roads were made on all the routes, and about the time the roads were put in good condition and before anyone had a chance to enter a protest with the department or our Senator or our Congressman the change was made and the mail of thousands of our people had to be put on new routes, and hundreds were left off of any route. Is there no remedy for this outrage? Can not our Senator and Congressman have power and influence with the Postmaster General to have him rescind these orders? To our mind it is only a Republican trick to weaken the party at the election in Kentucky this year, as well as in the presidential election next year.

[Laughter.]

If the Democrats at Washington can not stop this abuse of power to the detriment of the Democratic Party and the people out in the country, they should call in their inspectors and let the routes remain as they were. There was no demand or necessity for these changes and the entire system in all the county is in worse condition than ever, and no money is saved to the Post Office Department.

As I said, the object of this resolution is simply to put this House upon record against any reorganization of the Rural Mail Service that will render it less effective than it is at the present time. It should be extended and improved, because about all the direct benefit received from the Government by the country people, who are the real bulwark and fortification of this Nation [applause], and the corner stone upon which is builded our national prosperity, is the rural mail and a few garden seeds, and they are not furnished one-half enough seeds, so far as that is concerned.

I have said about all I wish to say upon this subject, and I ask that this resolution be passed without a dissenting vote. [Applause.]

The SPEAKER. The question is on the resolution. The resolution was agreed to.

ADDITIONAL LAND DISTRICT, IMPERIAL COUNTY, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17388) creating an additional land district in the State of California, embracing lands contained in the county of Imperial, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The Clerk will report the next bill.

Mr. KETTNER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. KETTNER. To move to suspend the rules.

The SPEAKER. Not now.

PIKE NATIONAL FOREST.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18747) to reserve certain lands, and to incorporate the same and make them part of the Pike National Forest.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. KEATING. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider it in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read as follows:

Be it enacted, etc., That all lands in the State of Colorado hereinafter described, to wit:

In township 4 south, range 72 west, sixth principal meridian: Section 6, section 7, section 19, section 30;

In township 4 south, range 73 west, sixth principal meridian: Section 1, section 2, south half section 3, section 7, section 8, section 9, section 10, section 11, section 12, section 13, section 14, section 15, section 16, section 17, section 18, section 19, section 20, section 21, section 22, section 23, section 24, section 25, section 29, north half and southwest quarter section 32, north half section 33;

In township 4 south, range 74 west, sixth principal meridian: East half section 24, east half section 25; total, 18,489.39 acres, more or less, be, and the same are hereby, reserved, subject to all prior valid adverse rights, and made a part of and included in the Pike National Forest.

With the following committee amendments:

Page 1, lines 6 and 7, strike out the words "section nineteen, section thirty."

Page 2, line 4, before the first word "section" insert the following: "the northwest quarter of the northeast quarter, west half of the northwest quarter, and west half of the southwest quarter of."

Page 2, lines 11 and 12, strike out the words "eighteen thousand four hundred and eighty-nine and thirty-nine" and insert in lieu thereof the words "sixteen thousand nine hundred and thirty-eight and forty-nine."

The amendments were agreed to.

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

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

PUBLIC BUILDING AT BLYTHEVILLE, ARK.

The SPEAKER. The Clerk will report the bill which was temporarily laid aside a while ago.

The Clerk read the title of the bill (H. R. 11291) for the purchase of a site and the erection of a public building at Blytheville, Ark.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, there are a number of these bills on the calendar, recently reported from the Committee on Public Buildings and Grounds, each providing for the purchase of a site for a Federal building. The Treasury Department have reported on these bills substantially as they do upon this bill. I read from the report:

In this connection you are advised that the Office of the Supervising Architect will be engaged upon the preparation of plans for buildings already authorized until about January 1, 1920. The public-buildings act approved March 4, 1913, authorized the acquisition of 132 sites without authorizing buildings to be constructed upon them. The same act passed over a number of sites previously authorized, so that at present there exist authorizations for about 150 sites for which no buildings have been authorized. Should buildings be authorized on these sites shortly before the commencement of the year 1920, they would occupy the attention of the Office of the Supervising Architect until about January 1, 1922.

That is, the sites that are already purchased would occupy the attention of the Office of the Supervising Architect until about January 1, 1922.

Those are buildings on sites already authorized.

In view of all the conditions stated above, the department is unable to report favorably upon the authorization for any new buildings on sites previously authorized until the present volume of public-building construction has been sensibly reduced, and is unable to recommend that any new sites be authorized, either with or without buildings, until after buildings have been authorized upon the sites already provided for.

I want to know if the gentlemen who had these bills reported as a consolation prize seriously intend to ask the Government now, in the present state of the Treasury, to appropriate the money for the purchase of new sites upon which buildings can not be commenced until after seven years from now?

Mr. CARAWAY. Will the gentleman yield?

Mr. MANN. I am asking the gentleman the question.

Mr. CARAWAY. I shall be glad to answer it. The town of Blytheville, where this site is to be purchased, 12 years ago had possibly 150 people, without a railroad. To-day it has four railroads, it has 7,000 people, and certainly the price at which the site can be procured now will be very much less than it will be in a short time in the future. The sites that are available are rapidly being built upon, and necessarily will be much more valuable in a few years hence than now. I think it is a genuine economy.

Mr. MANN. I understand the gentleman's position is that because building sites are now comparatively cheap at Blytheville the Government should go into the speculative business and buy one on the assumption that it will be worth a great deal more seven years from now than the present cost plus interest. If that is the case, and the gentleman can make me believe it, I would like to buy some myself.

Mr. CARAWAY. I shall not attempt to convince the gentleman that he ought to make an investment there, but if he will accept my statement, and I live near the town and have known it ever since it had one store, that property I could have bought myself less than 10 years ago for \$100, I can not buy to-day for \$10,000.

Mr. MANN. That often happens, and probably is the case. I remember that my father bought some property near Chicago in 1871. In 1874 he gave it to me and I have paid taxes on it ever since and it is not worth half as much to-day as when he gave it to me, and it was not worth half as much when he gave it to me as when he bought it. [Laughter.]

Mr. CARAWAY. The gentleman's father used poor judgment, and I am not responsible for his father's mistakes.

Mr. MANN. And Chicago is growing a great deal faster than Blytheville.

Mr. CARAWAY. I hope the gentleman will not object.

Mr. MANN. I will be frank with the gentleman. Once in awhile we give a consolation prize to some gentleman who has served in the House and is going out, but the gentleman from Arkansas is coming back, fortunately for us, and we are all glad. We will welcome him in the next House, and perhaps he can get the Committee on Public Buildings and Grounds to put it in the next bill. The gentleman ought to be satisfied in getting a report which commits the committee. [Laughter.]

Mr. GORDON. That is a consolation prize.

Mr. CARAWAY. Somehow or other I do not feel as grateful to the gentleman as perhaps I ought to.

Mr. MANN. I object.

The next business on the Unanimous Consent Calendar was the bill (H. R. 18310) to acquire a site for a public building at Hartford, Conn.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. LONERGAN. Mr. Speaker, I ask that this bill be passed without prejudice.

The SPEAKER. The gentleman from Connecticut asks that the bill be passed without prejudice. Is there objection?

There was no objection.

ADDITIONAL JUDGE IN THE DISTRICT OF NEW JERSEY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19423) to create an additional judge in the district of New Jersey.

The SPEAKER. Is there objection?

Mr. CULLOP. I object.

COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

The next business on the Calendar for Unanimous Consent was House joint resolution 427, providing for the continuance of the Joint Commission to Investigate Indian Affairs.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the purport of this resolution is contained in the Indian appro-

priation bill, now in conference, as one of the Senate amendments. I do not question but that it will be incorporated in that bill, and therefore I object.

ELECTRIC-LIGHT SUPPLY IN TERRITORY OF HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5851) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii.

The SPEAKER. Is there objection?

Mr. FOSTER. I object.

FINAL PROOF UNDER DESERT-LAND LAWS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19097) granting a further extension of time to entrymen in which to make final proof under the desert-land laws.

The Clerk read the title of the bill.

Mr. FITZGERALD. Mr. Speaker, I understand this has been taken care of in the general deficiency appropriation bill.

Mr. LIEB. Mr. Speaker, I object.

FISH-CULTURAL STATIONS ON COLUMBIA RIVER.

The next business on the Calendar for Unanimous Consent was the bill (S. 4854) to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or Washington, or both.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. BRYAN. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. The Chair will not recognize the gentleman at this time for that purpose.

CENTRAL PACIFIC RAILROAD CO.

The next business on the Calendar for Unanimous Consent was the bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill—

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. I would like to ask that this bill be passed over without prejudice, because of the absence of my colleague, Mr. LENROOT, who is in a conference committee.

Mr. RAKER. Mr. Speaker, I have seen the gentleman from Wisconsin [Mr. LENROOT] and have conferred with him, and I have the amendment that he desires to put on the bill in his own handwriting.

Mr. MOORE. Mr. Speaker, is this a request for unanimous consent?

The SPEAKER. It is.

Mr. MOORE. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker—

Mr. COOPER. I demand the regular order.

Mr. RAKER. Will not the gentleman kindly reserve his objection for a moment?

Mr. MOORE. I prefer not to at this time.

Mr. RAKER. Mr. Speaker, I ask unanimous consent—

The SPEAKER. The gentleman from Pennsylvania objects.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I call up the conference report on the bill H. R. 20415, the Agricultural appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from South Carolina calls up a conference report on the Agricultural appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. HENRY. Mr. Speaker, I desire to reserve all points of order against the statement.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement of the conferees.

Mr. HENRY. Mr. Speaker, I object. I call for the reading of the report.

The SPEAKER. The gentleman's objection is too late.

Mr. HENRY. Mr. Speaker, I rose—

The SPEAKER. That is true; but the gentleman did not make that objection while he was on his feet, and the Chair put the question fairly and has already ordered the Clerk to read the statement. The Clerk will proceed.

The Clerk read the statement of the conferees.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1504).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20415) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 11, 12, 14, 15, 17, 18, 23, 24, 25, 26, 27, 29, 34, 35, 37, 39, 40, 41, 43, 44, 45, 63, 66, 67, 68, 76, 77, 78, 87, and 88.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 8, 9, 10, 21, 22, 28, 30, 42, 46, 47, 48, 49, 51, 56, 57, 58, 59, 60, 61, 62, 70, 71, 73, 74, 75, 79, 80, 81, 83, 85, and 86; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$352,040"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$623,120"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,066,050"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the Senate amendment insert "\$438,800, of which sum \$50,000 may be used for live stock demonstration work, in cooperation with the States Relations Service, in areas freed of ticks, and of this amount no part shall be used in the purchase of animals for breeding purposes"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,856,706"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,585,336"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the amount proposed insert "\$60,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,462,460"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,139,150"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In line 11 of the amendment, between the word "and" and the word "value," insert the word "market"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In line 7 of the amendment in lieu of the word "ten" insert the word "five"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$280,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$125,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$411,820"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$446,290"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$510,505"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$586,465"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$19,936,382"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Strike out "\$125,000" and in lieu thereof insert "\$100,000"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: After the word "Columbia" insert the following: ", but this shall not prevent the continued use for official service of motor trucks in the District of Columbia"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals, which in the opinion of the Secretary of Agriculture threatens the live-stock industry of the country, he may expend in the city of Washington or elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of \$2,500,000, which sum is hereby appropriated, or so much thereof as he determines to be necessary in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all quarantine regulations; and said sum shall be immediately available for the purposes specified: *Provided*, That the Secretary of Agriculture is authorized to pay not more than one-half of the expenses incurred by the owners of a certain herd of show cattle now in quarantine at Hawthorne Park, near Chicago, Ill., such expenses being incident to and on account of the quarantine of such cattle by the Government, but the total expense shall not exceed one-half the beef or dairy value of such cattle."

And the Senate agree to the same.

Amendment numbered 89: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter proposed insert:

"That there is hereby constituted a joint committee of the Senate and House of Representatives to consist of the chairman of the Senate Committee on Agriculture and Forestry, the chairman of the House Committee on Agriculture, and the chairmen of the Committees on Banking and Currency of the two Houses, and two other members of each of said committees, to be designated by the chairmen of the respective committees, and it shall be the duty of said joint committee to prepare, after such investigations as may be deemed necessary, and report to the Congress on or before January 1, 1916, a bill or bills pro-

viding for the establishment of a system of rural credits adapted to American needs and conditions. The sum of \$10,000 is hereby appropriated, the same to be immediately available, out of any funds in the Treasury not otherwise appropriated, to defray all necessary expenses of said joint committee, payment of said expenses to be made upon vouchers approved by the chairman of said joint committee, who shall be selected by the committee."

And the House agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$22,971,582"; and the Senate agree to the same.

A. F. LEVER,
GORDON LEE,
G. N. HAUGEN,

Managers on the part of the House.

HOKE SMITH,
F. E. WARREN,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20415) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

Amendment No. 1: This amendment strikes out two watchmen at \$840 each and adds two watchmen at \$720. The House recedes.

Amendment No. 2: This amendment strikes out one carriage driver at \$600. The Senate recedes and the item is restored.

Amendment No. 3: This amendment represents an amended total.

Amendments 4, 5, and 6: These amendments represent changes in language. The House recedes.

Amendment No. 7: This amendment represents a corrected total.

Amendment No. 8: This amendment shortens the title of an official of the Weather Bureau and reduces the salary to \$2,500. The House recedes.

Amendment No. 9: This amendment represents an amended total.

Amendment No. 10: This amendment takes away the authority of the Weather Bureau to purchase horses and vehicles. The House recedes.

Amendment No. 11: This amendment increases the appropriation for expenses outside of the city of Washington and contains a proviso for the purchase or construction of a telegraph line in the State of Washington. The Senate recedes.

Amendments Nos. 12 and 13: These amendments represent corrected totals. The Senate recedes.

Amendments Nos. 14 and 15: These amendments strike out one messenger and custodian at \$1,200 and add one messenger and custodian at \$1,000. The Senate recedes.

Amendment No. 16: This amendment increases the appropriation for the eradication of southern cattle tick from \$398,800 to \$448,800 and strikes out the authority to use \$50,000 of this sum for live-stock demonstration work. The House recedes and agrees with an amendment making the amount \$438,800 and restoring the language stricken out.

Amendment No. 17: This amendment increased by \$12,640 the appropriation for investigations in diseases of animals. The Senate recedes.

Amendment No. 18: This amendment increases by \$140,000 the appropriation for hog cholera and dourine work. The Senate recedes.

Amendments Nos. 19 and 20: These amendments represent corrected totals.

Amendments Nos. 21 and 22: These amendments strike out one clerk of class 1 and add one clerk or artist at \$1,200. The House recedes.

Amendment No. 23: This amendment increases the appropriation for the control of diseases of orchard and other fruits by \$2,110. The Senate recedes.

Amendments Nos. 24 and 25: These amendments to the item for forest pathology carry additional language and an increase of \$10,775. The Senate recedes.

Amendment No. 26: This amendment carries an increase of \$2,500 in the item for crop technology. The Senate recedes.

Amendment No. 27: This amendment adds the words "and the testing and breeding of flax" to the item for the investigations of cereals. The Senate recedes.

Amendment No. 28: This amendment carries an increase of \$2,500 to the item for the investigation of cereals. The House recedes.

Amendment No. 29: The bill as passed by the House provides that \$5,000 of the amount appropriated for testing and breeding fibrous plants may be used in testing and breeding flax. The proviso is stricken out in the bill as passed by the Senate. The Senate recedes, and the proviso is restored.

Amendment No. 30: This amendment reduces the appropriation for foreign seed and plant introduction by \$5,000. The House recedes.

Amendment No. 31: This amendment provides that \$100,000 of the amount appropriated for new and rare seeds may be used for the purchase and distribution of drought-resistant field seed in the dry-land sections of the United States. The House recedes from its disagreement and agrees with an amendment making the amount \$60,000.

Amendments Nos. 32 and 33: These amendments represent corrected totals.

Amendment No. 34: This amendment provides for the expenditure of \$3,000 in the erection of a headquarters building at the Grand Canyon National Monument. The Senate recedes.

Amendment No. 35: This amendment carries an appropriation of \$3,000,000 for the acquisition of land under the Weeks law. The Senate recedes.

Amendment No. 36: This amendment authorizes the Secretary of Agriculture to permit the Navy Department to take earth, stone, and timber from the national forests for the use of the Navy, and to permit the taking of earth, stone, and timber from the national forests for the construction of Government railways in Alaska. The House recedes from its disagreement and agrees with an amendment slightly modifying the language.

Amendment No. 37: This amendment represents a corrected total.

Amendment No. 38: This amendment authorizes the Secretary of Agriculture to permit the use of the national forests for the construction of summer homes, limiting the term of years to 30 years and the extent of any one tract of land to be so used to 10 acres. The House recedes and agrees with an amendment making the limit of area 5 acres instead of 10 acres.

Amendments Nos. 39 and 40: These amendments add one food and drug inspector, at \$2,250, and strikes out two food and drug inspectors at \$1,400. The Senate recedes.

Amendment No. 41: This amendment represents a corrected total.

Amendment No. 42: This amendment carries an increase of \$8,000 in the item for the application of chemistry to agriculture. The House recedes.

Amendment No. 43: This amendment increases by \$9,400 the appropriation for investigating preparation for market, etc., of poultry and eggs. The Senate recedes.

Amendments Nos. 44 and 45: These amendments represent corrected totals.

Amendment No. 46: This amendment adds one charwoman, at \$480, in the Bureau of Entomology. The House recedes.

Amendment No. 47: This amendment represents a corrected total.

Amendment No. 48: This amendment represents a corrected total.

Amendment No. 49: This amendment carries the insertion of a comma for the sake of clarity of language. The House recedes.

Amendment No. 50: This amendment carries an appropriation of \$10,000 for the game preserve on Sullys Hill National Park. The House agrees, with amendment making the amount \$5,000.

Amendment No. 51: This amendment adds the word "coyotes" to the item for experiments and demonstrations in destroying animals injurious to agriculture. The House recedes.

Amendment No. 52: This amendment increases the appropriation for investigating the food habits of North American birds and animals to \$300,000. The House agrees, with an amendment making the amount \$280,000.

Amendment No. 53: This amendment specifies that \$175,000 of the appropriation for investigating the food habits of North American birds and mammals shall be used on the national forests and the public domain in destroying wolves, etc. The House agrees, with an amendment making the amount in the proviso \$125,000.

Amendments Nos. 54 and 55: These amendments represent corrected totals.

Amendments Nos. 56 and 57: These amendments add to the Division of Publications one chief folder, at \$1,200, and strikes out two laborers, at \$600 each. The House recedes.

Amendment No. 58: This amendment reduces the appropriation for the general expenses of the library by \$1,200. The House recedes.

Amendment No. 59: This amendment represents a corrected total.

Amendment No. 60: This amendment provides that \$5,000 of the amount appropriated for miscellaneous expenses shall be immediately available. The House recedes.

Amendment No. 61: This amendment provides that the Maltby Building and neighboring Government buildings may be used by the Department of Agriculture. The House recedes.

Amendment No. 62: This amendment provides for the printing and distribution of the annual report on the work and expenditures of the agricultural experiment stations and on the cooperative agricultural extension work and expenditures under the act of May 8, 1914. The House recedes.

Amendment No. 63: This amendment carries an appropriation of \$100,000 for boring artesian wells. The Senate recedes.

Amendments Nos. 64 and 65: These amendments represent corrected totals.

Amendment No. 66: This amendment carries an appropriation of \$87,500 for dairying and live-stock experiments in the semi-arid and irrigated districts of the United States. The Senate recedes.

Amendments Nos. 67, 68, and 69: These amendments represent corrected totals.

Amendment No. 70: This amendment provides for the cooperation of the Secretary of Agriculture and the Postmaster General with any State which provides for terminal inspection of plants and plant products. The House recedes.

Amendment No. 71: This amendment carries an appropriation to provide for the exchange of land between the Federal Government and the State of Washington. The House recedes.

Amendment No. 72: This amendment increases the appropriation for potato quarantine from \$50,000 to \$125,000. The House agrees with an amendment making the amount \$100,000.

Amendment No. 73: This amendment carries an appropriation of \$20,000 for the International Dry-Farming Congress at Denver, Colo. The House recedes.

Amendment No. 74: This amendment authorizes the President to extend invitations to other nations to participate in the Dry-Farming Congress to be held at Denver, Colo. The House recedes.

Amendment No. 75: This amendment carries an appropriation of \$60,000 for experiment and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States. The House recedes.

Amendment No. 76: This amendment carries an appropriation of \$60,000 for experiments and demonstrations in live-stock production in the New England States. The Senate recedes.

Amendment No. 77: This amendment strikes out the appropriation of \$5,000 for naval stores investigations. The Senate recedes.

Amendments Nos. 78, 79, 80, 81, and 82: These amendments have to do with the authorization of the Department of Agriculture to use a portion of the funds appropriated in this bill for the purchase, maintenance, operation, and repair of motor-propelled and horse-drawn passenger-carrying vehicles and motor boats necessary in the conduct of the work of the department.

Amendment No. 78: Reduces the amount that may be so used from \$55,000 to \$40,000. The Senate recedes.

Amendment No. 79: Strikes out the words "now available or." The House recedes.

Amendment No. 80: Inserts the word "field" before the word "work" to define the work in which these vehicles may be used. The House recedes.

Amendment No. 81: Adds the words "outside of the District of Columbia." The House recedes.

Amendment No. 82: Adds the words "outside the District of Columbia." The House agrees, with an amendment which will allow the continued use of motor trucks in the District of Columbia.

Amendments Nos. 83 and 84: These amendments have to do with the appropriation for the eradication of the foot-and-mouth disease. Amendment 83 strikes out the language used in the House bill. The House recedes. Amendment 84 carries the sum of \$2,500,000, the sum carried in the House bill, for the eradication of the foot-and-mouth disease. The House agrees with an amendment slightly changing the language and providing for the payment of not more than one-half of the expenses

incurred by the owners of cattle exhibited at the National Dairy Show in Chicago in October, 1914, on account of the fact that their cattle were quarantined by order of the Federal Government.

Amendment No. 85: This amendment makes available for further use the unexpended balance remaining to the credit of the appropriation authorized in the appropriation act for 1914 for the expenses of the Rural Credit Commission; and it further provides that this balance shall be paid out on the audit and order of the chairman of the commission. The House recedes.

Amendment No. 86: This amendment carries an appropriation of \$200 to purchase certain lands in Oklahoma from the Indians for a dry-farming or subhumid station. The House recedes.

Amendment No. 87: This amendment carries an appropriation of \$500,000 for constructing lakes and reservoirs on the plains between the ninety-eighth meridian and the foothills of the Rocky Mountains. The Senate recedes.

Amendment No. 88: This amendment carries an appropriation of \$25,000 for the demonstration of the practical farm uses of denatured alcohol. The Senate recedes.

Amendment No. 89: The Senate amendment No. 89 provides for the creation of a bureau of farm credits in the Treasury Department and describes in detail the operations of said proposed bureau. Before the present bill was sent to conference the House adopted an amendment to the Senate amendment No. 89 in the nature of a substitute to said amendment. The Senate then disagreed to the House amendment and the whole matter went to conference. In the conference the Senate receded from its disagreement to the amendment of the House to the amendment of the Senate and agreed with an amendment which inserted, in lieu of the House amendment, certain language providing for the establishment of a rural-credits committee, whose duty it shall be to report a bill on rural credits by January 1, 1916.

Amendment No. 90: This amendment represents a corrected total.

A. F. LEVER,
GORDON LEE,
G. N. HAUGEN,

Managers on the part of the House.

Mr. LEVER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. LEVER. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The gentleman does not have to do that.

Mr. HENRY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. HENRY. Mr. Speaker, I had reserved all points of order against the report.

The SPEAKER. Has the gentleman any point of order to make?

Mr. HENRY. I have.

The SPEAKER. The gentleman will proceed to make it.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that it is too late to make any point of order. The statement of the conferees has been read.

Mr. HENRY. But I reserved all points of order on the report.

Mr. FITZGERALD. When?

Mr. HENRY. Before the Clerk read it.

The SPEAKER. The gentleman from Texas undertook to make the point of order against the reading of the statement.

Mr. HENRY. I think the notes of the reporter will show that I reserved all points of order against the report.

Mr. MANN. I think nobody will question the gentleman's statement of what his intention was.

The SPEAKER. If the gentleman has any point of order to make, he will please make it.

Mr. HENRY. Mr. Speaker, I make the point of order that the conferees exceeded their authority in presenting this proposition for a joint committee, superseding that which was agreed to by the House and sent back by the Senate; and that they have inserted entirely new matter, new legislation that is not germane. The Senate added an amendment to the agricultural bill creating a rural credits bureau, and in great detail provided for its operation. That amendment came over to the House, and the House sent the agricultural appropriation bill to the Committee on Agriculture. The Committee on Agriculture reported a substitute for the McCumber amendment, which I will call it for convenience, Senate amendment numbered 89, and then the House amended the substitute reported by the

Committee on Agriculture and substituted for it another amendment, known as the Bulkley bill, a substitute of 55 pages and 32 sections, establishing a rural credit system and setting out with great detail the plan for this system. The conference committee has brushed aside this rural credit system as set up in the Senate amendment and as set out in its substitute, and has brought in an entirely new matter, providing for a joint committee. The conferees have not proposed any legislation at all in respect to matters of legislation that were pending in controversy between the two Houses.

I wish to read here the report:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate No. 89, and agree to the same with an amendment as follows:

In lieu of the matter proposed, insert:

That there is constituted a joint committee of the Senate and House of Representatives, to consist of the chairman of the Senate Committee on Agriculture and Forestry, the chairman of the House Committee on Agriculture, and the chairman of the Committees on Banking and Currency of the two Houses, and two other members of each of said committees, to be designated by the chairmen of the respective committees; and it shall be the duty of said joint committee to prepare, after such investigation as may be deemed necessary, a report to the Congress on or before January 1, 1916, a bill or bills providing for the establishment of a system of rural credits adapted to American needs and conditions. The sum of \$10,000 is hereby appropriated, the same to be immediately available, out of any funds in the Treasury not otherwise appropriated, to defray all necessary expenses of said joint committee, the payment of said expenses, to be made upon vouchers approved by the chairman of said joint committee, who shall be selected by the committee.

Now, Mr. Speaker, there is a proposition in which no legislation is contained, superseding the amendments of the Senate and the House, and entirely foreign to any differences that existed between the two bodies, undertaking to settle in that way this important question that is now pending.

Now, permit me to read from Jefferson's Manual, which has often been quoted here and which lays down well-established rules which have never been departed from:

The managers of a conference must confine themselves to the differences committed to them, and may not include subjects not within the disagreements, even though germane to a question in issue. But they may perfect amendments committed to them if they do not in so doing go beyond the differences. Thus, where an amendment providing an appropriation to construct a road had been disagreed to, it was held in order to report a provision to provide for a survey for the road.

And the present occupant of the chair held this in pursuance of that rule:

But where the amendment in issue strikes out all of the bill after the enacting clause and substitutes a new text the managers have the whole subject before them and may exercise a broad discretion as to details.

The SPEAKER. The Chair would like to ask the gentleman a question right there.

Mr. HENRY. Yes.

The SPEAKER. Is not this whole rural-credit business that was injected in the Senate into a bill it had no business in to be treated as a separate subject or bill in the consideration of the rights of the conferees?

Mr. HENRY. It was so treated until the House put a substitute—

The SPEAKER. I know; but when the House put the Bulkley substitute in, the Chair will ask the gentleman, was not that practically striking out everything after the enacting clause, as far as rural credits was concerned?

Mr. HENRY. But, Mr. Speaker, as I was going on to show, you might write a new bill, and here is no bill. Here is a proposition for investigation.

The SPEAKER. I know, but the gentleman does not state the rule correctly.

Mr. HENRY. I will read it.

The SPEAKER. The Chair knows what it is very well. When everything after the enacting clause of the bill is struck out it throws the whole subject into the hands of the conferees.

Mr. HENRY. Now, Mr. Speaker, I did not hear all of the ruling on the shipping bill on yesterday. What was the ruling on that?

The SPEAKER. That was not an analogous case. They had not struck out the enacting clause on anything approximating that point.

Mr. HENRY. Just one moment, Mr. Speaker. I make the point that here are differences between the two Houses.

The SPEAKER. The Chair is just asking the gentleman a question. He was not deciding it.

Mr. HENRY. I understand. I am quoting the Speaker's decision here, and had not quite finished that, and if the Chair will permit me to proceed—

The SPEAKER. The gentleman will proceed.

Mr. HENRY. It says, further:

And may even report an entirely new bill on the subject.

Now, this is not a new bill. This is a provision for an investigation. It is an entire dismissal of all legislation on this

subject for the purpose of postponing legislation. And the conferees have exceeded their authority and have not touched the question and the differences that were submitted to them for settlement. And I make the point that they have exceeded their authority.

Mr. UNDERWOOD. Mr. Speaker, the parliamentary situation in reference to this bill is this: The Senate added an amendment to the Agricultural bill known as the McCumber amendment, providing for a system of rural credits. The House struck that entire amendment out of the bill and added a substitute in place of it, known as the Bulkley bill. Every word of the Senate amendment was struck out and the entire new provision was put in its place, so that every word of the Senate amendment was in conference. The conferees had jurisdiction over the entire matter.

Now, the gentleman in his reading from the Manual a moment ago read one of the old cases on this subject, where there was a bill before the House providing for a road. The conferees struck out the provision in reference to the road and substituted a commission to determine whether the road should be built in its place. But we have a more recent decision than that. Only a day or two ago the District bill came before the House providing for an entire change of the law in reference to the system of taxation in the District of Columbia. When it came before the House an amendment was offered striking out all of the provisions of law that were changed in the District bill and substituting a committee of Congress to investigate the matter and report back. The same situation took place some years ago in reference to the Parcel Post System. I will not take up the time of the Chair in arguing this question, as it seems to me that the decision of the Chair not more than three days ago on the District bill, when this identical situation was presented, covers this case, and the Chair at that time held that the substitution of a committee for the legislative provisions in the bill was not exceeding the authority of the conferees.

Mr. MANN. Mr. Speaker, the House passed the bill; the Senate added an amendment to it consisting of one subject matter. The House struck out all of that amendment and inserted in lieu of it other matter, so that all of the matter of the Senate amendment and of the House amendment to the amendment was in disagreement and in conference. Now, the only question is whether the substitute now reported by the conferees is a germane amendment.

If the appointment of a commission is germane either to the Senate amendment or to the House amendment to the Senate amendment, then it was in order for the conferees to bring in their proposition as to a commission. In matters of this sort we have to be guided largely by precedent. The other day I cited to the Speaker the ruling made in 1906 on the immigration bill, when there was pending before the House a section providing for a literacy test of immigrants, and the House, on motion made, inserted a provision appointing a commission in lieu of providing the literacy test. When that amendment was offered the point of order was made that it was not a germane amendment, a point identically on all fours with this proposition. The question before the House was whether they would provide a certain test, the literacy test, before people could immigrate to our country. A commission was proposed to investigate the matter. If it was germane, then it was in order. The Chairman at that time ruled that the commission amendment was a germane amendment, and held it in order, and it was agreed to.

The same question arose to which the gentleman from Alabama [Mr. UNDERWOOD] has already alluded, on the District bill the other day. The Chair will find that ruling on page 4458 of the RECORD of February 27, only the other day, where the Speaker himself held that there being a disagreement between the House and the Senate, the House having proposed that the money appropriated for the District expenses should be paid, first, out of the District revenues and the balance out of the National Treasury, and the Senate having proposed that one-half should be paid out of the District treasury and one-half out of the Federal Treasury, the gentleman from Alabama [Mr. UNDERWOOD] offered an amendment that a commission be appointed to investigate the matter. The matter was quite fully argued the other day, and the Chair made a clear-cut ruling, referring both to the proposition of the House and the proposition of the Senate, and held that the amendment providing for the appointment of a commission was in order.

Those precedents do not leave the matter open any longer as a disputed proposition in this House, because they determine that an amendment proposing the appointment of a commission to investigate the matter, which is before the House in the form

of an original proposition, is a germane amendment. That leads along the line of sanity and seeks to get information before we legislate, instead of doing, as some gentlemen would always do, legislate first and find out afterwards.

The SPEAKER. The point of order raised by the gentleman from Texas [Mr. HENRY] has been repeatedly passed on. In the first place it seems to the Chair that the only sensible or correct way in which to regard the matter now in controversy is to consider this rural credit amendment offered by Senator McCUMBER as a separate subject, distinct from the bill proper. What happened about that was this: The Senate inserted the McCumber amendment, treating the whole subject of rural credits, and it was sent over to the House in that form. The House struck out the whole of the McCumber amendment. That is, it agreed to a substitute for the entire McCumber amendment. It did not leave a single line or word of the McCumber amendment. That put it exactly in the same situation as if everything after the enacting clause of a bill was struck out. And it has been held so often and so far back and by so many Speakers that where everything after the enacting clause is struck out the conferees have carte blanche to prepare a bill on that subject that it seems to the Chair that question is no longer open to controversy. The Chair will refer to just one or two of the rulings.

The ruling on the point made on the shipping bill has nothing to do with this bill, because the situations are not the same. The more the Chair thinks about the ruling he made on the shipping bill the better satisfied he is with it. The point raised there was the matter of time, which had never been passed upon before so far as the Chair knows; but it involved the principle of the higher and lower rates in a bill, or the larger and smaller amounts in a bill. In the shipping-bill contest it happened to be the question of time that was in controversy.

The case cited by the gentleman from Illinois [Mr. MANN] as to the immigration bill, which was passed on some three or four Congresses ago, is precisely on all fours with this. Now, in addition to that, several Speakers have taken a turn at it. In paragraph 6424 of Hinds' Precedents, volume 5, the syllabus, to use the legal phrase, is this:

Where the disagreement is as to an amendment in the nature of a substitute for the entire text of a bill the managers have the whole subject before them and may exercise a broad discretion as to details.

The only change I would make in that language is to say that they have carte blanche on the subject.

A point of order against a conference report should be made or reserved after the report is read and before the reading of the statement. On February 18, 1907, Mr. William S. Bennet, of New York, submitted the report of the managers of the conference on the bill (S. 4403) entitled "An act to amend an act entitled 'An act to regulate the immigration of aliens into the United States,' approved March 3, 1903."

Before the report was read Mr. JOHN L. BURNETT, of Alabama, proposed to reserve a point of order.

The report having been read, a point of order was made by Mr. BURNETT, who insisted that the managers had exceeded their authority in inserting the following provisions:

Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

And the Speaker ruled that that provision was in order.

Section 6425, the syllabus:

A Senate amendment having provided an appropriation to construct a road, and conferees having reported in lieu thereof a provision for a survey, it was held that the provision was within the differences.

The question involved here is not what anyone thinks about rural credits or what anyone would like to have on the subject. The only thing for the Speaker to pass on at this juncture is whether or not the conferees exceeded their authority in doing this thing. Not only by the decision of the present Speaker on two different occasions, but by half a dozen of his predecessors it brings this provision which the conferees brought in here within the rule, and the point of order of the gentleman from Texas is overruled.

Mr. HENRY. Mr. Speaker, I desire to be heard on the conference report.

Mr. LEVER. How much time does the gentleman want?

Mr. HENRY. Ten minutes.

Mr. LEVER. I yield to the gentleman from Texas 10 minutes.

Mr. HENRY. Mr. Speaker, it is not my purpose to be captious about this conference report, but before agreeing to it there are several propositions that should be discussed.

On the 1st day of March this House had it in its power to enact a general system of rural-credits legislation. The agricultural bill came over from the Senate with an amendment attached as a rider providing for a rural-credits system with one amendment added by that body. The McCumber bill was sufficient to meet the needs of the American farmer.

The mistake the House of Representatives made, in my opinion, was in not agreeing to the McCumber amendment, just as it had been written so that there would be no differences between the Senate and the House, and thus no opportunity given for the Senate to recede.

Gentlemen, for some reason the death of rural-credits legislation has been decreed. From what source comes this decree? Does it come from the Senate of the United States? Does it come from the House of Representatives? Is it from the constituted committees of these two bodies? Whence comes the decree that there shall be no rural-credits legislation at this session of Congress, notwithstanding the fact that this body added it to the agricultural appropriation bill? Such rural-credits bill as added by the House had been worked out after nine months of labor by a subcommittee of the Senate and the House Committees on Banking and Currency in pursuance of a report of a commission sent to Europe to study the question.

Mr. LEVER. Will the gentleman yield?

Mr. HENRY. Yes.

Mr. LEVER. Was that proposition ever reported by the Banking and Currency Committee of the House?

Mr. HENRY. No.

Mr. LEVER. Or the committee in the other body?

Mr. HENRY. It was not reported, because certain gentlemen of some committees have been unfavorable to rural credits legislation. This House wrote it in the Agricultural bill by a majority of more than 3 to 1 on March 1 of this very year. The distinguished and able gentleman from Ohio [Mr. BULKLEY], who has studied this question as much as any man in Congress, was chairman of the subcommittee that prepared the measure and worked nine months on it. And he said on the floor of the House that if you were to give him nine months longer he did not see how he could improve on it.

Its principles are good. The subcommittees of the Senate and House agreed to it, and yet the committees failed to report it. Whenever rural credits legislation is written it will be along the line of this measure, which contains Government aid, and will stand as a monument to the strong young man from Ohio who goes out of this Congress. [Applause.]

And when we remember that a Democratic caucus in 1913, while we were considering the Federal reserve act, the President gave out a statement, which was printed in the newspapers and said that the next great task would be the enactment of a separate and distinct system of rural credits legislation for the benefit of the American farmer.

Let me read a line or two in order to recall what he said. I am not criticizing him now, because I believe his heart is on the side of the people. Here was his authorized statement:

Special machinery and a distinct system of banking must be provided for if rural credits are to be successfully and adequately supplied, and this is our next great task and duty.

On the 13th day of August, 1913, the President issued that authorized statement, which appeared in the newspapers, and subsequently in his annual message in December he came here and reiterated the same position.

On Monday we placed the Bulkley bill in this agricultural bill, and the Committee on Agriculture comes back to us and reports a substitute for a mere commission, still postponing this question.

Ah, gentlemen, that was not the way to deal with it. The mistake we made was in not voting for the motion to recommit, thus sending the McCumber amendment to the conferees, where it could not be evaded or destroyed.

Mr. Speaker, the time has come when the American Congress should cease trifling with the farming population. There are many men who are afraid to raise their voices in this House and the Senate in behalf of the farmers for fear they will be denounced as demagogues. I am one who says that the farmer has been trifled with about this question, and we ought not to undertake to trifle longer with it. We should face the issue and settle it. Now is the accepted time. [Applause.]

It makes little difference to me when charges of demagogism are whispered around the corridors of this House. When the banking and commercial people wanted a new banking system—the Federal reserve act—you bundled up the credit of the Government, neatly tied a blue ribbon around it, and placed it in pawn for the benefit of the bankers and commercialists. You sat them down at a feast of Federal reserve notes, prepared for them by the Government in return for their assets and com-

mercial paper. You gave them Government aid. Let us give the farmer the same aid. At the risk of again being called a demagogue, I assert that he is the equal of the merchant, the banker, the professional man, or any other citizen. He is entitled to the same privileges at the Government Mint as they are, and the credit of this Government—his Government, too—should be placed behind his banking system upon the same principle by which you have mortgaged it to the banking fraternity in the commercial world.

I predict to-night that the day will come when we will put the strong arm of this Government under and around about a banking system for the benefit of the farmer, and treat them just as we have the bankers and the commercialists. [Applause.]

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

Mr. HENRY. Yes.

Mr. GARDNER. To whose arm does the gentleman think this cold hand of death, which has been laid on this bill, is attached? Who did this?

Mr. HENRY. I do not know who did it, but I know that the gentleman from Massachusetts has never befriended the farmers in any of his votes.

Mr. GARDNER. They are not in my district—why should I? [Laughter.]

Mr. HENRY. I have never known the gentleman from Massachusetts to represent anything but the special interests since he has been here—

Mr. GARDNER. Grand!

Mr. HENRY. And that is the reason the farmer has not received any legislation in his behalf. Mr. Speaker, this matter should not be postponed. Let those who have brought in the report take the responsibility. Go home to your constituents and satisfy them if you can. Continue in this course, smother legislation in conference, and see whether or not the Democratic Party can keep the confidence of the American people when you do these things. All three of the parties promised in their platforms rural credits legislation, and all have failed to redeem that promise.

I intend to keep the faith of the Baltimore platform.

My contract with my constituency and the American people shall be redeemed here to-night by my vote. We can send this bill to conference again, instruct our conferees, and demand legislation before the gavel falls. It will not imperil this bill. There is yet abundant time for reconsideration and action before we begin our journey home to meet our constituencies and render our account of stewardship. Let us trifle no longer, but redeem our solemn platform pledges.

Mr. LEVER. Mr. Speaker, a great many requests have been made of me for time, but I regret to say that unless we can get this bill to the enrolling clerks they can not engross it in time, and I have, therefore, had to deny these gentlemen the time. I just want to use two minutes myself.

Mr. McLAUGHLIN. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. LEVER. I can not yield to the gentleman. I am very sorry. I have denied everyone else on this side and on the gentleman's side, members of the committee as well. I will yield for a question, if the gentleman desires to ask me a question.

Mr. McLAUGHLIN. Mr. Speaker, I would like to have some explanation of the agreement reached by the conferees as to Senate amendment No. 84.

Mr. LEVER. What amendment is that?

Mr. McLAUGHLIN. I think I have the number correct. It relates to the appropriation for the foot-and-mouth disease. I understand the conferees report a settlement with the National Dairy Association by which hundreds of thousands of dollars are to be paid them in settlement of a claim they make, a claim that certainly has not been investigated.

Mr. LEVER. The conferees agreed to a proposition which permits the Secretary of Agriculture to pay one-half of the expense of the quarantine of a certain herd of dairy cattle which the Government quarantined about the 1st of November near Chicago, with which the gentleman is familiar.

Mr. McLAUGHLIN. Yes; and that is why I want to know about it.

Mr. LEVER. And the conferees did that at the urgent insistence of the Senate conferees.

Mr. McLAUGHLIN. Does this authorize the Secretary of Agriculture to make the settlement or permit him to make further investigation and to pay if he finds the Government is liable?

Mr. LEVER. It only authorizes the Secretary to do what he thinks is best after investigation of the subject. This does not require him at all to do it. It authorizes him to do it.

Mr. GARNER. Does it appropriate money for the purpose of paying the same?

Mr. LEVER. It does not appropriate any additional money. Two million five hundred thousand dollars are appropriated for the foot-and-mouth disease, and the agreement makes no additional appropriation.

Mr. McLAUGHLIN. Mr. Speaker, the gentleman will remember that testimony was taken before the committee and the issue was squarely drawn between the Department of Agriculture and the officers of the National Dairy Association as to the liability and as to the facts upon which the claim of liability rests. One statement was that the department had promised or undertaken to make payment or to be responsible for the expense. The statement made by the department is that the officers of the association in so many words asked the department to do so and the association would pay the expenses.

Mr. LEVER. I am entirely familiar with all of the testimony before the committee, and the conferees of the House acted as best they could under the circumstances, and that is all there is to it. Mr. Speaker, I move the previous question on the motion to agree to the conference report.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield for a question about some other item?

Mr. LEVER. I am very sorry, but can not yield.

Mr. McLAUGHLIN. Mr. Speaker, I make the point of order against the provision.

The SPEAKER. What point of order does the gentleman make?

Mr. McLAUGHLIN. That the conferees have exceeded their authority.

Mr. LEVER. Mr. Speaker, I make the point of order that that comes too late.

Mr. McLAUGHLIN. But all points of order were reserved. The SPEAKER. It is too late to make the point of order now.

Mr. McLAUGHLIN. How could the question be raised until we got to it?

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. NORRIS) there were—ayes 193, noes 27.

So the previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Sixty-four Members have risen, a sufficient number.

Mr. UNDERWOOD. Mr. Speaker, I demand the other side.

The SPEAKER. Those opposed to taking the vote by the yeas and nays will rise and stand until they are counted. [After counting.] One hundred and seventy-five. On this vote the ayes are 64 and the noes 175. Sixty-four is a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 220, nays 103, answered "present" 2, not voting 98, as follows:

[Roll No. 100.]

YEAS—220.

Adair	Clancy	Floyd, Ark.	Hayden
Adamson	Cline	Fordney	Hayes
Ainey	Coady	Gallagher	Heflin
Alexander	Collier	Gallivan	Helgesen
Allen	Connolly, Iowa	Gard	Helm
Anderson	Conry	Gardner	Holland
Ashbrook	Cooper	Garrett, Tenn.	Howell
Baker	Copley	Gerry	Hughes, W. Va.
Baltz	Cox	Gill	Humphrey, Wash.
Barchfeld	Cullop	Gillett	Humphreys, Miss.
Bartlett	Danforth	Gilmore	Igoe
Beakes	Davenport	Gittins	Jones
Beall, Tex.	Davis	Glass	Kahn
Bell, Ga.	Decker	Gordon	Keister
Blackmon	Deitrick	Gorman	Kelley, Mich.
Booher	Dent	Goulden	Kennedy, Conn.
Borland	Dershem	Graham, Pa.	Kennedy, R. I.
Britten	Dickinson	Gray	Kent
Brockson	Dies	Greene, Mass.	Key, Ohio
Brodbeck	Dixon	Greene, Vt.	Kiess, Pa.
Brown, N. Y.	Donohoe	Griest	Kitchin
Brown, W. Va.	Doremus	Griffin	Knowland, J. R.
Browning	Driscoll	Gudger	Konop
Brumbaugh	Drukker	Guernsey	Korbly
Burke, S. Dak.	Eagan	Hamilton, Mich.	Kreider
Burke, Wis.	Edmonds	Hamilton, N. Y.	Lee, Ga.
Butler	Estopinal	Hardin	Lee, Pa.
Calder	Fairchild	Hardy	Leshler
Candler, Miss.	Farr	Harris	Lever
Cantor	Fess	Harrison	Lewis, Md.
Carlin	Fields	Haugen	Lieb
Carr	Fitzgerald	Hawley	Lloyd
Casey	Flood, Va.	Hay	Locke

Loft	Oglesby	Rucker	Temple
Logue	O'Hair	Russell	Ten Eyck
Loneragan	Page, N. C.	Sabath	Thacher
McAndrews	Palmer	Scully	Thomson, Ill.
McKenzie	Parker, N. J.	Seldomridge	Towner
McLaughlin	Parker, N. Y.	Shackelford	Townsend
Maguire, Nebr.	Patten, N. Y.	Sherley	Treadway
Mahan	Peters	Slayden	Underhill
Maher	Phelan	Slomp	Underwood
Mann	Platt	Smith, Minn.	Vare
Mapes	Porter	Smith, Saml. W.	Vollmer
Miller	Post	Sparkman	Volstead
Mitchell	Price	Steenerson	Wallin
Montague	Rainey	Stevens, Cal.	Walsh
Moore	Rauch	Stevens, Nebr.	Watson
Morin	Reilly, Conn.	Stevens, Minn.	Whitacre
Morrison	Reilly, Wis.	Stevens, N. H.	White
Moss, Ind.	Riordan	Stone	Williams
Mott	Rogers	Stringer	Wilson, Fla.
Neely, W. Va.	Rothermel	Sutherland	Winslow
Nelson	Rouse	Switzer	Witherspoon
Nolan, J. I.	Rubey	Talcott, N. Y.	Young, Tex.

NAYS—103.

Abercromble	Doughton	Langley	Sisson
Alken	Eagle	Lazaro	Sloan
Anthony	Edwards	Lenroot	Small
Aswell	Esch	Lewis, Pa.	Smith, Idaho
Austin	Falconer	Lindbergh	Smith, Md.
Barkley	Ferris	Linthicum	Smith, Tex.
Barton	FitzHenry	McKellar	Stafford
Bathrick	Foster	MacDonald	Stedman
Bell, Cal.	Fowler	Manahan	Stevens, Miss.
Borchers	Francis	Morgan, Okla.	Stout
Browne, Wis.	Frear	Murdock	Summers
Bryan	French	Murray	Taggart
Buchanan, Ill.	Garner	Neeley, Kans.	Tayvenner
Buchanan, Tex.	Garrett, Tex.	Norton	Taylor, Ark.
Bulkley	Goodwin, Ark.	Oldfield	Taylor, Colo.
Burnett	Graham, Ill.	Park	Thomas
Byrns, Tenn.	Gregg	Pou	Thompson, Okla.
Callaway	Henry	Quin	Tribble
Campbell	Hughes, Ga.	Ragsdale	Vaughan
Caraway	Hulings	Raker	Vinson
Carter	Jacoway	Rayburn	Watkins
Connelly, Kans.	Johnson, Ky.	Rupley	Webb
Crisp	Johnson, Wash.	Saunders	Wingo
Curry	Keating	Sherwood	Woods
Difenderfer	Kelly, Pa.	Sims	Young, N. Dak.
Dillon	Kinkaid	Sinnott	

ANSWERED "PRESENT"—2.

Plumley Talbot, Md.

NOT VOTING—98.

Avis	Elder	Kennedy, Iowa	Patton, Pa.
Bailey	Evans	Kettner	Peterson
Barnhart	Faison	Kindel	Powers
Bartholdt	Fergusson	Kirkpatrick	Prouty
Bowdle	Finley	Lafferty	Reed
Broussard	George	La Follette	Roberts, Mass.
Bruckner	Godwin, N. C.	Langham	Roberts, Nev.
Burgess	Goeke	L'Engle	Scott
Burke, Pa.	Goldfogle	Levy	Sells
Byrnes, S. C.	Good	Lindquist	Shreve
Cantrill	Green, Iowa	McClellan	Smith, J. M. C.
Carew	Hamill	McGillicuddy	Smith, N. Y.
Cary	Hart	McGuire, Okla.	Stanley
Chandler, N. Y.	Helvering	Madden	Stevens, Tex.
Church	Hensley	Martin	Taylor, Ala.
Clark, Fla.	Hill	Metz	Taylor, N. Y.
Claypool	Hinds	Mondell	Tuttle
Cramton	Hinebaugh	Moon	Walker
Crosser	Hobson	Morgan, La.	Walters
Dale	Houston	Moss, W. Va.	Weaver
Donovan	Howard	Mulkey	Whaley
Doolling	Hoxworth	O'Brien	Wilson, N. Y.
Doollittle	Hull	O'Shaunessy	Woodruff
Dunn	Johnson, S. C.	Padgett	
Dupré	Johnson, Utah	Paige, Mass.	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BYRNES of South Carolina with Mr. HINDS.

Mr. MOON with Mr. MADDEN.

Mr. AIKEN with Mr. GREEN of Iowa.

Mr. BAILEY with Mr. AVIS.

Mr. BURGESS with Mr. CRAMTON.

Mr. CLARK of Florida with Mr. LA FOLLETTE.

Mr. DUPRÉ with Mr. MONDELL.

Mr. FINLEY with Mr. PAIGE of Massachusetts.

Mr. HELVERING with Mr. POWERS.

Mr. HULL with Mr. PROUTY.

Mr. JOHNSON of South Carolina with Mr. ROBERTS of Massachusetts.

Mr. WHALEY with Mr. SCOTT.

Mr. PADGETT. Mr. Speaker, I would like to vote.

The SPEAKER. Was the gentleman in the Hall listening?

Mr. PADGETT. I was sitting in the Hall just behind you, Mr. Speaker, and I was listening just before they called my name. I was reading the claims bill.

The SPEAKER. The rule is that gentleman must be in the Hall and listening.

Mr. PADGETT. I was reading the claims bill just at that particular time.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. EVANS. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall and listening?

Mr. EVANS. I doubt if I was listening.

The SPEAKER. The gentleman does not bring himself within the rule. The rule is that a Member must be in the Hall and listening when his name is called.

Mr. EVANS. I think I was in the Hall, but I do not think I was listening.

The SPEAKER. But it takes it all if the rule is strictly construed.

The result of the vote was announced, as above recorded.

On motion of Mr. LEVER a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

OMNIBUS WAR CLAIMS BILL.

Mr. GREGG. Mr. Speaker, I ask unanimous consent that House bill 8846, commonly known as the "omnibus war claims bill," be taken from the Speaker's table, all the Senate amendments disagreed to, and the conference asked for be agreed to.

Mr. RAGSDALE. Mr. Speaker, I should like to ask unanimous consent to extend my remarks on the agricultural bill.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the Record on the Agricultural appropriation bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill H. R. 8846, called up by the gentleman from Texas [Mr. GREGG].

The Clerk read as follows:

H. R. 8846. An act making appropriations for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts of March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code.

The SPEAKER. The gentleman from Texas asks unanimous consent to take the bill from the Speaker's table, disagree to all the Senate amendments, and agree to the conference asked by the Senate.

Mr. MANN. Mr. Speaker, reserving the right to object, I shall object to the request as made by the gentleman from Texas [Mr. GREGG]; but perhaps some agreement may be reached. The Senate has added 708 amendments. Amendments Nos. 296 to 706, inclusive, are for what are called "travel pay" in the Army. Some years ago the Senate passed a resolution or a bill or referred a resolution or a bill to the Court of Claims, covering a large number of claims of men who were in the Civil War, in the main for travel pay. The matter had been decided against them in the Treasury Department, and the Court of Claims has rendered decisions in these cases, and in each case has made the finding that the claim is neither a legal nor an equitable one, and that the Government is under no obligation to pay it, because it received no benefit by reason of whatever was done, and that, if paid, would be a pure gratuity.

The matter has never been before the House in any bill. No committee has ever reported a bill to pay any of these claims, so far as I now recall. How many more of them there may be I do not know. Possibly the attorneys who have charge of them know. There are in this bill over 400 of those claims. There are very likely 10,000 or 15,000 or 20,000 still outstanding. To pass a bill now including those claims is to pass something which would be very tidy for the claim agents who have charge of them.

Now, there is no use of sending this bill to conference. I am not willing it should go to conference. If we can reach an agreement by which we agree to all of the Senate amendments that relate to the war claims bill proper, and disagree to these travel claims amendments and stop there and send it back to the Senate, having concurred in all the other amendments and agreed to these amendments, it will be perfectly satisfactory to me. But as to agreeing to a conference, what is the use? It will not do any good to send this bill to conference.

Mr. GREGG. What is the gentleman's proposition? I did not hear it right well.

Mr. MANN. To concur in all the Senate amendments except amendments 296 to 706, inclusive. I have a copy of the bill here.

Mr. GREGG. That is all right. I amend my request, then, to cover that.

Mr. MANN. With the understanding that we do not have a conference. Just send it back to the Senate.

Mr. GREGG. I amend my request accordingly.

Mr. HAY. You move to concur with an amendment.

Mr. GREGG. I move to concur with an amendment.

Mr. MANN. Mr. Speaker, the gentleman's request is to take this bill from the Speaker's table, concur in all of the Senate amendments except amendments 296 to 706, inclusive, and that the House disagree to those amendments 296 to 706, inclusive, and stop there.

Mr. GREGG. Mr. Speaker, I modify my request in accordance with that.

The SPEAKER. The gentleman from Texas asks unanimous consent to take this bill from the Speaker's table, concur in all the Senate amendments to 296, and disagree to all of the Senate amendments from 296 to 706, both inclusive.

Mr. MANN. And concur in all the other amendments.

Mr. GREGG. The Chair has put that.

Mr. MANN. I beg the Chair's pardon.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will call the next bill on the Unanimous Consent Calendar.

MESSAGE FROM THE SENATE.

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

S. 6120. An act for the allowance of certain claims reported by the Court of Claims.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 8846) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code, asked a conference with the House of Representatives upon the said bill and amendments, and had appointed Mr. BRYAN, Mr. ROBINSON, and Mr. BRISTOW as the conferees on the part of the Senate.

EXCHANGE OF LANDS WITH THE STATE OF NORTH DAKOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21450) to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, that bill has just been reported; and, while I have been over it, I do not find my copy of it here. I would like to have the bill read and to have some gentleman explain it.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon receipt of a proper deed from the State of North Dakota, executed under authority of the act of its legislative assembly, approved January 26, 1915, reconveying to the United States title to section 16, township 138 north, range 81 west, fifth principal meridian, the Secretary of the Interior is authorized to issue patents to said State for such vacant, unoccupied, nonmineral public lands as may be selected by said State within its boundaries, not exceeding 1,280 acres in aggregate area, and said section when so reconveyed shall not be subject to settlement, location, entry, or selection under the public-land laws, but shall be reserved for the use of the Department of Agriculture in carrying on experiments in dry-land agriculture at the Northern Great Plain Field Station, Mandan, N. Dak.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I hope some one will explain the bill.

Mr. NORTON. Mr. Speaker, this is a bill proposed by the Department of Agriculture in conformity with a bill that was passed by the Legislative Assembly of North Dakota, which also was suggested to the Legislative Assembly of North Dakota by the Agricultural Department.

Near Mandan, N. Dak., is located the Northern Great Plains field station, where the Government carries on experiments in dry farming. That station is for the purpose of supplying trees and shrubs for the whole Great Plains territory. The station there now has 160 acres of land. Two miles south of the Northern Great Plains field station the State of North Dakota owns a section of school land. The superintendent in charge of the field station has urged that the station needs this section in the work that it is carrying on at Mandan, and has asked the governor of North Dakota to have legislation enacted by the State Legislative Assembly of North Dakota so that this section can be acquired by the field station.

About a month ago the North Dakota Legislative Assembly passed an act providing that the State of North Dakota might exchange this section if the Federal Government would give the State of North Dakota the right to take two sections of un-

appropriated and unreserved public land in its stead. This particular section is located 3 miles south of Mandan, N. Dak. It is worth about \$30 an acre. Now, there is not any unappropriated public land in North Dakota that is worth \$15 an acre. This bill has the approval of the Secretary of the Interior and the Secretary of Agriculture. The superintendent in charge of the field station has reported that in his judgment this exchange would be fair, and, in fact, that the United States would get the better of the bargain.

Mr. MANN. Mr. Speaker, where the Government has spent thousands of dollars for the benefit of a State, I suppose it would be anomalous and unreasonable to expect that the State should contribute in the slightest degree toward the expense. If the situation were reversed, the State of North Dakota would want us to give them the land. Here we have an experiment station in North Dakota, purely for the benefit of the citizens of North Dakota, wholly for their interest, supported at the expense of New York City and Chicago, paid for by the rest of the Government, and not by North Dakota; and, as stated by the report, the Legislature of North Dakota, desiring to encourage the work being done by the Government of the United States for the benefit of the citizens of North Dakota in North Dakota, proposes to sell to us land which the State owns.

Mr. NORTON. I will say to the gentleman—

Mr. MANN. Not just now. Wait a minute. One would think that the State of North Dakota, with its immense quantity of land for school purposes given to it by the Government, would be willing to give back to the Government a section of land where the Government is supporting a school there which ought to be supported by the State. Not much. Not on your life. All of these States want Uncle Sam to help them, but not one of them is generous enough to put its hand in its own pocket to help itself. Now, the State of North Dakota is no worse than the rest. Here the other day we abandoned a military reservation in one of the States, and lo and behold, we gave away the buildings to the State for a school. Did the State offer to buy them at a price? Oh, not at all. Wherever we have land, it is to be given away; but wherever we are generous enough to go into a State to do work for the benefit of the State, and we happen to need some old land, not worth much, which land the State owns, we have got to pay a high price for it.

They say this land is worth \$30 an acre. It is desired for the purpose of carrying on experiments in dry-land culture. Well, there is not very much land worth \$30 an acre where you can really carry on experiments in dry-land agriculture. If it is worth \$30 an acre, why do you want to carry on experiments?

Mr. NORTON. It sells for that.

Mr. MANN. Oh, they sometimes sell small tracts of land at that price to some eastern sucker; but he always comes away wiser and poorer.

Mr. NORTON. The gentleman from South Dakota, right back of you there, is selling that land.

Mr. MANN. He is selling the men who buy it. [Laughter.] However, I have been robbed and have seen the Government robbed so often of its public domain that I am not going to kick over a little thing like this. [Laughter.]

The SPEAKER. Is there objection?

Mr. KAHN. Mr. Speaker, I object.

The SPEAKER. The gentleman from California objects.

CENTRAL PACIFIC RAILROAD.

Mr. RAKER. Mr. Speaker, in the matter that was passed over a few minutes ago, I ask unanimous consent to return to calendar No. 467.

The SPEAKER. Is that in relation to the New Jersey judgeship?

Mr. RAKER. No; in relation to the lands in Nevada, legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada.

The SPEAKER. The Chair promised an opportunity to the Members from New Jersey to call up the New Jersey judgeship bill, and when the gentleman from California spoke to the Speaker he supposed the gentleman was talking about the New Jersey bill.

Mr. RAKER. No.

The SPEAKER. The Chair promised them precedence.

Mr. RAKER. This is just to ask unanimous consent—

The SPEAKER. The Chair understands; and that is precisely what the New Jersey Members want to do. The Chair will recognize the gentleman presently.

Mr. RAKER. Very well.

ADDITIONAL JUDGE IN THE DISTRICT OF NEW JERSEY.

Mr. HAMILL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19423) to create an additional Federal judgeship in the district of New Jersey.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to return to the bill (H. R. 19423) creating an additional judge in New Jersey.

Mr. CULLOP. Mr. Speaker, I withdraw my objection.

Mr. HENRY. Reserving the right to object—

Mr. THOMPSON of Oklahoma. Mr. Speaker, I object.

Mr. HAMILL. Will the gentleman reserve his objection until I make a statement as to the purpose of the bill?

Mr. THOMPSON of Oklahoma. I will reserve the objection.

Mr. HAMILL. Mr. Speaker, there have been already two judgeship bills passed through the House, but I warrant that this is probably the most meritorious bill in that respect which has been offered this session.

Here is the situation in New Jersey. We have two Federal judges trying cases. Every one knows that New Jersey gets a great many cases because of its location between New York and Pennsylvania, and because of the fact that a great many corporations were formed there in years gone by. The great bulk of the litigation is tried in the New Jersey courts.

The calendars of the judges are very much congested. I have a statement which will show the condition we are in. During the year 1914, 1,179 cases were commenced, 832 were tried, and on December 1, 1914, there were pending for trial, 4,456 cases. In other words, the two judges trying the cases for that year alone would require five years in order to finish one year's calendar.

Now, these judges, according to the report, have taken no vacation, but have worked continuously in their efforts to clear the calendars.

The Secretary of War, Mr. Garrison, who has occupied a judicial position in New Jersey and who knows the conditions, said—

Mr. THOMPSON of Oklahoma. Mr. Speaker, I withdraw my objection.

Mr. LIEB. I object, Mr. Speaker.

Mr. HAMILL. Will the gentleman from Indiana withhold his objection until I make a further statement?

Mr. LIEB. I will withdraw the objection.

Mr. HAMILL. Then, Mr. Speaker, if there is no further objection, I have finished.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I could not hear the gentleman's explanation.

Mr. DIFENDERFER. Mr. Speaker, I reserve the right to object.

Mr. MANN. I want to hear the speech of the gentleman from New Jersey.

Mr. DIFENDERFER. Mr. Speaker, I object.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. HAMILL. I did not understand the gentleman from Pennsylvania to object; I thought he reserved the right to object.

The SPEAKER. But he afterwards rose and objected.

VIRGINIA MILITARY INSTITUTE, LEXINGTON, VA.

Mr. FLOOD of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 544) for the relief of Virginia Military Institute, of Lexington, Va.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Virginia Military Institute, of Lexington, Va., out of any money in the Treasury not otherwise appropriated, the sum of \$100,000, in full of all claims of said institute for the damage and destruction of its library, scientific apparatus, and the quarters of its professors in June, 1864, by the military authority of the United States. And the acceptance of the said sum by the said institute shall be a complete and absolute bar to any and all claims for the damage and destruction of the property of said institute by the armies of the United States.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. FLOOD of Virginia. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Virginia asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. FLOOD of Virginia. Mr. Speaker, I will detain the House but a few minutes to explain the purpose of this bill. It is for the relief of the Virginia Military Institute, of Lexington, Va., for the destruction of its property by fire by Gen. Hunter's army in 1864. At that time the institute was a prosperous school for general educational, military, agricultural, and normal purposes. The State of Virginia contributed to its support and in return the institution educated a certain number of young men who had to teach in the schools of Virginia for two years.

In June of that year Gen. Hunter made what is known as his Lynchburg raid, coming through the valley and by Lexington, where this school is located. The Confederate forces at different points of the valley opposed him, not for the purpose of giving battle but to deter the progress of his march as much as possible. When he arrived at Lexington there was a small Confederate force there that made a semblance of resistance. When the advance guard of Hunter's army—a regiment under Col. J. M. Schoonmaker, of the Fourteenth Pennsylvania Cavalry—marched into town they took possession of the town and the property of this college, with practically no resistance.

Mr. MOORE. That was Col. Schoonmaker, I think.

Mr. FLOOD of Virginia. Yes; an elegant gentleman, a brave soldier, and a splendid officer. The next morning after that town had been taken possession of, and the Federal forces were in possession of the grounds of this institution, Gen. Hunter issued an order to destroy all the buildings, all the scientific and chemical apparatus, and the library, and all other property belonging to this college; and this order was carried out.

Fortunately, Mr. Speaker, there were in the Army some soldiers who knew a soldier's duty better than that. One was Col. DU PONT, the chief of artillery of Hunter's army, now a distinguished Senator from the State of Delaware. Another was Maj. McKinley, a staff officer, and later one of the best-beloved Presidents the country ever had; and other gentlemen and officers who expressed their dissent and disapproval of the order to burn this institution.

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

Mr. FLOOD of Virginia. Yes.

Mr. MOORE. Mr. Speaker, I have read the affidavit of Col. Schoonmaker, who is a very high-grade Pennsylvania citizen, and who was the officer in command of the regiment that took charge of these buildings. He states very clearly that it was not his disposition to destroy the buildings, and that Gen. Hunter ordered their destruction the next morning and reproved him for not having destroyed them; but the one point I have not had cleared up in my mind, which I wish the gentleman would explain, is whether there was such a resistance on the part of the Confederate troops at this point as to warrant the belief that those buildings were peopled with Confederate troops who were firing upon Union troops in making this raid.

Mr. FLOOD of Virginia. There was at that time absolutely no resistance. Col. Schoonmaker had gone into the grounds and through the buildings, and there was not a Confederate soldier within miles of that institution at that time, nor a cadet. These officers to whom I have alluded objected upon the ground that there was no necessity of war justifying the destruction of these buildings. The destruction was not an incident of war, because the Federal forces at that time were absolutely unopposed. No Confederate force lay athwart Hunter's path that morning. These young officers urged their objection, and those of them who are living to-day still maintain that the burning of that institution was wrong.

Mr. Speaker, it is a well-established principle in the conduct of war that the destruction of property, unless there is some necessity of war, unless it is an incident of war, when the destruction is ordered by the Government itself or by the commanding general standing in the position of the Government, such destruction renders the Government liable for the property thus destroyed.

This is a principle recognized in every civilized nation of the world. That was the situation at the Virginia Military Institute on that morning. No necessity existed—there was no reason except one of wanton reprisal—and yet the property of that splendid institution of learning was committed to the flames.

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

Mr. FLOOD of Virginia. Yes; for a question.

Mr. POST. If the facts are as the gentleman states here, why has not this been paid long ago?

Mr. FLOOD of Virginia. Because the Federal Government is sometimes slow in doing justice in these matters; but those are the facts. Fortunately we are not in doubt as to the facts, because they have been testified to by Col. Du Pont, Chief of Artillery, and Col. Schoonmaker, of the Cavalry, both of whom were there and whose testimony before the Claims Committee of the Senate brought forth a unanimous report by that committee. The recollection of this wrongful burning was so strong in the mind of Senator DU PONT that he himself introduced this very bill, the passage of which we are asking to-night.

Mr. MOORE. Just one other question. The facts are much as the gentleman states them. I have read the testimony. I would like to know how the value of \$100,000 for the property destroyed was arrived at?

Mr. FLOOD of Virginia. The board of this institution, the books having been burned, kept an accurate account of what it cost to replace these buildings and library and the scientific apparatus, and it amounted to something over \$200,000. The Senate committee decided to give them \$100,000 in lieu of the destruction that took place there. They certainly did not give them too much; they did not give them enough, but it will satisfy a just claim against this Government and will satisfy the authorities of this institution.

Mr. Speaker, this is a just and a righteous bill. It was unanimously reported from the Committee on Claims of the Senate, it was unanimously passed the Senate, and was unanimously reported from the War Claims Committee of this House. I do hope that this House will do this tardy act of justice to this splendid school, this gamecock military institute, which is one of the very best in this country, and whose graduates have illustrated their heroism and skill and patriotism upon every battle field in which American troops have fought from Buena Vista down to the present time. [Applause.]

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

Mr. FLOOD of Virginia. Yes.

Mr. ROGERS. Will the gentleman state to the House whether there are precedents for appropriations of this nature?

Mr. FLOOD of Virginia. There are. There were four institutions in Virginia that received damages at the hands of the Federal Army, and appropriations have been made for every one of them except this one, but I will say this case can never be used as a precedent for any other bill, because this is the only instance in the history of this country, and I believe it will be the only instance which will ever occur in which an educational institution is wantonly destroyed by an order of the commanding officer of an Army of this Government.

Do this act of justice and you will enable this institution to turn out 100 splendidly equipped officers every year, who will be ready to command our soldiers whenever men are needed to defend the American flag or the Nation's honor. [Applause.]

I reserve the balance of my time.

The SPEAKER. The gentleman reserves 10 minutes.

Mr. MANN. Mr. Speaker, we all know that Sherman's remark that war is hell is correct. We are learning now, by reading of the war in Europe, that war is not a Sunday-school picnic. We hear on every side from there how brutal the enemy is, wherever the enemy is or whoever the enemy is. The French complain of the Germans and the Germans complain of the French. The Austrians complain of the Russians and the Russians complain of the Austrians. War is no amusement. It was not an amusing affair when the Federal Army was in Virginia or elsewhere in the South. It is very easy for some Member from Virginia, born since the war, to now asperse the officers of the Union Army by saying there was wanton destruction of property. What does he know about it? Not a thing.

Mr. FLOOD of Virginia. I will tell the gentleman what I know about it.

Mr. MANN. I did not ask the gentleman to tell me. He can tell it in his own time.

Mr. FLOOD of Virginia. What did the gentleman ask for if he did not want me to tell?

Mr. MANN. Tell it in your own time. You do not know anything about it except what you read.

Mr. FLOOD of Virginia. I know what the gentlemen who swore to it say.

Mr. MANN. I ask that the gentleman manage to keep order. He is more belligerent now than Gen. Hunter was.

Mr. FLOOD of Virginia. I am fairer than the gentleman ever is.

Mr. MANN. The gentleman from Virginia can not even keep his temper now when there is no war. [Laughter.]

Mr. FLOOD of Virginia. I can keep my temper, but I get irascible when the gentleman is so unfair.

The SPEAKER pro tempore (Mr. FOSTER). The gentleman from Virginia must not interrupt without the consent of the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I hope the time the gentleman from Virginia has taken will be taken out of his own time.

Mr. FLOOD of Virginia. It will not be.

Mr. MANN. I will ask the Speaker to keep the gentleman in his seat, where he belongs.

Mr. FLOOD of Virginia. I will not keep my seat if I do not want to.

Mr. MANN. I think you will.

Mr. FLOOD of Virginia. I will not.

Mr. HENRY. I make the point of order that the House is not in order, Mr. Speaker. We can not hear that friendly colloquy down there.

Mr. MANN. The gentleman from Virginia says there was wanton destruction of property. That is what they always say

whenever an army goes through. Men conducting war are not very nice about what they do. Even when they are not at war they are not very nice. [Laughter.]

Now, is it proposed that Congress, 50 years after the war, shall determine whether the order of a Union officer in charge of an army to destroy property was a proper order or not? What do we know about it?

Mr. FLOOD of Virginia. Mr. Speaker—

Mr. MANN. I do not yield.

The man in charge was responsible for doing what he believed was the proper thing to do. We can not determine that. If he erred, it was an error which we ought not to pay for. It is impossible to pay for all the property which was destroyed in the South by the Union Army.

I used to hear the statement made when I was much younger that if the Democrats got into power they were likely to pay for the destruction of property in the South. Well, we just passed an omnibus war claims bill, most of the items of which would not have been considered for a moment 20 years ago, most of the items of which the committee would not have reported at all 20 years ago, and that was 30 years after the war. When the Democrats were in control of the Government before, they did not pass items such as we passed by unanimous consent in the omnibus war claims bill to-night. These things become a matter of growth and precedent. When we start in on a certain line we have to follow it up. Do we propose to pay for the property which was destroyed by the armies in the South by direction of the commanding officers, no matter what some man may think now about the order having been a proper one or not? You pay one of these claims and every claim attorney follows up the matter at once. He says, "Here is a claim that has been paid," and he has a bill presented, and pretty soon we will be paying all sorts of these claims, or else we will have to stand very strong in order to resist them.

A few years ago some one managed to get a claim paid for a church or a Masonic lodge or a city hall, on the ground that they could not be disloyal as organizations. Now we are paying those claims by the hundreds of thousands of dollars. I will say to you gentlemen on that side of the House who were responsible for legislation, if you start in to pay claims for property which was destroyed by the Union armies in the South, I will ring the changes on it all over this country in the North. The war is over. We have forgiven and forgotten that, but that does not mean that we are going to pay for the property which was destroyed as a matter of war by the armies.

This bill is for damage and destruction by the military authority of the United States. That is the language of the bill. And—

It shall be a complete and absolute bar to any and all claims for the damage and destruction of the property of said institute by the armies of the United States.

If it is wanton destruction, so much less is the claim a valid one. But the commanding officer of an army is the man who determines the circumstances. It is not his subordinate officers, and much less is it men born since the act was committed. I am opposed to opening the door for the payment of property destroyed by the Army as a matter of war either in the South or elsewhere; and if this Congress shall enter on such a course, God pity those who follow us and who have to provide the money.

Mr. Speaker, I reserve the balance of my time. [Applause.]

Mr. FLOOD of Virginia. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker, I should like to take this opportunity to say, as briefly as possible, that among the pleasant duties I have had during this Congress has been the one of serving on the Committee on War Claims. By the very nature of things a great many of the claims that were presented there were objectionable to me, but I believe that all have had fair treatment, and that the calendars of the House have not been cluttered with impossible bills from that committee. It pleases me to say that I found the distinguished chairman of that committee, the gentleman from Texas [Mr. GREGG] fair to a degree, and it also pleases me to state that I found the ranking minority member, the distinguished gentleman from Vermont [Mr. PLUMLEY], careful, painstaking, and judicial in all of his observations. And, as a new Member, I want to take this opportunity of paying a tribute in my way to the older Member, who is voluntarily retiring as a Representative from Vermont.

Mr. Speaker, to me a man of the second generation, from the days of our fratricidal strife, whose father fought in the War between the States, and whose forbears bore arms in the War of the Revolution, it has been a pleasure for me to have served on that committee. It has been most interesting to add to what little history I have read of the battles between the blue and the

gray, to be able in so many of these cases to lift the covers of that almost closed book and peer intimately into disputed points—look without bias as far as I have been able.

A great many of the cases mentioned in the omnibus bill—all, I think—went to the Court of Claims, according to the laws which govern in such cases, and were adjudicated and brought back. This particular case of the Virginia Military Institute was, as the gentleman from Virginia [Mr. Flood] has stated, unanimously reported from that committee. It has merit. It was no doubt right in 1864 to destroy the buildings, but it was also right to pay for those which should have been immune. My views are based largely on the statement of the distinguished Senator from Delaware [Mr. du Pont], at that time a lieutenant of artillery. After looking carefully at his statement made before the Senate committee in regard to the destruction of the cadet quarters, and finding it was not the desire to destroy the relics, library, scientific instruments, and so on, I came to the conclusion that if there was 90 to 95 per cent of fairness in the payment of one-half of the claim that was originally made and 5 to 10 per cent of sympathy, good feeling, or desire to help the educational institution, then the bill could with justice be passed.

Mr. MOORE. We have just passed an omnibus claims bill without any objection at all. There was a reservation as to certain things put in by the Senate. There was an opportunity given to anybody in the House to object and kill the bill. Does the gentleman know whether or not there were any claims in that omnibus claims bill, with its numerous claims, that vary greatly from this claim?

Mr. JOHNSON of Washington. There are church claims mentioned in that bill.

Mr. MOORE. Was the property destroyed in the same way? We had no opportunity to see the omnibus claims bill here to-night. It was not distributed among the Members. Some gentlemen had it, and knew what was in it, and there was no objection to it. There is objection made to this particular claim, when doubtless there were lots of claims like it in the omnibus claims bill.

Mr. JOHNSON of Washington. I hope this bill will be passed.

Mr. MOORE. Will the gentleman answer my question?

Mr. MANN. How much time does the gentleman have? He has had 10 minutes.

Mr. FLOOD of Virginia. Mr. Speaker, I yield three minutes of my time to the gentleman from Virginia [Mr. SLEMP].

Mr. SLEMP. Mr. Speaker, I am very much interested in the passage of this bill. In my judgment it is a good and fair bill from a war-claims standpoint. The committee cut out the building in which the soldiers and cadets lived. The money appropriated here is for the library, for scientific apparatus, and for the professors' buildings. It certainly is not in accordance with the rules of civilized warfare for armies to be destroying libraries. The destruction originally amounted to over \$300,000. This money was put up by the State of Virginia, and by the authorities of the Virginia Military Institute. It is estimated and shown that about \$100,000 would pay for the library, the professors' houses, and the scientific apparatus, and the committee made a distinction between these and the destruction of the barracks in which the cadets lived.

Now, as to the precedents involved, there was another institution of learning, the Washington and Lee University, that was damaged at the same time. Twenty years ago the House of Representatives, without a dissenting vote, passed an appropriation of \$20,000 for that institution to compensate it for damages it had suffered. This is the adjoining institution, where the loss took place at the same time, and the Virginia Military Institute ought to come under the same precedent. The same statement was made 20 years ago on the floor of the House in the consideration of the Washington and Lee bill as was made by the gentleman from Illinois a few moments ago in regard to this bill, that it would open the Treasury to millions and millions of expenditures; but from that time to this not one single claim of that nature has been paid. As my colleague says, there can be no other claim as no similar destruction occurred along that line. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FLOOD of Virginia. Mr. Speaker, will the gentleman from Illinois use some of his time?

Mr. MANN. I will say a word or two, anyhow. How much more time have I?

The SPEAKER. Ten minutes.

Mr. MANN. The gentleman from Pennsylvania [Mr. MOORE] a moment ago asked the gentleman from Washington [Mr. JOHNSON] if there were not a great number of similar claims in the omnibus claims bill, stating that gentlemen had not had

an opportunity to get hold of the claims bill. We passed the claims bill more than a year ago, and gentlemen could have got copies of it at any time.

Mr. MOORE. I beg the gentleman's pardon. I could not get the copy. The gentleman had the bill.

Mr. MANN. The gentleman is confusing the matter. I had the Senate amendments. The claims bill was accessible to the gentleman for the last year and a half. But that is neither here nor there. It does not contain a single claim for the destruction of property in war, and the Committee on War Claims have refused to put into the claims bill any claim for the destruction of property by the Army. They have not only refused to put those claims in the omnibus war claims bill, but they have refused to refer the claims to the Court of Claims for a finding.

Mr. MOORE. Will the gentleman yield?

Mr. MANN. I will yield for a question.

Mr. MOORE. Has every claim in the omnibus claims bill been approved by the Court of Claims?

Mr. MANN. That is so stated.

Mr. MOORE. Has this claim been approved by the Court of Claims?

Mr. MANN. It has not. I say "approved by the Court of Claims." The Court of Claims does not approve or disapprove.

Mr. MOORE. I mean an adjudication by the court.

Mr. MANN. They are not adjudicated. They are claims. There has been no finding here, as far as I know, by the Court of Claims.

Mr. BURNETT. Will the gentleman yield?

Mr. MANN. For a question.

Mr. BURNETT. Is it not a fact that we paid a number of claims for destruction of property in the Philippines, where there was actual destruction of property by the Army?

Mr. MANN. I think not. That is not my understanding.

Mr. BURNETT. That is my recollection.

Mr. MANN. That is not my recollection of it at all.

Mr. GOULDEN. Will the gentleman yield?

Mr. MANN. For a brief question.

Mr. GOULDEN. Has this matter ever been referred to the Committee on War Claims, and if so—

Mr. MANN. Why, it is reported from the Committee on War Claims; but it was entirely by personal solicitation that they got this report from the Committee on War Claims—a fairly meritorious case. It has great sympathies in it; but if you adopt the principle the next case will not have so much of sympathies in it. Pretty soon it will be a mere matter of paying the claim. What are the facts? This destruction of property occurred in June, 1864, at a critical period in the war, with great armies in Virginia, and great effort on the part of the Confederate Army to reach Washington. Gentlemen say that the general ought not to have destroyed the property. Well, if there had not been destruction of property and life there would have been destruction of the Union. I prefer to have had life and property destroyed and the Union saved. Perhaps they were not so nice about it as you and I would be, taking breakfast or dinner, but it was war. The commanding officer, for reasons which he believed were right, ordered the property destroyed. I have heard it said, by gentleman who said they were familiar with the case, that there was firing on the Federal troops from these buildings. I do not know. I do not care. I know that if Congress undertakes to pay these claims for destruction of property by the Army, the Treasury will become a waste.

I reserve the balance of my time.

Mr. FLOOD of Virginia. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes remaining.

Mr. FLOOD of Virginia. I yield two minutes to the gentleman from Pennsylvania [Mr. GRAHAM]. [Applause.]

Mr. GRAHAM of Pennsylvania. Mr. Speaker, it seems to me that this matter has been discussed from an altogether improper viewpoint. This claim ought to be considered in a fair and judicial spirit. There is no room for recrimination or charges against a Union general or against those who represented this college. The simple question is, What are the facts, and have we precedent for this bill? I think an examination of both these questions will result in an affirmative answer, that we have precedent and that the facts in this case create an equity.

There is one thing that stands out most prominently, and that is that such an institution as this ought to have been immune. I do not know how it was destroyed or why it was destroyed; the fact is that at the time of its destruction it was not used for war purposes. Those who were there say that the plates of the students were on the dining tables and that there was every appearance of its having been used as a school; that those

appearances remained visible to those who entered it at the time the Union troops arrived.

Now, this being immune property and an institution for the education of our youth, men of the North and men of the South were educated in it, and some have come forth out of it into the Union Army, although a great majority went into the Confederate Army, along with the States that they lived in. Men have come from it and gone into the Spanish-American War, so that the institution is an educational institution for the benefit of the whole citizenship of the United States. Shall we now pass a bill to pay for the destruction of scientific instruments, the house of the professor, and the library of that college, or not? You have a precedent in the case when Senator Hoar led the fight in order to reimburse William and Mary College for a similar loss. Washington and Lee University received similar treatment. Why should we draw the line when we are rectifying some of these things arising out of the war which could not be avoided in the past at this military college of the grand old State of Virginia. Let us do our duty by it, so that this bill will pass and this compensation be given to this educational institution, which through an accident of war was destroyed. [Applause.] Forty States out of 48 are represented in the student classes, I am told. We have, therefore, precedent for this action, and there exists a distinct equity to warrant the enactment of this bill into law.

The SPEAKER. The gentleman from Illinois has six minutes remaining.

Mr. MANN. I do not think I care to use it.

Mr. FLOOD of Virginia. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, I do not think that I care to say more than to simply voice the sentiments of the gentleman from Pennsylvania [Mr. GRAHAM]. He has expressed precisely my judgment on the matter. I shall take great delight in voting to take care of this needless destruction that no one at the time seems to have been responsible for. It seems to me that it is the least thing that this Congress can do at this time, and I shall vote for the measure. [Applause.]

Mr. HULINGS. Mr. Speaker, I desire to ask the gentleman from Virginia a question, if the time has not expired.

The SPEAKER. The gentleman from Virginia has one minute remaining.

Mr. HULINGS. I have read many times over the incident that occurred during the war where a parcel of young fellows, cadets at the Military Institution of Virginia, at the time of the invasion by the Federal troops, turned out and made a magnificent fight against the veterans, men from the Army of the Potomac. I want to ask the gentleman from Virginia if this was the occasion, and if these were the cadets from that institution who made that magnificent fight?

Mr. FLOOD of Virginia. This was not the occasion; but when the homes of these cadets were attacked they did defend them, and defended them nobly, as they have defended the flag of the Union in battles of the Union since that time.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 186, noes 37.

So the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21546) making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes.

The message also announced that the Senate had receded from amendments 296 to 706 to the bill (H. R. 8846) making appropriations for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code.

The message also announced that the Senate had passed House joint resolution 439 with an amendment.

THE PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

The SPEAKER laid before the House the following communication:

SAN FRANCISCO, CAL., February 26, 1915.

Hon. CHAMP CLARK,
Speaker of the House of Representatives,
Washington, D. C.:

The Panama-Pacific International Exposition, authorized by the Congress of the United States as the official celebration by our Government

of the opening of the Panama Canal, begs to extend to Congress a most cordial invitation to visit the exposition at an early date. We would feel honored in showing to Congress how the exposition has carried out the trust given to it by our Government. If it is not possible for the entire Congress to visit the exposition, I beg to express the sincere hope that a committee from Congress will make an official visit on behalf of Congress. I assure you of a most hearty welcome.

CHAS. C. MOORE,
President Panama-Pacific International Exposition.
NEUTRALITY.

Mr. UNDERWOOD. Mr. Speaker, I desire to call up the neutrality resolution (H. J. Res. 439) which was passed to-day and has just come over with a Senate amendment.

The SPEAKER. The Clerk will report it.

The Clerk read the Senate amendment.

Mr. MANN. Reserving the right to object, has the gentleman a printed copy of the amendment?

Mr. UNDERWOOD. I understand it is a privileged resolution.

Mr. MANN. It is not a privileged resolution.

Mr. UNDERWOOD. I do not think the proposition is subject to objection. It is a House resolution with a Senate amendment, and it would be on the House Calendar.

Mr. MANN. That depends upon what the amendment is.

The SPEAKER. If it is an amendment that would require it to go to the Committee of the Whole House on the state of the Union, the gentleman would have to ask unanimous consent.

Mr. UNDERWOOD. It does not, Mr. Speaker; the amendment strikes out certain portions of the resolution.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment.

Mr. UNDERWOOD. Mr. Speaker, as I understand the Senate amendment, it does not put anything in the resolution that was not in the House resolution as it originally passed this afternoon. There is some portion of the resolution stricken out, but nothing inserted. I offered this resolution at the request of the State Department, with the statement that it was prepared by the Attorney General of the United States, and I assumed that it was what the administration wanted.

I am informed the Senate has made these amendments and have been informed by the chairman of the Senate committee having it in charge that the amendments were submitted to the President of the United States and met with his approval. It is a matter involving great international questions. There is nothing in the resolution now that the House did not vote for this evening, although some portions of the resolution are stricken out. I have been informed since the resolution passed the House that one of the causes for passing the resolution is the fact that some time ago the Government stopped a ship from sailing because it was alleged that it was carrying contraband of war to belligerents, and since that time the Government has been sued because we have no statute on our books to enforce our neutrality agreement. I see no reason why the Senate amendment should not be agreed to. If we do not agree to it now, it will not become a law. I think it is undoubtedly important that a law of this kind should be on the statute books, and therefore ask the House to agree to the Senate amendment. I desire now to yield to the gentleman from Illinois, if he desires it, such time as he wants.

Mr. MANN. I am perfectly satisfied with the amendment.

Mr. SABATH. Does the Senate amendment in any way broaden the language or the resolution?

Mr. UNDERWOOD. It does not.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. I yield.

Mr. GRAHAM of Pennsylvania. Will the gentleman from Alabama state briefly for the information of the House what was left out of the resolution by these amendments?

Mr. UNDERWOOD. I will. In the first clause of the resolution, on page 2, line 2, the language "of American register, or license," is so changed as to read "American or foreign," so that it will read:

And he is hereby authorized and empowered to direct the collectors of customs under the jurisdiction of the United States to withhold clearance from any vessel, American or foreign, which he has reasonable causes—

And so forth.

Then in lines 5 and 6 of page 2 the following language is stricken out:

Or to commit any other similar act in aid of the prosecution of hostilities.

Then on page 2 the following language is stricken from the resolution:

That, further, the President be, and he is hereby, authorized and empowered to direct the collector to give clearance to any such vessel of American register or license: *Provided*, That before clearing out

the same the owners or master or other person or persons having charge or command thereof give bond to the United States, with sufficient sureties, in double the amount of the value of the vessel and cargo on board, conditioned that the vessel shall not be employed in the commission of such act or acts; and in case of a breach of the condition thereof the bond shall be forfeited to the United States, and the owner or master or other person or persons having charge or command of any such vessel shall, in addition, be severally liable to a fine of not less than \$1,000 nor more than \$5,000, or to imprisonment not to exceed one year, or both.

At the bottom of page 2, after the language stricken out, the resolution is made to read:

In case any such vessel shall depart or attempt to depart from the jurisdiction of the United States without any clearance for any of the purposes above set forth, the owner or master or person—

And so forth.

On page 3 the following paragraph is stricken from the resolution:

That the President be, and he is hereby, authorized and empowered to direct the collectors of customs or other appropriate authorities to accord the treatment of a vessel of a belligerent, including internment, to any vessel of foreign register in, or hereafter arriving in, a port or any territorial waters of the United States, when such vessel is acting, or preparing to act, or attempting to act, or intending upon departure from the jurisdiction of the United States to act as a tender to the armed forces of a belligerent, or otherwise to act in aid of the prosecution of hostilities.

Then in the last paragraph, on page 3, the words "and to all air spaces that fall" are stricken out, and that seems to me to be the most important amendment that is made, because it excludes from this jurisdiction the control of the air and aeroplanes, which was in the original resolution.

I am not here to say that, in my judgment, the Senate have perfected this resolution or improved it; but we are within a few hours of adjournment, and if the President of the United States, who has the responsibility of this matter in hand, is willing to agree to these amendments, then, considering the lateness of the hour and the proximity of final adjournment, I think it is the part of wisdom for the House to accept them.

Mr. Speaker, I move the previous question.

The previous question was ordered.

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

The Senate amendments were agreed to.

The SPEAKER. Without objection, the title will be amended in conformity with the text.

There was no objection.

On motion of Mr. UNDERWOOD, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

PETER M'KAY.

Mr. FALCONER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2589) for the relief of Peter McKay, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Peter McKay, or his legal representatives, the sum of \$2,500 as full compensation for permanent injuries received by the said McKay on the 5th day of May, 1904, at Fort Worden, in the State of Washington, by being struck with a large piece of log hurled by the explosion of an excessive blast of powder discharged without warning by employees of the United States Government engaged in clearing lands at said Fort Worden under the direction and control of the United States Government.

With the following committee amendment:

Line 6, strike out "\$2,500" and insert "\$1,500."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. FALCONER. Mr. Speaker, this is the case of an employee of the United States Government, a carpenter, working at Fort Worden, Wash., who had spent the day in working on the cover for a searchlight, and on his way home in the evening, or to the bunkhouse on the reservation, passed a place where other employees, not working with him at the time, were clearing land. They set off a blast of dynamite which resulted in breaking McKay's leg, which was amputated a few days afterwards as a result of that injury.

Now, Mr. Speaker, this injury occurred something like 14 years ago. This bill provides for an appropriation of \$1,500. If McKay received \$600 14 years ago, it would be equivalent, computing interest, to \$1,500 to-day.

Now, we hear much about the workmen's compensation act, and I think it is the common sentiment of the country that it would be a fine factor in our industrial or governmental fabric. The Government of the United States in this case, it seems to me, has owed something to Peter McKay, and I believe this bill ought to pass. I think it ought to have been \$2,500 instead of \$1,500. There is not a man in the House who would willingly have a leg broken for \$1,500, or for \$2,500. Mr. McKay is a man who, when he was injured, had a home, was out of debt,

practically. He is now 65 years of age, and has a wife 64 years of age, and four daughters, has spent the money he received from the sale of his home, and is now about destitute.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FALCONER. I will.

Mr. GARRETT of Tennessee. Was the injury due to any defect in machinery?

Mr. FALCONER. Answering the gentleman, I will say that when McKay was walking down the trail to the bunkhouse, after having deposited his tools at the end of the day's work, there was no warning given that a blast was to be set off by other workmen in the employ of the Government who were clearing land for the embrasure of a 10-inch gun on the fort. He was not a party in that working group, and knew nothing about the planned explosion. It happened that a few minutes before another group of workmen walked past, and there was a warning given. But the testimony of Mr. McKay, substantiated by a Mr. Howard, is all the evidence there was to show that there was no notice of a blast to be set off. And all the objection at any time against this claim in the committee or in any other place was made by the friends of the party who set off the blast in protecting his position. He claimed he had shouted shortly before and that McKay should have heard, but I submit there is no man who is going to walk into a blast of dynamite if he knows it.

This \$1,500 is a small pittance to give to a man who has had to stump along for 14 years on one leg. And I will say now that if anybody is going to hire a carpenter he is not going to hire a one-legged carpenter. He, walking around on a wooden leg with cane or crutch, is a living demonstration of the fact that this Government owes an unpaid debt.

This claim has been before the committee and reported by the committee, and we have the report of Gen. Mackenzie, of the United States Army. He says:

I am quite sure that the accident was not the result of any negligence on his part.

And just a little above this is the Senate report in the Sixty-third Congress, which says:

Clearly justice in this instance has been too long delayed.

I hope there will be no objection to the claim and that the bill will pass.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, this man was injured and kept on the pay roll after he was injured for many years. I do not know whether he is still on the pay roll or not. Under the general compensation law he would not have received this sum of money if he had been injured since the compensation was enacted.

Mr. FALCONER. He would surely have received \$600.

Mr. MANN. I am unwilling, so far as I am concerned, to make it a pure matter of favoritism, appealing to a particular Member of Congress to see how much somebody shall be paid, and pay them more because they do that than they would receive under a general compensation act. I have objected to all of these bills, and shall continue to do so.

Mr. FALCONER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FALCONER. We have in the State of Washington a workman's compensation act. I was on the commission and helped draft it. For the losing of a leg a man should certainly get \$600, and that is all it would have amounted to 14 years ago.

Mr. MANN. It is very specious reasoning which leads the gentleman to say that it would have amounted to \$1,500, even with \$600, 14 years ago. That has nothing to do with the question now. If a man had \$600 14 years ago, he would not have a cent now. Neither one has any application to the proposition. I object.

LEAVE OF ABSENCE.

Mr. LANGLEY, by unanimous consent, was granted leave of absence for one day, on account of illness in family.

CENTRAL PACIFIC RAILROAD.

Mr. BOOHER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. BOOHER. I rise to ask unanimous consent to return to bill S. 5042, No. 467 on the Unanimous Consent Calendar.

The SPEAKER. The gentleman asks unanimous consent to return to No. 467 on the Unanimous Consent Calendar. Is there objection?

Mr. MANN. Reserving the right to object, what is it?

Mr. BOOHER. It is an act legalizing certain conveyances in five towns of the State of Nevada.

Mr. MANN. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

Mr. BOOHER. The Senate bill was entirely stricken out, and I suppose it is not necessary to read anything but the amendment.

The SPEAKER. The Chair did not understand the gentleman.

Mr. BOOHER. The Senate bill was entirely stricken out after the enacting clause, and an amendment offered. It is not necessary to read anything but the amendment, is it?

The SPEAKER. No.

Mr. BOOHER. Just read the amendment.

The SPEAKER. The Clerk will report the amendment in the nature of a substitute, which includes everything after the enacting clause.

The Clerk read as follows:

S. 5042. Strike out all after the enacting clause and insert:

"That all conveyances heretofore made on or before January 1, 1885, by the Central Pacific Railroad Co. of California, the Central Pacific Railroad Co., or the Central Pacific Railway Co., or the Contract & Finance Co., to the extent that the conveyances of the latter company were founded upon conveyances originally made by above-named railway companies, or either or any of them or their assigns of or concerning land forming part of the right of way and now within the corporate town or city limits of the towns or cities of Elko, Carlin, Reno, Wells, and Winnemucca, in the State of Nevada, granted by the Government by the act of Congress of July 1, 1862, entitled 'An act to aid the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes,' and all other acts of Congress amendatory thereof or supplementary thereto are hereby legalized, validated, and confirmed, subject to the conditions hereinafter stated.

"Sec. 2. That this act shall have no validating force until the Central Pacific Railroad Co. of California, or its assigns, shall file with the Secretary of the Interior an instrument in writing accepting its terms and provisions.

"Sec. 3. That nothing herein contained shall have the effect to diminish said right of way to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained."

Mr. RAKER. Mr. Speaker, I offer the following amendment from the committee.

The SPEAKER. The gentleman from California offers an amendment from the committee, which the Clerk will report.

The Clerk read as follows:

Page 4, line 6, after the word "confirm," insert:

"To the extent that the same would have been legal or valid if the land involved therein affected by this act had been held by the corporation making such conveyances under absolute or fee simple title."

Mr. MANN. Where does this amendment come in?

Mr. BOOHER. It is a committee amendment.

Mr. MANN. The amendment which is now offered?

Mr. BOOHER. Yes.

Mr. MANN. I want to know what it is.

The SPEAKER. Without objection, the Clerk will again report the amendment.

The Clerk proceeded to read the amendment.

Mr. MANN. I am asking the gentleman to explain the amendment.

The SPEAKER. Will the gentleman from California or the gentleman from Missouri explain the bill?

Mr. RAKER. The gentleman from Wisconsin [Mr. LENROOT] will explain it, Mr. Speaker.

Mr. LENROOT. I will say to the gentleman that the original Senate bill sought to legalize certain conveyances made by the Central Pacific Railroad Co. and the Contract & Finance Co. The Committee on Public Lands recommended a substitute limiting the validation of the conveyances to five towns in the State of Nevada where the Central Pacific Railroad Co. owned the fee of the abutting property as well as having a right of way over it. In the Senate bill the conveyances were sought to be legalized to the extent only that the same would have been legal or valid if the land involved therein had been held by the corporation or person making such conveyance under absolute or fee simple title. In the substitute reported by the committee, through inadvertence as the substitute now reads, it attempts to validate absolutely all of the conveyances, no matter what defects there might have been in them or other equities involved, and the only purpose of the amendment is to validate them only in so far as they would be valid had the railroad company owned the fee-simple title instead of the right of way only.

Mr. TAYLOR of Colorado. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Colorado rise?

Mr. TAYLOR of Colorado. I want to address the House on this bill. I move to strike out the last word.

The SPEAKER. The gentleman is entitled to five minutes.

Mr. TAYLOR of Colorado. Mr. Speaker, I very seriously doubt the wisdom or justice of this bill. I fear that it will set

a dangerous precedent that may be injurious in other States. This bill ought not to be jammed through this House in the closing hours of the session in this manner.

Mr. MONDELL. Will the gentleman from Colorado yield?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. MONDELL. In these cases the railroad owned the abutting property in fee, so that as a matter of fact if they had not had a right of way in these particular places they would have owned it in fee anyway.

Mr. TAYLOR of Colorado. I will not discuss the bill in detail. This bill should come from the Judiciary Committee instead of the Public Lands Committee, where it had no business to go. I have received some telegrams denouncing this bill in very strong terms, and attacking the good faith of it. I think the bill as it came from the Senate was a bad bill. But we have very greatly amended the bill and limited its scope; and in deference to the opinions of the Senators from my State, who are very actively supporting this bill, and everyone else in the Senate and House seem to be in favor of it, I am not going to make a point of no quorum. I simply want to voice my protest against it on behalf of a large number of people along the rights of way, throughout Kansas, Nebraska, Colorado, and Utah.

Mr. STAFFORD. Why does not the gentleman object to it?

Mr. TAYLOR of Colorado. As a matter of fact I am simply calling the attention of the House to it, and to the fact that it looks to me as though it may be a scheme for the purpose of setting a precedent for the Central Pacific Railroad and Union Pacific. I will not set up my judgment against the whole House. Maybe the bill is all right. But I warn the House now that this bill will be used by the railroads hereafter as a precedent for further and worse legislation.

Mr. LENROOT. Mr. Speaker, I do not think that the record ought to close with the statement made by the gentleman from Colorado [Mr. TAYLOR], because if the facts were as the impression would be given by the gentleman from Colorado I would agree with him in every particular. So far as this bill in the form now before the House makes a precedent for the future, it makes a precedent altogether along the lines of the ideas of the gentleman from Colorado and myself. The fact is that in previous Congresses general legislation has been enacted validating conveyances of the Union Pacific and Northern Pacific Railroads wherever they have made sales or attempted sales of their right of way. I believe that was an absolutely vicious precedent, and I will join the gentleman from Colorado [Mr. TAYLOR] at any time in resisting legislation of that character. But, Mr. Speaker, this proposition as reported by the committee validates only conveyances made by this railroad where the railroad itself owned the fee of the abutting property. There are five conveyances involved. The railroad company supposed at that time that they had the fee of the right of way as well as of the abutting property, and it was not until the case of the United States against Townsend, in One hundred and ninetyeth United States, that it was held that the right of way granted to these transcontinental railroads conveyed anything more than an easement, but conveyed a qualified fee, and that the remainder did not belong to the abutting owner, but remained in the Government of the United States.

Now, the precedent that we will make by enacting this bill is that whenever a land-grant railroad parts with a portion of its right of way to an abutting owner we will validate such conveyance; and I would like to see, from the Mississippi River to the Pacific coast, a portion of this 400-foot right of way of these railroads taken from them if it could be done legally. That can not be done; but where they are willing to relinquish any of that 400-foot right of way to the thousands of farmers along these lines, I say Congress ought to validate such conveyance in the interest of the abutting owners. The Department of the Interior has held repeatedly that the abutting owner owns the fee of the right of way as well as the fee to his abutting property.

As I have said, it was not until recently that the doctrine has been held that the railroad company on these roadways holds a limited fee. So that this bill will make a precedent along the lines that the gentleman from Colorado believes in, as against the precedents that have been created in the cases of the Union Pacific and the Northern Pacific.

The SPEAKER. The pro forma amendment is withdrawn, and the question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The SPEAKER. The question is now on the substitute amendment as amended by the gentleman from California.

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

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to file the report, to be printed in the RECORD.

The SPEAKER. Without objection, the gentleman will have that permission.

There was no objection, and the report is as follows:

[House Report No. 1467, Sixty-third Congress, third session.]

CENTRAL PACIFIC RAILROAD CO.

Mr. RAKER, from the Committee on the Public Lands, submitted the following report:

The Committee on the Public Lands, to which was referred the bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada, having had the same under consideration, beg leave to report it back to the House with the recommendation that all of the bill after the enacting clause be stricken out and that the following be inserted as a substitute for the original bill. The substitute to be inserted is as follows:

"That all conveyances heretofore made on or before January 1, 1885, by the Central Pacific Railroad Co. of California, the Central Pacific Railroad Co., or the Central Pacific Railway Co., or the Contract & Finance Co., to the extent that the conveyances of the latter company were founded upon conveyances originally made by above-named railway companies, or either or any of them, or their assigns or concerning land forming part of the right of way and now within the corporate town or city limits of the towns or cities of Elko, Carlin, Reno, Wells, and Winnemucca, in the State of Nevada, granted by the Government by the act of Congress of July 1, 1862, entitled 'An act to aid the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes,' and all other acts of Congress amendatory thereof or supplementary thereto are hereby legalized, validated, and confirmed, subject to the conditions hereinafter stated.

"SEC. 2. That this act shall have no validating force until the Central Pacific Railroad Co. of California, or its assigns, shall file with the Secretary of the Interior an instrument in writing accepting its terms and provisions.

"SEC. 3. That nothing herein contained shall have the effect to diminish said right of way to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained."

The committee recommends that the substitute do pass.

Senate bill 5042 was referred to the Department of the Interior by Hon. Scott Ferris, chairman Committee on the Public Lands of the House, and on August 19, 1914, Hon. A. A. Jones, First Assistant Secretary, Department of the Interior, made report thereon, which report is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, August 19, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I have your favor of the 15th instant, transmitting Senate bill 5042, with a request for a report thereon, together with such expression of views as may be held by the department relative thereto.

This bill, entitled "An act legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada," has for its purpose the validation of certain contracts and conveyances entered into or executed by said railroad company or its assigns, of lands forming a part of the right of way conferred upon said company by the act of Congress of July 1, 1862, entitled "An act to aid in the construction of railroad and telegraph lines from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes" (12 Stat., 489), and other acts of Congress amendatory thereof.

The Committee on the Judiciary in the Senate considered this bill, and with some slight amendments submitted a favorable report, whereupon it passed the Senate in its present form August 7, 1914.

The conditions now existing that call for legislation of this character arose in the following manner: The right of way conferred upon the Central Pacific company was a strip of land 200 feet in width on each side of the center line of its road, but the entire width was not regarded as necessary by the company at all places for railroad purposes, and at a number of points, where important towns on the line of road now exist, portions of the right of way were transferred by the company as a part of such town sites, which are now occupied by improvements of various kinds and of great value.

Whatever views may have been entertained as to the authority of a railroad company to dispose of any portion of its right of way prior to the decision of the United States Supreme Court in Northern Pacific Railway Co. v. Townsend (190 U. S., 267), the question is now put at rest, the court holding:

"Manifestly the land forming the right of way was not granted with the intent that it might be absolutely disposed of at the volition of the company. On the contrary, the grant was explicitly stated to be for a designated purpose, one which negated the existence of the power to voluntarily alienate the right of way or any portion thereof. The substantial consideration inducing the grant was the perpetual use of the land for the legitimate purpose of the railroad, just as though the land had been conveyed in terms to have and to hold the same so long as it was used for the railroad right of way."

This decision was cited and followed, the above language being quoted, in the later decision, Northern Pacific Railway Co. v. Ely (197 U. S., 1). Congressional action, therefore, is the only relief in the case of titles of this character.

A bill (S. 7600) was introduced in the Sixty-second Congress, third session, for the same purpose as the one now in hand, but containing some other features, on which a hearing was had before the Subcommittee on the Judiciary. A copy of the report of this hearing is found with our files, from which it seems that the parties introducing the bill, as well as representatives of the railroad company, were heard at considerable length. It appears therefrom that no objection on the part of the company exists as to validating any contract or conveyance that it had theretofore executed. On the other hand, a proposed bill to accomplish such purposes was submitted on behalf of the company.

The necessity of legislation of a character similar to this now proposed has received favorable recognition at the hands of Congress. The act of April 28, 1904 (33 Stat., 538), provided:

"That all conveyances heretofore made by the Northern Pacific Railroad Co., or by the Northern Pacific Railway Co., of lands forming a part of the right of way of the Northern Pacific Railroad granted by the Government by any act of Congress are hereby legalized, validated, and confirmed: *Provided*, That no such conveyance shall have effect to diminish said right of way to a less width than 100 feet on each side of the center of the main track of the railroad as now established and maintained."

The bill meets with my approval, and I therefore recommend its passage.

Yours, truly,

A. A. JONES,
First Assistant Secretary.

The bill was referred to a subcommittee for hearing. The subcommittee referred the bill to the Attorney General for consideration and report thereon by the following letter:

HOUSE OF REPRESENTATIVES, UNITED STATES,
COMMITTEE ON THE PUBLIC LANDS,
Washington, D. C., February 9, 1915.

Hon. THOMAS W. GREGORY,
Attorney General, Washington, D. C.

MY DEAR MR. GREGORY: I am sending you herewith Senate bill 5042, "An act legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada."

This bill is now pending before the Committee on the Public Lands of the House and referred to a subcommittee on which I am acting as chairman.

I am desirous of having a report from your department upon the bill as to whether or not it would in any way relieve the railway companies referred to of their duties under their grants if this legislation were enacted, and whether or not a bill by these provisions in any way or by any reason or any possible construction be against the interest of the Government in favor of the railroad companies or relieve them of any duty or responsibility by reason of the Government taking affirmative action, as contemplated by the proposed legislation.

An early reply is solicited to the end that the committee may have the benefit of your opinion at an early date.

Am sending you copy of the hearings taken on similar bill, which kindly return with your opinion.

I am, yours, most truly,

JOHN E. RAKER,
Member of Congress.

After further consideration by the subcommittee, a further letter was directed to the Attorney General, with a proposed substitute for Senate bill 5042, which letter and proposed substitute follow:

HOUSE OF REPRESENTATIVES, UNITED STATES,
COMMITTEE ON THE PUBLIC LANDS,
Washington, D. C., February 19, 1915.

Hon. THOS. W. GREGORY,
Attorney General, Washington, D. C.

MY DEAR MR. GREGORY: On February 9, 1915, I wrote you in regard to Senate bill 5042, "An act legalizing certain conveyances by the Central Pacific Railroad Co. and others within the State of Nevada."

The subcommittee, of which I am chairman, having had this matter under investigation, presented to the full committee a tentative substitute for Senate bill 5042 for the consideration of the committee.

Upon discussion this morning, before the full committee, the question arose as to the proposed substitute, and strike out all the towns referred to except the towns of Elko, Carlin, Reno, Wells, and Winnemucca, as these last-named five towns were granted rights of way under the five deeds referred to on pages 28 and 29 in the hearings before the Subcommittee on the Judiciary on the Senate bill 7600.

As the committee understood it, these five deeds related to land that was on the odd-numbered sections, which were granted to the railroad company by the act.

The question then arose as to the advisability of passing such legislation at all, but to present a resolution forfeiting the rights of way granted to the company, under act of Congress of July 1, 1862, and all other acts amendatory thereof and supplementary thereto.

The committee then, in substance, advised that the subcommittee take the matter up with your office, to the end that you might go into the subject matter fully relative to the present bill as it passed the Senate, Senate bill 5042.

Second. The tentative substitute.

Third. A substitute as amended with section 2 struck out and to limit the towns as above specified.

Fourth. A full report from your department relative to a resolution by Congress forfeiting the rights of way under the acts and amendments thereto, because and on account of the railroads failing to comply with the terms of the grant and the use of the right of way exclusively for the purpose specified in the act.

Fifth. The effect upon the railroad company and its successors in having voluntarily attempted to have sold part of the land granted by the right-of-way act and its nonusage thereof, and its position by voluntarily attempted conveyances, as well as by suffering and permitting permanent and substantial structures and improvements within the limit of its right of way.

The subcommittee is desirous of an early disposition of this matter and would appreciate it highly if your department could give us an early as well as a full and detailed report upon the matters presented in this letter.

Am sending you under separate cover bill 5042, tentative substitute, and a copy of the hearings had before the Senate committee on December 19, 1912, on Senate 7600.

I am, yours, most truly (for the committee),

JOHN E. RAKER, Member of Congress.

That all conveyances heretofore made on or before January 1, 1885, by the Central Pacific Railroad Co. of California, the Central Pacific Railroad Co., or the Central Pacific Railway Co., or the Contract & Finance Co., to the extent that the conveyances of the latter company were founded upon conveyances originally made by the above-named companies, or any or either of them, or their assigns, or the Pacific Improvement Co., or the successors or assigns of any of them, or concerning land forming part of the right of way and now within the corporate town limits of the towns of Elko, Golconda, Battle Mountain, Reno, Lovelock, Wells, Winnemucca, Verdi, and Palsade, within the State of Nevada, granted by the Government by the act of Congress of July 1, 1862, entitled "An act to aid the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and

other purposes," and all other acts of Congress amendatory thereof or supplementary thereto, are hereby legalized, validated, and confirmed, subject to the conditions hereinafter stated.

Sec. 2. That wherever any or either of said companies has heretofore suffered or permitted substantial permanent structures in substantial permanent improvements to be erected and maintained upon any part of the railroad right of way within the corporate limits of the towns in section 1 of this act above named, it shall be lawful for said companies, or any or either of them, but without consideration, to execute and deliver to the owner or owners of such structures or improvements deed or deeds of conveyance for the lands conveyed thereby, with the same effect as if the lands embraced therein had been originally granted to said companies in fee simple.

Sec. 3. That this act shall have no validating force until the Central Pacific Railroad Co. of California or its assigns shall file with the Secretary of the Interior an instrument in writing accepting its terms and provisions.

Sec. 4. That nothing hereinbefore contained shall have the effect to diminish said right of way to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained.

The Attorney General, T. W. Gregory, made report thereon, in response to both letters and substitutes on Senate bill 5042, which report from the Attorney General follows:

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., February 22, 1915.

HON. JOHN E. RAKER,
House of Representatives.

MY DEAR SIR: Acting as chairman of a Subcommittee of the Committee on the Public Lands you have favored me with two letters, dated on the 9th and 19th instant, respectively, in which you request that I make a detailed report upon Senate bill 5042 and a proposed substitute therefor (copies of which you inclose) and render a legal opinion upon various questions of law which have arisen before the committee in its deliberations upon this proposed legislation.

The Senate bill is entitled "An act legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada."

The first section refers to—

(1) "All conveyances or written agreements heretofore made by the Central Pacific Railroad Co. of California, the Central Pacific Railroad Co., or the Central Pacific Railway Co. or the Contract & Finance Co. to the extent that the conveyances or written agreements of the latter company were founded upon conveyances or written agreements originally made by the above-named companies, or any or either of them, or their assigns, or the Pacific Improvement Co., or the successors or assigns of any of them, or of concerning land forming a part of the right of way of said companies, or either of them, granted by the Government by the act of Congress of July 1, 1862, entitled 'An act to aid the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes,' and all other acts of Congress amendatory thereof or supplemental thereto.

(2) "Also all conveyances or written agreements heretofore made by said companies, or either of them, or the successors or assigns of any of them, or of concerning land forming a part of the right of way, and within the State of Nevada, of any of said companies granted by or held under any act of Congress.

(3) "All conveyances or written agreements confining the limits of said right of way or restricting the same."

The section then concludes by declaring, as to all such conveyances and agreements, that they "are hereby legalized, validated, and confirmed to the extent that the same would have been legal or valid if the land involved therein had been held by the corporation or person making such conveyance or agreement under absolute or fee-simple title."

The limited study I have been able to bestow upon this bill does not enable me to gather very clearly the purpose of introducing the matter which I have set out in paragraphs (2) and (3) supra. The latter would seem to be superfluous in view of the general terms preceding. Paragraph (2) refers only to lands in Nevada. This limitation being absent in paragraph (1) the natural implication would be that that paragraph was intended to include lands elsewhere, which contradicts the title.

In other respects, paragraph (2) seems to amount merely to a general reiteration of what is contained in paragraph (1), save in these respects: (a) That paragraph (1) in referring to conveyances and agreements by the Contract & Finance Co., is expressly confined to such as were founded on conveyances or agreements of the "above-named companies" (evidently meaning the three railroad companies), while paragraph (2) omits this restriction; and (b) that paragraph (2) refers to a right of way granted by "any act of Congress," whereas paragraph (1) refers to the right of way granted by the act of July 1, 1862, and its amendments and supplements.

The first section of the proposed substitute, which you have submitted to me in typewriting, obviates most of these suggestions. It refers only to conveyances of land situate within the corporate limits of certain specified towns in Nevada, and forming part of the right of way granted by the act of July 1, 1862, and the acts in amendment and supplement thereof. I think, however, that, without changing the sense, the form of this section might be improved in some respects.

Section 2 of the Senate bill provides that where any of "said companies" has permitted permanent structures or improvements to be erected or maintained "upon any part of the railroad right of way above mentioned" it shall be lawful for "said companies," or any of them, but without consideration, to execute conveyances to the owners of such structures or improvements for the lands covered thereby, and "such additional lands, if any, as may be reasonably necessary for use in connection therewith, with the same effect as if the lands embraced therein had been originally granted to said companies in fee."

Section 2 of the substitute is to the same effect, except that it is confined to lands within the towns named in section 1, and to such as are covered (the word "conveyed" here is evidently a clerical error) by the structures or improvements. The provision for conveyance of additional lands "reasonably necessary," etc., is omitted.

Section 3 of the substitute provides that the act shall have no validating force "until accepted in writing by the Central Pacific Railroad Co. of California or its assigns." There is no equivalent provision in the Senate bill.

Legislative precedents are found in the act of April 28, 1904 (33 Stat., 538), construed and applied in *Northern Pacific v. Ely* (197 U. S., 1), and the act of June 24, 1912 (37 Stat., 188), construed but

held inapplicable in *Union Pacific v. Laramie Stockyards Co.* (231 U. S., 190); *Union Pacific v. Snow* (id., 204); and *Union Pacific v. Sides* (id., 213).

The act of April 28, 1904, supra, purported to validate all "conveyances" theretofore made of lands forming part of the Northern Pacific right of way outside of 50-foot limits from the center of the main track. It was not to become effective until accepted by the company. It was so accepted. In the *Ely* case it was held that, under a State statute of limitation which operates to convey title, adverse possession for the required period worked a "conveyance" within the meaning of that act of Congress.

The act of June 24, 1912, supra (which did not contemplate or obtain the acquiescence of the company), purports to validate not only "conveyances" but also, by a separate provision, to give to adverse possessions the same effect as they would have had under the State laws if the land of the right of way had been originally granted in fee simple absolute by the United States to the railway grantee. In the case of the Laramie Stockyards Co., and the others cited above from the same volume, the Supreme Court construed this latter provision as intended to operate prospectively only, and intimated quite strongly that if construed to be retroactive it might be open to serious objection on constitutional grounds. One justice dissented and three others did not participate. On the other hand, the opinion indicates quite clearly that such an objection would not apply to the provision validating the past voluntary (though void) "conveyances" of the grantees.

From this it may be safely assumed, I think, that section 3 of the substitute bill is not necessary to the validation of conveyances in the ordinary sense—i. e., voluntary conveyances by act of the company—whereas the presence of that section, aided by the company's acceptance of the act, would probably bring into play the State statute of limitations if it operates as a "conveyance" through adverse possession. (*Ely* case, supra.)

I trust that the foregoing observations may prove of some benefit to your committee, and I regret that I can not go farther in responding to your inquiries. To answer these fully would compel me to enter upon a discussion of the wisdom of the legislation now proposed, compare it with other legislative action which might be adopted instead, and essay an opinion upon the legal consequences. To do this would violate a uniform practice of the department in respect of the rendition of opinions. The precedents are all against the exercise of this function except in the cases expressly defined by statute. For this department to undertake to formulate opinions in all cases when requested by the committees of Congress concerning the effect of proposed legislation would be manifestly impossible. I have treated the present matter, to some extent, as an exception, because cognate questions were considered here when the act of June 24, 1912, was before the President for Executive approval. The inclosed report, dated June 22, 1912, signed by Assistant Attorney General Knaebel, was prepared in pursuance of the express duty of this department to give advice to the President upon all matters when required by him so to do. From this report you will see that the department not only found no serious objection to the act of June 24, 1912, but recommended it as remedial and beneficial. The report assumed that the act was entirely retrospective, but subsequently the Supreme Court reached a different conclusion in regard to the provision dealing with adverse possession, as I pointed out above.

Sincerely yours,

T. W. GREGORY,
Attorney General.

JUNE 22, 1912.

THE PRESIDENT.

SIR: I return herewith H. R. 16680, "An act legalizing certain conveyances made by the Union Pacific Railroad Co.," which was submitted to the Attorney General on the 18th instant.

From the examination which I have been able to make of the subject I am strongly of the opinion that the good features of this legislation entirely overbalance the possible defects. The extraordinary condition of titles along and in part overlapping the railroad company's rights of way in Nebraska and Colorado was clearly brought out in the hearings before the House Judiciary Committee, and is graphically and I think, fairly explained in the printed reports of that committee and the Judiciary Committee of the Senate, to which I would invite your attention. That condition is attributable to the conduct of the present company and its predecessors. Were it not that the lands constituting the rights of way are theoretically affected by a public interest and in particular by the right of the United States to insist that they shall remain intact to fulfill the purposes for which they were granted the titles which this act seeks to confirm would be independently valid, either by virtue of the deeds and agreements made by the company or its predecessors or by virtue of the State statute of limitations and the equitable doctrine of estoppel. As it is, the company is in a position to oust not only those persons who claim strips by long-continued adverse and notorious possession but even, it would seem, those to whom it has deliberately conveyed, or with whom it has entered into solemn agreements, limiting its holdings (*Northern Pacific v. Townsend*, 190 U. S., 267), and this not upon the ground that the entire width is actually necessary to the operation of the railroad, but because, as a matter of law, that width, having been defined by Congress, is conclusively presumed to be necessary. It is the implied obligation to the Government to preserve the right of way from encroachment that enables the company to escape the estoppels which would otherwise clearly exist, even to the extent of repudiating its own deliberate agreements and of dispossessing private owners who have gone to vast expense in erecting improvements and have maintained their possession in good faith for long periods of time. (*Northern Pacific v. Ely*, 197 U. S., 1.)

By the present enactment Congress in effect declares that the strips in controversy are no longer deemed essential to the Federal purpose, and relinquishes the Federal interest. It seems to me that this simply amounts to a withdrawal of the shield of Federal immunity which stands between the railroad company and the ordinary legal and equitable consequences of a situation of its own making. I do not, therefore, perceive that the company has any just ground to complain of the legislation. Its own rights, whatever they may be independently, and whether derived from the grant of the rights of way or the grant of the odd-numbered sections over which they pass, can not, of course, be affected. I say this because the act should it come before the courts, would be necessarily read with the Constitution and confined to the subject matter with which Congress was competent to deal. The Acting Secretary of the Interior, in his letter of the 20th instant, is apprehensive that this act may work injury to the rights of owners of land in even-numbered sections whose holdings abut on or are intersected by a right of way. He assumes that such an owner is interested in the right of way itself to such an extent that when any

portion of it legally ceases to be devoted to railway uses the full title to that portion will revert to him. This proposition is consistent with the practice of the Land Department in such cases, which has been to require the entryman to count the right of way as part of his entry, even for the purpose of computing the purchase price if he made cash entry, and has made no exception of the right of way in his patent. On the other hand, in the Townsend case, supra, the Supreme Court said that the land forming the right of way "was taken out of the category of public lands subject to preemption and sale, and the Land Department was therefore without authority to convey rights therein. It follows that the homesteaders acquired no interest in the land within the right of way because of the fact that the grant to them was of the full legal subdivisions."

It may be that the language quoted was broader than the occasion required and that the patentee has indeed a contingent right of reverter, as the Secretary suggests; but if this be true must it not also be true that his interest could not be destroyed by an act of Congress and that this proposed legislation, instead of tending to its destruction, will, in fact, produce such a situation as will enable the patentee to assert his interest for the first time successfully in the courts? Undoubtedly it would have been better if, in framing the act, Congress had inserted language expressly negating an intention to override any legal or equitable rights of abutting owners. It appears to have assumed, in the absence of any information to the contrary, the claims and titles within the right of way and which are sought to be validated were all either held by the abutting owners themselves or acquired with their consent. The cases in which they are held adversely to such owners, if they exist at all, must be comparatively rare, and the bare possibility of their existence would hardly justify the postponement, and therein, perhaps, the ultimate denial of the relief which the act is intended to afford in the hundreds, if not thousands, of cases where the necessity for relief has been demonstrated.

The act of April 28, 1904 (33 Stat., 538), as construed and applied in *Northern Pacific v. Ely* (197 U. S., 1), is a legislative precedent in all respects except that the assent of the company was there required. To have introduced a similar provision in this act would probably have resulted in its indefinite suspension. Its adoption in its present form was opposed by the Union Pacific Co., and that company's attitude appears to have been otherwise expressed in the various actions which it has instituted in Colorado, Kansas, and Nebraska, and in its recent policy of extending its fences to include areas which have long been under cultivation and in the adverse and exclusive possession of farmers.

I would invite your attention particularly to the condition of the titles in the city of Greeley, Colo., as described by the circuit court of appeals for the eighth circuit in *Union Pacific v. City of Greeley* (189 Fed., 1). That case is now on appeal to the Supreme Court, and thus affords a parallel to the *Ely* case, supra, which was pending in the Supreme Court when the act of 1904, supra, was enacted.

For the Attorney General.
Very respectfully,

ERNEST KNAEBEL,
Assistant Attorney General.

The following letters were received from Senator PITTMAN and Ernest Knaebel, Assistant Attorney General:

UNITED STATES SENATE,
Committee on Territories, February 25, 1915.

HON. JOHN E. BAKER,
House of Representatives, Washington, D. C.

MY DEAR JUDGE: I inclose you letter from Mr. Ernest Knaebel, Assistant Attorney General, with reference to the bill for the validation of titles along the Central Pacific, which you will notice is a strong indorsement of the bill. Please file and consider this letter along with the other documents.

I called up Mr. Ferris this morning, and, while he was not there, I was informed that he intends to call a meeting, if possible, for tomorrow morning.

I sincerely trust you will be able to push this matter through at this time.

Very sincerely, yours,

KEY PITTMAN.

DEPARTMENT OF JUSTICE,
Washington, February 24, 1915.

HON. KEY PITTMAN,
United States Senate.

MY DEAR SENATOR: Your very informing letter concerning S. 5042 reached me on Sunday, and I am indebted to you for the suggestions therein contained.

The Attorney General sent a letter to Representative BAKER on the 22d instant, as early as it could be prepared and dispatched from the department. He went as far as he could without violating the limitations placed by statute and by necessity upon the opinion-making function.

I trust you will have no difficulty in securing the legislation needed for your State.

Sincerely, yours,

ERNEST KNAEBEL,
Assistant Attorney General.

After full hearing by the full committee, the substitute for the bill hereinbefore set out was unanimously ordered reported, and that it do pass.

The purpose of the substitute is to legalize certain conveyances by the Central Pacific Railroad Co. and its subsidiary town-site companies to individuals of town lots on portions of the Central Pacific Railway's right of way in five towns in the State of Nevada, the five towns affected by the substitute being Elko, Carlin, Reno, Wells, and Winnemucca. These five towns are on odd-numbered sections and cover five conveyances made by the Central Pacific Co., and are definitely described, relative to the conveyances, date of conveyance, and description of the land on which they are located, as follows:

"First, August 20, 1874, the Central Pacific Co. conveyed to the Contract & Finance Co. the NW. $\frac{1}{4}$, sec. 11, T. 19 N., R. 19 E., adjoining the town of Reno, reserving only 200 feet right of way instead of 400 feet.

"Second, April 30, 1877, the Central Pacific Co. conveyed to Charles Crocker the NW. $\frac{1}{4}$, sec. 29, T. 36 N., R. 38 E., at Winnemucca Station, reserving 400 feet in width on the south side of the track, and 150 feet in width on the north side of the track. While this reservation was more than 400 feet in total width, yet it was in fact a conveyance of the northerly 50 feet of the granted right of way on the north side of the railroad for a distance through the town.

"Third, on December 21, 1877, the Central Pacific Co. conveyed to Charles Crocker the SE. $\frac{1}{4}$, sec. 27, T. 33 N., R. 52 E., at Carlin Station,

reserving 30.77 acres for right of way and station grounds, described by metes and bounds, which reservation is of irregular shape and is of 200 feet and more on the north side of the track and 50 feet to 90 feet on the south side of the track. It follows that the portion of the granted 200 feet on the south side of the railroad lying south of that reserved by the deed was conveyed to Mr. Crocker.

"Fourth, on January 31, 1870, the Central Pacific Co. conveyed to Charles Crocker all of sec. 15, T. 34 N., R. 55 E., at Elko Station, reserving 400 feet right of way for railroad purposes, excepting within the town of Elko, where the reservation is of a strip of land on each side of the railroad tracks, as marked on the official map of the town. The reservation as so defined is of irregular width, ranging from about 175 feet at the west end to 240 feet at the east end of the town site, and for a distance of about 4,000 feet.

"Fifth, on December 21, 1877, the Central Pacific Co. conveyed to Charles Crocker the SW. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ sec. 3, T. 37 N., R. 62 E., at Wells Station, reserving for right of way approximately 120 feet on the north side of the track and approximately 100 feet on the south side of the track.

"These five instances constitute the only case where the Central Pacific Co. has conveyed any part of the granted right of way situated upon and along its operated line of railroad."

The Central Pacific Railroad under the acts of Congress of 1862 and 1864 was granted rights of way on the public domain in the State of Nevada for a width of 400 feet. In addition thereto it was granted odd-numbered sections for 20 miles on each side of said right of way.

At that time there were practically no settlements along such right of way, but it was natural that towns would spring up along the railroad.

The Central Pacific Railroad Co., directly through certain subsidiary companies and associations mentioned in the act, laid out town sites at various places in the State of Nevada on its odd-numbered sections.

Some of these town sites as laid out embraced a part of the right of way, but in no case to exceed 100 feet.

After these town sites were laid out the town lots were sold and buildings erected thereon. In course of time these towns grew and extended beyond the odd-numbered sections and also continue to extend over the right of way to the same extent as on the odd-numbered sections.

This was done with the knowledge and consent of the railroad company. Later, by decision of the Supreme Court of the United States, it was determined that the railroad company had no authority to dispose of town lots upon any portion of the right of way. Subsequent to this the property of the Central Pacific Railroad was leased by the Southern Pacific Railway Co.

The Southern Pacific Railway Co., without confirmation or authority from Congress, refused to recognize the right of the lot owners to occupy any portion of the right of way which had been sold or upon which buildings had been constructed with the permission of the Central Pacific Railroad.

The committee adopted the following statement as their view on this particular substitute and the action of the said railroad company as it relates to transfers of rights of way under the various acts of Congress, as follows:

"That this act is expressly intended to and does cover only the towns or cities named in section 1 hereof within the State of Nevada, and is not intended as and for a precedent for any other illegal and attempted conveyance of either or any of said companies named in this act, and by reason of the further fact that said named five towns or cities are located on odd-numbered sections, which sections, under the act of Congress of July 1, 1862, and acts of Congress amendatory thereof or supplemental thereto, were of the land granted to said companies with the right-of-way exception. That for all other violations of said right-of-way grants the title of said companies, and each and all of them, to said right of way granted by said acts of Congress ought to be, and should be, forfeited to the United States for a plain violation of the expressed provisions of said grant."

It has attained usurped authority and right of possession to all of the right of way, including all lots that were sold upon the same, thereby casting a cloud upon the title of such lot owners, which destroys the market value of such property.

Under similar circumstances other railroads have instituted suits to eject the occupants on portions of their rights of way, and similar action is feared with regard to occupants on portions of the right of way within the five towns named.

There is no one involved in the legislation of this bill except the railroad company, the Government, and owners of the lots set forth in said substitute, also the towns and citizens thereof, so far as the rights of streets, roads, and alleys are involved and concerned in said five named towns.

By reason of the threats of the railroad company to institute ejectment proceedings an emergency exists—the residents of said towns can escape irreparable damage only through the passage of this substitute.

The committee in considering this substitute realizes the emergency and the rights of citizens of these five towns, who are lot owners within this right of way, as well as that of the towns, as it relates to streets, roads, and alleys, and, so far as the committee is concerned, it does not intend, nor is this substitute intended, as a precedent for any legislation by it on behalf of either or any of the railroad companies named in the substitute or otherwise in confirmation or validation of unlawful and illegal transfers or attempted transfers of land within the limits of the right of way under the grants of Congress except as in this bill specially provided.

Your committee have taken into consideration in reporting this substitute the peculiar conditions surrounding the lot owners and the rights of streets, alleys, and roads within the five towns or cities named within the State of Nevada named in the substitute, and by reason of and on account of such conditions and not otherwise, have recommended and do recommend that the substitute do pass.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4522) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June 29, 1906.

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

H. J. Res. 437. Joint resolution authorizing and directing the Sergeant at Arms to refund to Members of the House of Representatives amounts of money deducted from their salaries; and

H. J. Res. 438. Joint resolution concerning estimates and expenditures for the Reclamation Service.

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

S. 6854. An act to incorporate the Boy Scouts of America, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 8811. An act to execute the findings of the Court of Claims in the case of Sarah B. Hatch, widow of Davis W. Hatch;

H. R. 21546. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes;

H. J. Res. 437. Joint resolution authorizing and directing the Sergeant at Arms to refund to Members of the House of Representatives amounts of money deducted from their salaries; and

H. J. Res. 438. Joint resolution concerning estimates and expenditures for the Reclamation Service.

The Speaker announced his signature to enrolled bill of the following title:

S. 2789. An act to award the medal of honor to Maj. John O. Skinner, United States Army, retired.

ENROLLED BILLS 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 bills:

H. R. 21218. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 20643. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 21201. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1916;

H. R. 20347. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1916;

H. R. 20189. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 19909. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes;

H. R. 8811. An act to execute the findings of the Court of Claims in the case of Sarah B. Hatch, widow of Davis W. Hatch;

H. R. 21089. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 9899. An act to authorize the laying out and opening of public roads on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations in Nebraska and on Indian reservations in Montana.

MALAMBO FIRE CLAIMS.

Mr. VAUGHAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4254) to enable the Secretary of War to pay the amount awarded to the Malambo fire claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$53,800 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of War to pay to the Government of Panama for the use and benefit of the so-called "Malambo fire claimants" the reduced allowances which were recommended to be paid to the said claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama, as set forth on page 22 of Senate Document No. 148, Sixty-second Congress, second session, by way of compensation for losses suffered by said claimants in and by the fire which was occasioned in the Malambo ward of the city of Panama by the fumigation of houses for sanitary purposes, by order and under the direction of the Isthmian Canal Commission, on or about the 12th day of January, 1906, such payment having been recommended by the President, upon the recommendations of the Secretary of War and the Attorney General, in the

special message which was sent by the President to the Senate and House of Representatives of the United States on the 13th day of December, 1911 (printed in the aforesaid S. Doc. No. 148, 62d Cong. 2d sess.), in renewal of the recommendation contained in the President's special message of March 3, 1911, on the same subject.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

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

The SPEAKER. Is there objection?

There was no objection.

Mr. VAUGHAN. Mr. Speaker, the sixth article of our treaty with Panama reads as follows:

All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty, or by reason of the operations of the United States, its agents, or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal, or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint commission appointed by the Governments of the United States and the Republic of Panama, whose decisions as to such damages shall be final and whose awards as to such damages shall be paid solely by the United States.

On January 12, 1906, a house being fumigated by agents of our Government in conducting the work of sanitation in the city of Panama caught fire and was destroyed, with a number of other houses and considerable other property.

Some 45 claims for damages, aggregating \$125,000, on account of the destruction of property caused by the fire were presented against our Government.

In accordance with our treaty with Panama, a joint commission was appointed to appraise and settle the damages.

The report of that commission, made on June 3, 1907, will be found on page 22 of Senate Document No. 148, Sixty-second Congress, second session, and on page 12 of Senate Document 858, Sixty-first Congress, third session. It says:

The joint commission, being unable to determine the origin and cause of the fire in the Malambo district of the city of Panama on the 12th day of January, 1906, is of the opinion the case should be compromised, and recommends the payment by the United States of the following damages.

The report names the claimants, designates the property and the damages done to it, and specifies the amount recommended by the commission to be paid to each claimant, aggregating \$53,800; and it is accompanied by a report of the evidence before the commission, which will also be found in the documents to which I have referred.

As the joint commission did not make a decision but recommended a compromise, it is for Congress to determine whether it will carry out the recommendation and make an appropriation to effect the compromise. This bill proposes to do so.

I can not of course in the short time I have give the testimony in detail showing the cause of the fire, but a supplemental report on the bill does so; and any gentleman who will take the trouble to read the extracts from the evidence contained in that report will find ample proof that the fire was caused by our agents in conducting the work of fumigation.

The letter of Attorney General Wickersham to President Taft, found on pages 12-15, Senate Document No. 148, Sixty-second Congress, second session, shows that he had carefully read the evidence before the commission.

In that letter he says:

An examination of the testimony before the joint commission leaves little doubt that the fire was the result of the fumigation by the Government officers—

And so forth.

In another paragraph he says:

There is practically no doubt that the claimants lost their property and homes through the negligence of the agents of the Government fumigating their houses.

It may be said, it has been said, that our commissioners who heard the evidence would not make a finding to that effect, but said they "were unable to determine the origin and cause of the fire." I answer that they were sufficiently convinced of the justice of the claims and of the origin and cause of the fire to make them recommend the compromise for which this bill provides. Having read the evidence myself, I am unable to explain their statement that they were unable to determine the origin and cause of the fire, unless it be true, as Mr. Wickersham says in his letter, that it is evident from the proceedings before the commission that the hearing proceeded upon the theory that the liability of the Government was dependent upon the fire being caused by "the negligence of the employees of the Isthmian Canal Commission in carrying on the necessary work of fumigation," and that the commission was unable to determine whether such employees were negligent or not, although there was testimony indicating that they were.

Attorney General Wickersham recommended to President Taft that he urge upon Congress the propriety of making an

appropriation to carry out the recommendation of the joint commission, and the President concurred in his recommendation.

The present Secretary of War, Mr. Garrison, in a letter to President Wilson of date February 21, 1914, says:

This matter has been considered by various administrative officers and the payment of the claims has met the approval of former Presidents Taft and Roosevelt and former Secretaries of War Wright, Dickinson, and Stimson.

In his letter of March 3, 1914, he says:

All those who have handled this case in the past feel that there is an equity which would be settled by the bills which are now before Congress, and from my study of the case I am inclined to agree in this opinion.

The Committee on Foreign Affairs referred this matter to a subcommittee, which examined into the matter thoroughly and reported in favor of the bill, and the committee so reported the bill to the House.

I wish to state to the House that from a careful examination of the evidence, as a member of the subcommittee to which the bill was referred, I have no doubt that the fire was caused by the work of fumigation conducted by the agents of our Government. Whether it was due to negligence of such agents or not is immaterial. If it be said that the law does not hold the Government liable for negligence of its agents—and I know the authorities are to that effect—it is also true that when destruction of property has been caused by negligence of officers, Congress has recognized the justice of making compensation, and has done so, though there was no legal liability on the part of the Government.

But in this case our treaty with Panama obligates us to pay all damages by reason of the operations of the United States, its agents or employees, or by reason of the works of sanitation provided for in the treaty.

Mr. MANN. Mr. Speaker, I have been down to Panama a number of times. I went down there before our Government took hold to do anything, and have been down there several times since. The city of Panama is a very respectable-looking city at the present time, well paved, healthy, pretty well taken care of. It was a disreputable old hole when we went down there, filthy, muddy, not paved, unhealthy, disagreeable, stinking, and every move we make toward bettering the condition of the people they whine about and want us to pay for the privilege of benefiting them. We have a treaty, narrated by my friend from Texas [Mr. VAUGHAN], under which we assumed certain obligations. Nobody pretends that under the terms of that treaty we are under any obligation to pay these claims. The treaty provides that a commission shall make a finding, and if they find that we have to pay the money, then we pay it, but there never has been a finding by that commission or any of the other numerous commissions we have down there, that there was money due from us to any of the people there that we have not paid. In this case we were endeavoring to clean up Panama and get yellow fever out of it. They were fumigating in some of the houses. They have an open brazier or charcoal stove every few feet or every few inches down there. A fire started. The people whose places were burned insisted that our fumigators set it on fire through carelessness. I do not know whether they did or not, and the gentleman from Texas does not know, and if he did, it would not cut any figure here. The matter was left to the commission. They had the right to find that we were under obligation to pay for the fire, although our Attorney General said they did not have that right. I do not say that they had it, but they had the right to make the finding. The commission, after hearing all the evidence, could not make the finding that the fire was caused by our fumigators. These commissions of ours that are down in Panama are pretty well treated. They are wined and dined and they draw a good salary for staying there. Nearly all of their decisions are rather against the United States, but with all this they could not make a finding that we were liable, so they adopted the lazy man's trick. Finding no liability on the part of the Government they said they thought that we ought to pay half. If we owe anything, we owe \$103,000—is not that the amount?

Mr. VAUGHAN. The claims were \$125,000.

Mr. MANN. Yes; \$125,000. The commission recommends the payment of \$53,800.

Mr. VAUGHAN. In the way of a compromise.

Mr. MANN. Oh, no.

Mr. VAUGHAN. I beg the gentleman's pardon.

Mr. MANN. I beg the gentleman's pardon. They recommend it as a gratuity. They say that the case ought to be compromised. I understand that; but they recommend it as a gratuity. They have not been able to find any obligation

against us to pay the claim. The commission recommended that we pay this amount of \$53,800, and their report is:

The joint commission being unable to determine the origin and cause of the fire.

Well, the only obligation we have under any condition is when they can determine the origin and cause of the fire, and find if that caused it. Why, anybody that goes around the streets of Panama wonders that every house is not burned up every night. You see fire in a little pot everywhere, with children crawling around. I suppose they learn to keep away from them, because the children are naked and would get burned if they touched the pots. But there is no obligation on our part. Now, we have made a good many gratuities to Panama. I do not think we owe them any more than we owe them. Of course I understand that when we come to dealing with our foreign relations that the State Department—and I am not referring particularly to the present State Department, but every State Department—recommends the payment of any claim any foreigner makes against the United States. They have done it for years. This is the way they look at it. I read a letter from the attorney in this case, a very estimable gentleman, which he wrote to the Secretary to the President, and which closes like this. This shows the attitude which these people have toward Congress, toward these claims. It says:

I feel sure that if the matter were brought to the personal attention of the President he would, in view of the unusual circumstances of this case, inform Congress, as suggested by the Secretary of War, what it should do in behalf of the sufferers.

Why, we never charged him with getting as raw as that, that the claims attorney should ask the President to inform the Congress what it should do, and not recommend to us. That is their attitude. But the Secretary of War took quite a different position. He reported that in the absence of an award payment for these claims under a treaty provision could not be made, as such treaty provision requires specifically that claims may be made only on a definite award by the commission. That is Secretary Garrison. He found that there was no award and no liability on the part of our Government. Attorney General Wickersham made the same finding. There was no award and no liability on the part of our Government.

Now, Attorney General Wickersham, at the solicitation of attorneys, and so forth, thought that as a matter of justice we might make them a present of this money. I am satisfied that we did not burn the buildings. I am satisfied that we did not owe them a cent. We have remade their town. We have spent our money doing it. Now they want us not to pay a claim that is a legal claim, though they have a treaty with us, but they just want us to present them with this much money, of which the claimant probably will receive a modest proportion, and those who are and have been interested will receive a fair, at least, compensation.

I am unwilling to present gratuities just at present to the people in the United States. I can see no reason why we should give to people in Panama money which we would not give if the occurrence happened in the United States and American citizens were involved. We have done enough for them when we fulfill our obligations without making presents to them.

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

Mr. VAUGHAN. Mr. Speaker, I shall take only a few minutes to reply to the gentleman from Illinois. I should like to inquire of the gentleman if he proposes to use any more of his time? I will close, I suppose, in one speech.

Mr. MANN. I had not thought that I would. Is the gentleman himself going to close now?

Mr. VAUGHAN. Yes, sir.

Mr. MANN. That is all right.

Mr. VAUGHAN. Mr. Speaker, the gentleman from Illinois seems to misunderstand the whole matter. I said in my opening statement that the joint commission had not made an award. If it had done so, there would have been no necessity for Congress to act in the matter. The award would have been ordered paid by the comptroller out of an appropriation made each year to pay for conducting our operations in Panama. But it is owing to the fact that the commission did not make any award, but recommended that these cases be compromised, that it is necessary for Congress to act in order to carry out the recommendation of the commission.

The gentleman from Illinois [Mr. MANN] says that the commission recommended donations to the claimants in this case as mere gratuities. He is in error about that. The report of the commission will be found on page 22 of the Senate document to which I have referred. It says the commission is of the opinion that the case should be compromised, and recommends the payment of the following damages, and names one by one the claimants, and specifies the property that was in-

jured or destroyed, and what particular injury was done to it, and names the amount it recommends to be paid to each particular claimant in compromise of his claim. Of course, if there had been an award, it could have been paid, but the question before Congress is whether or not we will make an appropriation for the purpose of carrying out the recommendation of the commission that the case be compromised.

The gentleman says we have cleaned up Panama and that the commission would not find that the fire was caused by our agents. I answer that our joint commission was sufficiently convinced that it was caused by our agents to make them make the recommendation that these cases be compromised.

If Congress refuses to carry out the recommendation of the commission, another joint commission will have to be appointed. Certainly the gentleman would not contend that the Government can not compromise claims against it arising under its treaties. It is true that our treaty does not obligate us to pay until there is an award, but it does bind us to appoint members of a joint commission and to pay the awards of such commission. Any joint commission will be composed of an equal number of members appointed by each Government. Of course we are not bound by treaty to pay until there is an award by a joint commission. If a joint commission had already made an award, it would be a violation of our treaty for the Government to refuse to pay. Can we escape responsibility just because our commissioners refuse to make an award? Though they refuse to make an award, they recommended that the claims be compromised and that certain specified amounts be paid. The question is, Shall these claims be compromised? Shall we carry out the recommendation of the joint commission? The gentleman from Illinois says he is satisfied that the agents of the Government did not set the house on fire. Read the evidence before the commission. You will find it in the Senate document to which I have referred. You will find ample proof, not only by interested but by disinterested witnesses, that the fire was caused by our officers engaged in the work of fumigation. I know there is some conflict in the testimony, but I undertake to say that every lawyer who has practiced any considerable time knows that in almost every case involving a hotly contested issue of fact somebody swears falsely. You will find false testimony in favor of and against the claimants in the record of the evidence before the commission. A witness for the Government swore that the fire originated in the house adjoining the house that was being fumigated. Yet the man who lived in that adjoining house, a member of the fire company, testified that he came to his own house after the fire alarm sounded, put on his fire clothes, and then joined in fighting the fire; that his house was not on fire when he came home, but the adjoining house that was being fumigated was on fire and burned down; that his house caught from it; and that after the fire a part of his house was remaining. I repeat that any man who will examine this evidence will find ample proof that the fire was caused by the fumigating agents of the Government. Whether they were negligent or not is immaterial. The treaty makes us responsible for damages for the destruction of property under such circumstances whether our agents were guilty of negligence or not.

The SPEAKER. The time of the gentleman has expired. The question is, Will the House suspend the rules and pass this bill?

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 62, noes 52.

Mr. VAUGHAN. Mr. Speaker, I ask for tellers.

Tellers were ordered, and the Speaker appointed Mr. VAUGHAN and Mr. JOHNSON of Washington.

The House again divided; and the tellers reported—ayes 76, noes 61.

Accordingly, two-thirds not voting in the affirmative, the motion to suspend the rules and pass the bill was rejected.

ARMY OFFICERS WHO SERVED IN THE CIVIL WAR.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6857) authorizing the retirement from active service, with increased rank, of officers now on the active list of the Army who served in the Civil War.

The SPEAKER. The Clerk will report it.

The bill was read, as follows:

Be it enacted, etc., That any officer now on the active list of the Army who served not less than 100 days in the Regular or Volunteer forces of the United States during the Civil War and prior to April 9, 1865, who was honorably discharged therefrom, and who shall since have served not less than 40 years as a commissioned officer of the Regular Army, shall, at his own request, be placed on the retired list of the Army, with the rank of major general.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, if the gentleman from Ohio desires to make a statement I will reserve my objection.

Mr. ASHBROOK. Mr. Speaker, it is after 2 o'clock in the morning, the Members worn and weary; I know it is no time to attempt to make very much of a speech.

Mr. MANN. Will the gentleman yield?

Mr. ASHBROOK. I do.

Mr. MANN. I never saw the House in better condition to listen to a good speech.

Mr. ASHBROOK. The Members here appear to be in good humor, including the gentleman from Illinois, for which I am very thankful.

Mr. MANN. I am always in a good humor.

Mr. ASHBROOK. Mr. Speaker, this bill proposes to retire any officer of the Army who served 100 days or more in the Civil War and who has been a commissioned officer in the Army for more than 40 years.

Mr. MADDEN. Mr. Speaker, how many of these men are there?

Mr. ASHBROOK. I was about to say that there is at this time, of all that great army, but one man living who would be the beneficiary of this bill. That one is Col. John L. Clem, who is the only soldier of the Civil War now in the service.

Mr. MADDEN. Why does not the gentleman bring in a bill to retire the men who were officers in the Civil War who have been struggling along to make a livelihood in private life?

Mr. ASHBROOK. Mr. Speaker, as I stated, there will be but one beneficiary of this bill, if it is enacted into law, as I trust it will be and believe it should be. That one was a boy who at the age of 10 ran away from home and, after frequent refusals, was accepted into an enlistment as a drummer boy in the Civil War. While in the service he received several wounds, and at the conclusion of the war he received an honorable discharge. In 1871, by Executive order, the President of the United States, Gen. Grant, commissioned this young soldier as a second lieutenant, and for 44 years he has been in active service. There is not a stain upon his record as a soldier or as a citizen. I want to say that, in my judgment, there is not living to-day a soldier of the Civil War who is better known if as well known or as much loved and admired by the soldiers of the Civil War and tens of thousands of people who enjoy his acquaintance as the drummer boy of Chickamauga.

Mr. HAMLIN. What rank has he now?

Mr. ASHBROOK. He will retire next August with the rank of a brigadier general. This bill proposes to retire him as a major general, which is one rank higher than that which he will receive on retirement under existing law.

Mr. HAMLIN. What increase in pay will that give him?

Mr. ASHBROOK. I believe \$1,000, but I am not certain.

Mr. HAMLIN. A thousand dollars a year?

Mr. ASHBROOK. Yes.

Mr. HAMLIN. Is he a colonel now?

Mr. ASHBROOK. Yes.

Mr. HAMLIN. What pay does he now get?

Mr. ASHBROOK. My impression is that he receives \$4,500.

Mr. HAMLIN. If this bill should pass, what pay would he draw when he retires?

Mr. ASHBROOK. When he retires he receives three-quarters pay—

Mr. HAMLIN. Of this advanced rank?

Mr. ASHBROOK. Yes.

Mr. HAMLIN. Does the gentleman know what difference that would make in his pay?

Mr. ASHBROOK. Somewhere about \$750.

Mr. MANN. The pay of a retired major general is \$7,500.

Mr. ASHBROOK. His present pay is \$4,500. He would retire, as all Army officers do, with one rank higher than he had at the retirement. This would increase his rank just one grade.

Mr. Speaker, I am sure that no more gracious thing could be done in the concluding hours of the Sixty-third Congress than to recognize the long and honorable service of this distinguished soldier. I think I do not overstate the truth when I say that there has never been a complaint or a charge of any kind against him as an officer during all the 45 years which he has served, and he has been located in many different parts of the United States, where thousands of admiring friends would feel highly pleased to learn the "drummer boy" retires from this long service as a major general.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman a question. What is this officer doing now?

Mr. ASHBROOK. He is in the War Department, here in the city; in the Quartermaster's Department.

Mr. MANN. How long has he been in the Quartermaster's Department?

Mr. ASHBROOK. I think he has been in the city five or six years.

Mr. MANN. I do not mean how long has he been in Washington, but how long has he been in the Quartermaster's Department?

Mr. ASHBROOK. I understand for a number of years.

Mr. MANN. He is a colonel?

Mr. ASHBROOK. Yes.

Mr. MANN. We have already passed a law that when retired he shall be retired one grade above the rank that he now holds.

Mr. ASHBROOK. That was not done for his benefit.

Mr. MANN. It was passed for the benefit of all the officers?

Mr. ASHBROOK. Yes.

Mr. MANN. He is one of them, is he not?

Mr. ASHBROOK. Yes.

Mr. MANN. It was not a bill like this that did not cover anybody else, but he gets the benefit of it. He is already entitled to be retired at one grade above the rank which he now holds.

Mr. ASHBROOK. That applies to all officers in the service.

Mr. MANN. Yes; a number of distinguished officers in the Army, some of whom are now on the retired list. Does the gentleman think there is any reason why we should give Col. Clem two advances and then give some other officer who really did great service only one?

Mr. ASHBROOK. I do not think it is fair to say that we give Col. Clem two advances. This bill would only give him one.

Mr. MANN. I did not say two advances over what any other officer received. I think Col. Clem is in great luck to be retired as a brigadier general when he is a colonel. He retires as a brigadier general and has the nerve to ask us to retire him as a major general. If he had as much nerve when he went into the Army, I do not wonder—

Mr. ASHBROOK. He had the nerve to run away from home and enlist in the war when 10 years old.

Mr. MANN. I think he had; I admire him for going in, and I have no reflections to pass upon Col. Clem.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. PARKER of New Jersey. Does the gentleman know that on the roll of first lieutenants on the retired list I find one that entered the Army in 1854 and was retired for wounds received in the service as a first lieutenant. Another one who entered the Army in 1862 was retired as a first lieutenant; another entered in 1861 and was mustered out and retired as a first lieutenant—lost his left arm from wounds in line of duty. Another entered the Army in 1861, and I could go on and give you a long list of lieutenants retired, a great many captains and majors, and men retired for wounds received in the service at that time, and no bill is brought to take care of those men who got on the retired list because of wounds in the service.

It seems to me that to bring in a special bill for a man who has the opportunity to serve and keep healthy for 40 years and then be retired at the end of that time with an advanced rank is one of those bills that interferes with the regular promotion of the Army. It makes me think of Hamlet's remark, "Oh, my offense is rank; it smelleth up to Heaven."

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. ASHBROOK. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second, although I am willing to take the vote now. We have discussed the matter sufficiently, I think.

Mr. ASHBROOK. Mr. Speaker, I am quite willing to take the vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. ASHBROOK) there were—ayes 62, noes 64.

So, two-thirds not having voted in favor thereof, the motion to suspend the rules and pass the bill was rejected.

DANIEL THEW WRIGHT.

Mr. BEALL of Texas. Mr. Speaker, I call up a report from the Committee on the Judiciary on House resolution 446, directing the Committee on the Judiciary to inquire and report whether the action of this House is necessary concerning the alleged official misconduct of Daniel Thew Wright, and I move the adoption of the report (No. 1191) and ask that the Clerk report the finding of the subcommittee.

The SPEAKER. The Clerk will read the conclusions of the committee.

The Clerk read as follows:

Resolved, That the Committee on the Judiciary be discharged from further consideration of and action under House resolution 446.

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

The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 21200. An act quieting title to a certain tract of land located in the city of Guthrie, Okla.;

H. R. 20107. An act to amend sections 4421, 4422, 4423, 4424, and 4498 of the Revised Statutes of the United States, and section 12 of the act of May 28, 1908, relating to certificates of inspection of steam vessels;

H. R. 18686. An act to provide for provisional certificates of registry of vessels abroad, and for other purposes;

H. R. 12674. An act to provide for the allowance of drawback of tax on articles shipped to the island of Porto Rico or to the Philippine Islands;

H. R. 15215. An act to authorize the Commissioners of the District of Columbia to adjust and settle the shortages in certain accounts of said District, and for other purposes;

H. R. 2909. An act to extend the privileges of the seventh section of immediate transportation act to Bay City, Mich.;

H. R. 11839. An act for the relief of William Ham;

H. R. 19061. An act for the relief of homestead entrymen under the reclamation projects of the United States;

H. R. 18550. An act empowering and directing the Secretary of the Treasury to convey by quitclaim deed certain lands in the city of Akron, State of Ohio;

H. R. 900. An act for the relief of James Easson.

H. R. 4266. An act granting patent to certain lands to the legal heirs of W. F. Nichols;

H. R. 19078. An act granting the consent of Congress to the Cleveland Yacht Club Co. to construct a bridge across the west arm of Rocky River, Ohio;

H. R. 8904. An act to authorize the establishment of a life-saving station at the mouth of the Siuslaw River, Oreg.;

H. R. 13222. An act to regulate the use of public school buildings and grounds in the District of Columbia;

H. R. 16738. An act to provide for the payment of certain moneys to school districts in Oklahoma;

H. R. 14197. An act for the relief of the legal representatives of Mrs. H. G. Lamar;

H. R. 11318. An act authorizing the sale of lands in Leyman County, S. Dak.; and

H. R. 21184. An act to increase the limit of cost of the United States post-office building and site at Cohoes, N. Y.

RESERVATION OF SCHOOL LANDS IN ALASKA.

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 7515) to reserve lands to the Territory of Alaska for educational uses, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That when the public lands of the Territory of Alaska are surveyed, under direction of the Government of the United States, sections Nos. 16 and 36 in each township in said Territory shall be, and the same are hereby, reserved from sale or settlement for the support of common schools in the Territory of Alaska; and section 33 in each township in the Tanana Valley between parallels 64 and 65 north latitude and between the one hundred and forty-fifth and the one hundred and fifty-second degrees of west longitude (meridian of Greenwich) shall be, and the same is hereby, reserved from sale or settlement for the support of a Territorial agricultural college and school of mines when established by the Legislature of Alaska upon the tract granted in section 2 of this act: *Provided*, That where settlement with a view to homestead entry has been made upon any part of the sections reserved hereby before the survey thereof in the field, or where the same may have been sold or otherwise appropriated by or under the authority of any act of Congress, or are wanting or fractional in quantity, other lands may be designated and reserved in lieu thereof in the manner provided by the act of Congress of February 28, 1891 (26 Stats., p. 791): *Provided further*, That the Territory may, by general law, provide for leasing said land in area not to exceed 1 section to any one person, association, or corporation for not longer than 10 years at any one time: *And provided further*, That if any of said sections, or any part thereof, shall be of known mineral character at the date of acceptance of survey thereof the reservation herein made shall not be effective or applicable, but the entire proceeds or income derived by the United States from such sections 16 and 36 and such section 33 in each township in the Tanana Valley area hereinbefore described, and the minerals therein, together with the entire proceeds or income derived from said reserved lands, are hereby appropriated and set apart as separate and permanent funds in the Territorial treasury, to be invested and the income from which shall be expended only for the exclusive use and benefit of the public schools of Alaska or of the agricultural college and school of mines, respectively, in such manner as the Legislature of Alaska may by law direct.

Sec. 2. That section No. 6, in township No. 1 south of the Fairbanks base line and range No. 1 west of the Fairbanks meridian; section No. 31, in township No. 1 north of the Fairbanks base line and range No. 1 west of the Fairbanks meridian; section No. 1, in township No. 1 south of the Fairbanks base line and range No. 2 west of the Fairbanks meridian; and section No. 36, in township No. 1 north of the Fairbanks base line and range No. 2 west of the Fairbanks meridian, be, and the same are hereby, granted to the Territory of Alaska, but with the ex-

press condition that they shall be forever reserved and dedicated to use as a site for an agricultural college and school of mines: *Provided*, That nothing in this act shall be held to interfere with or destroy any legal claim of any person or corporation to any part of said lands under the homestead or other law for the disposal of the public lands acquired prior to the approval of this act: *Provided further*, That so much of the said land as is now used by the Government of the United States as an agricultural experiment station may continue to be used for such purpose until abandoned for that use by an order of the President of the United States or by act of Congress.

The SPEAKER. Is there objection?

Mr. FALCONER. Reserving the right to object, Mr. Speaker, I would like the gentleman to explain the features applying to the agricultural college and school of mines.

Mr. WICKERSHAM. Mr. Speaker, this bill is a bill reserving to the public schools of Alaska sections 16 and 36 in every township in the Territory, as they shall be hereafter surveyed, just as has been done in every Territory since Ohio was organized in 1800. There is nothing more in that part of the bill than is usual except this: The bill provides that if sections 16 or 36 as reserved shall be found thereafter to contain mineral the land shall not go to the Territory, but the proceeds of the land shall go to the Territory.

As to the matter of the location of the agricultural college and school of mines the bill provides for the location of the agricultural college and school of mines upon the Government experiment station in the Tanana Valley. The United States owns 1,400 acres at Fairbanks for agricultural experimental purposes. This bill in that respect has been approved by the Secretary of Agriculture in a letter written to the Committee on Public Lands in the House, and in addition to that he wrote a letter to the Committee on Public Lands in the Senate distinctly approving the use of that agricultural experiment station for the location of the agricultural college and school of mines. The Secretary of the Interior also approved the bill in all respects before both of these committees. The bill has been pending before the committee for more than a year. It has been favorably reported—unanimously reported by the Committee on Public Lands in both House and Senate. In the House it has been reported favorably twice, because the House bill and the Senate bill are identical. First, the House Committee on Public Lands reported the House bill unanimously and favorably. The Senate bill was then passed and came over to the committee, and it has reported that bill unanimously and favorably.

Some question was raised that the Congress ought not to locate this agricultural college and school of mines, but ought to leave it to the legislature in Alaska. The legislature would have no authority to locate the agricultural college and school of mines upon this land, because it is a United States reservation and is exclusively under the control and jurisdiction of Congress. The legislature would have no authority to locate an agricultural college and school of mines or any other public institution upon that land. There is no privately owned land in the Territory of Alaska upon which the Legislature of Alaska could locate an agricultural college or school of mines, so that we are obliged to turn to the Congress, if we are to get an agricultural college and school of mines located there under any circumstances.

Now, assuming that the legislature of the Territory ought to be consulted, I have done that, and I have here a telegram signed by the governor of Alaska and by 19 out of a possible 24 members of the legislature, approving the location of this agricultural college and school of mines upon this identical tract of land. And for the benefit of the gentleman from Washington I will read it. It is as follows:

JUNEAU, ALASKA, February 27, 1915.

JAMES WICKERSHAM,
House of Representatives, Washington, D. C.:

We strongly favor passage by House of Representatives of Senate bill 7515, reserving sections 16 and 36 in surveyed townships of Alaska for support of common schools and location of agricultural college and school of mines and Government experiment farm at Fairbanks.

Strong, governor; Frank A. Aldrich; O. P. Gaustad; O. P. Hubbard; Dan Sutherland; J. M. Tanner; W. M. Britt; W. T. Burns; N. A. Coombs; E. B. Collins; C. M. Day; Jas. P. Daly; Dan Driscoll; W. W. Getchell; John G. Heid; T. H. Holland; John Noon; A. G. Shoup; C. K. Snow; T. B. Tansy, members Alaska Legislature.

Mr. FALCONER. Mr. Speaker—

Mr. WICKERSHAM. I will be glad to answer all questions that I can.

Mr. FALCONER. Mr. Speaker, I recall that this bill was up a week or 10 days ago and objection was made to it. This is a case where, in the great Territory of Alaska, there are 35,000 people, and it is now proposed to establish an institution that will confront the taxpayers of Alaska for the next million years, more or less. There is a question involved worthy of the consideration of this House in this matter of educational institutions. Does the Congress of the United States at this time wish to establish an agricultural college at one place, and pos-

sibly 5, 10, or 20 years later, a university in another place? Many States have an agricultural college in one corner of the State and a university in another, and have experienced a log-rolling proposition for the maintenance of these institutions. I submit to the gentleman that if he wishes to cut out the establishment of an agricultural institution I will not object to the bill. Otherwise I will object to it.

Mr. WICKERSHAM. Of course I do not intend to do that, and the gentleman can, of course, object.

Mr. FALCONER. Then I object.

Mr. WICKERSHAM. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. The gentleman from Alaska moves to suspend the rules and pass the bill. Is a second demanded?

Mr. FALCONER. I demand a second.

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Alaska asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Alaska [Mr. WICKERSHAM] has 20 minutes and the gentleman from Washington [Mr. FALCONER] 20 minutes.

Mr. WICKERSHAM. Mr. Speaker, I do not care to use any time.

Mr. FALCONER. Mr. Speaker, I would like to say a word on this matter. I do think this is a very important proposition. I understand that a part of this land on which it is suggested to locate these educational institutions is owned in part by private parties. I may be mistaken about that.

Mr. WICKERSHAM. The gentleman is mistaken except this, that a portion of the land outside of the experiment station is taken by Mr. Blane.

Mr. FALCONER. Is there any of it taken?

Mr. WICKERSHAM. Mr. Blane's brother has about 20 acres of it.

Mr. FALCONER. And that is all that is in a private ownership?

Mr. WICKERSHAM. That is all that is owned in a private way.

Mr. FALCONER. It enhances the price of land to have an educational institution of this character placed in the midst of it. But as regards the establishment of an educational institution in Alaska for the purpose of a school of agriculture, I question the advisability of it. This Congress at some future time or the Legislature of Alaska may settle that question. I do not think that Congress to-day ought to settle it. As development is made it is important that the valleys of Alaska south of the Yukon should be opened up and the best agricultural lands in Alaska opened to access; but at the present time they are not, and there is no way of opening them up until the Government builds a railroad; and I believe that unless the Government railroad runs within a certain number of miles of this institution, as it is finally located, the institution may be poorly located.

Mr. FOSTER. Will the gentleman yield?

Mr. FALCONER. Yes.

Mr. FOSTER. If this agricultural college should be established there by the Federal Government, does it come in possession of all the rights that accrue to an agricultural college within the States?

Mr. FALCONER. Yes; that is, as I understand it.

Mr. JOHNSON of Washington. How can a Territory come in with all the rights of a State?

Mr. DAVENPORT. The Territory of Washington was organized then as a regular Territory, with all the jurisdiction of an organized Territory of the United States and not as a non-organized Territory, as Alaska is to-day, with a partial organization.

Mr. FALCONER. I do not recognize the distinction in that way as bearing upon this proposition.

Mr. DAVENPORT. Alaska has a full Territorial organization to-day.

Mr. FALCONER. Absolutely.

Mr. DAVENPORT. Is it not a fact that where you find a fully organized Territory the Federal Government might establish an institution where it could not do so in a Territory that was not fully organized as a Territory?

Mr. FALCONER. Yes; and I think the point raised is a point worth considering. I think the institution would be entitled to support, and would get from the United States Government an annual stipend to carry on the cost and advancement and the building up of that institution.

The SPEAKER. The question is on suspending the rules.

Mr. MANN. Will the gentleman from Washington yield to me?

Mr. FALCONER. I yield 10 minutes to the gentleman.

Mr. MANN. Mr. Speaker, I think some one ought to explain the bill, because this is an entire innovation from anything that the Government has ever done before in the way of granting land. I do not say that it is not a proper innovation, and I do not think that a bill of this sort ought to pass the House without a statement of what it is. I would rather one of the other gentlemen who knows more about the bill than I would state it. Of course, I am not opposed to it. I shall vote for the bill, so far as that is concerned, although I have taken time. It is not exactly an emergency matter. There will be no money to come to the Territory of Alaska out of this bill for a long time to come which it can use for school purposes, because such money comes in from the leasing, and it can not sell anything. As the money comes in from the leasing of land, that is retained and only the interest on it is to be expended for school purposes.

In the first place, of course, you will have to lease the land, and you can not lease the lands up there at present for anything, practically, except the minerals. You can not lease those right away for any amount. You will not have any money at all come in very rapidly. Then when it comes in it must be invested, and it will be more than a day or a year before there will be any interest in sufficient amounts to furnish any large amount of school facilities. In the end it conserves the property. I suppose that is the theory of it. I am not complaining about that, but I think the gentleman from Wisconsin [Mr. LENROOT], who largely prepared this, ought to make a clean-cut statement, so that the House will understand what to do.

I yield back my time.

Mr. WICKERSHAM. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, this bill as originally introduced made a grant of sections 16 and 36 and the other lands mentioned in the bill, and also established an agricultural college and school of mines. The committee were not willing to recommend that the House adopt any such bill, and all that this bill does is to make a reservation of sections 16 and 36 for the support of the common schools, and section 33 in certain portions of the Tanana Valley for the support of an agricultural college and school of mines.

Now, with reference to the question raised by the gentleman from Illinois [Mr. FOSTER], as to whether, if this bill is passed, the agricultural college in Alaska will receive the same benefits that an agricultural college in the States would receive, I will say as to that question that this bill does not establish an agricultural college or school of mines; and whether or not such a college, if established, would be entitled to those benefits will depend upon the legislation now existing and not upon this bill in any particular. That is a question upon which I am not ready to venture any opinion. But if they have the benefits, they could establish an agricultural college in Alaska without this bill and get the benefits, if there are any, that would go to Alaska.

With reference to this reservation, it has been assumed throughout the various discussions of this bill that the reservation depended upon the agricultural college and school of mines being established upon the four sections which are granted for that purpose. The gentlemen who make that statement are in error. Whether an agricultural college is established upon these four sections or not, the reservation is made just the same by this bill. The reference to the agricultural college and school of mines is merely a declaration of the purpose of the reservation. But if an agricultural college shall not be established upon these four sections, if it shall be established elsewhere, when the time comes that Alaska becomes a State, or when a grant of land is made, there is no question but that the grant will be made of these sections 33 in the Tanana Valley, wherever that agricultural college may be established, whether it be upon these four sections or not. [Applause.]

Mr. FALCONER. Mr. Speaker, I think there is no question about where the agricultural college will be established, according to the telegram read by the gentleman from Alaska [Mr. WICKERSHAM]. I submit the proposition to the gentleman from Wisconsin [Mr. LENROOT] and will yield him time to answer: If the legislature locates this educational institution on these four sections, or any other place in Alaska, will that educational institution get the benefit of the money from the Treasury of the United States, as is the rule in all States or Territories, to help support and build up the institution?

Mr. LENROOT. If they do, it will not be by virtue of any provision contained in this bill.

Mr. FALCONER. That is true. There are a lot of things that are not in this bill; but does not one follow the other?

Mr. LENROOT. Not at all; because if they do establish an agricultural college the question whether they will receive money or not will not be dependent upon this bill.

Mr. FALCONER. That is true.

Mr. FERRIS. Is there any reason why a Territory that is trying to get on its legs and get started should not have the benefit of a statute that helps all other similar schools?

Mr. FALCONER. No reason in the world except this proposition: I will ask the gentleman from Wisconsin, does Madison have the State's school of arts and sciences and its agricultural institution?

Mr. LENROOT. Yes.

Mr. FALCONER. Yes; and it is one of the greatest universities in the Central West. There are many men in this House who have served in State legislatures; and have they not often observed the fact that where there is an agricultural school in one part of the State and a school of arts and sciences in another part of the State there is a logrolling proposition on appropriations? For years in my State that question has been discussed. The officers of these institutions come before the legislature and before our finance committees for ever-increasing appropriations, and each frequently tries to outdo the other in getting appropriations. As a matter of economy Alaska ought to have all these institutions in one location; and I do not believe that now is the time to put an educational institution in the Territory of Alaska. I am in favor of developing Alaska, and am as friendly to it as any man in this House; but some men have the idea that a man who does not live in Alaska, even though the United States Government owns 99 per cent of that Territory and there are only 35,000 white people there, has no right to make any suggestion with regard to the Territory of Alaska.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. FALCONER. Yes; I will yield to the gentleman.

Mr. JOHNSON of Washington. Does the gentleman think it would be right to establish all the schools in one place in a Territory one-quarter as large as the United States?

Mr. FALCONER. With 35,000 people in the Territory, one-quarter as big as the United States, they could not find a man in a hundred square miles at this time. We had better wait until we develop the rich country in Alaska, which is in the vicinity of but south of the Yukon River. Of course it is very desirable for Fairbanks to have an educational institution established there. If I lived at Fairbanks, I would want the school there, and if I lived at Cordova I would want it there, and if I lived at Seward I should want it there. But I would not establish it upon any site at the present time.

Mr. LENROOT. Let me ask the gentleman: When Washington was a Territory, and a reservation similar to this was made, as it was made, was it made on condition that all of the educational institutions should be centered in one place?

Mr. FALCONER. No; and if you were to eliminate the setting aside of the four sections as the location I would withdraw any objection.

Mr. HAMILL. Will the gentleman yield?

Mr. FALCONER. Yes.

Mr. HAMILL. Is the gentleman's objection due to the fact that when Alaska becomes a State there may be logrolling in the legislature?

Mr. FALCONER. I think it ought to be placed in Alaska long before it becomes a State.

Mr. WICKERSHAM. Mr. Speaker, I sent to the Census Office yesterday to get the number of children in Alaska, and I was informed that there was, at the time the census was taken in 1910, 16,907 persons there under 20 years of age.

Mr. MANN. White or Indian?

Mr. WICKERSHAM. Both; but the whites largely predominate. The Indians are disappearing and the whites are increasing. We send all of our children to the Seattle High School and Seattle University, and we send about 50 a year.

I yield five minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman, the population of Alaska ought to grow some in the next few years. We have passed a railroad bill, appropriating a large sum of money, which would naturally induce people to go there.

Mr. MANN. While they are building it?

Mr. FERRIS. Yes; while they are building it, and I hope afterwards. We have passed a coal-leasing bill, and I hope that that will open up the mines, and there will be some increase of population on that account. Alaska now supports the schools by license taxes collected from merchants and saloons. There is less than 200 acres of deeded land up there; practically all of it is Government land, and no income from land taxes.

This bill withdraws two sections out of each township and allows the Territory to lease them for school purposes. It is not as liberal as we have been to some of the States. I do not know all of the merits and demerits of the contention between the gentleman from Washington and the gentleman from Alaska, and I do not care to enter into the controversy, as to where the agricultural school should be located, between the gentleman from Alaska and the gentleman from Washington. As a matter of fact this bill does not locate the school at all; it only reserves an area of land on which the Territorial government may locate its schools. It does not locate the agricultural or mechanical school there. The gentleman from Alaska lives at Fairbanks, and it is not inappropriate that he should want to locate it there. The main question is, Shall we reserve two sections of school land and let the Territory of Alaska lease it, so that they may support the schools?

Mr. HELM. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. HELM. Is the land in Alaska worth 1 cent or 2 cents or 10 cents an acre?

Mr. FERRIS. Oh, a good deal of it is mineral land.

Mr. HELM. If you are going to give it away, I want to know how much you are giving away.

Mr. FERRIS. The gentleman knows that some of this land has valuable coal on it; we give the coal to the Territory and let them lease it, and the revenues go to the Territory to support the schools. This bill is needed in Alaska. It will help them maintain their schools up there.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken, and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PAY OF SESSION CLERKS FOR MONTH OF MARCH.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution:

The Clerk read as follows:

House resolution 748 (H. Rept. 1501).

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and instructed to pay to the session clerks of the committees provided for in House resolution 667, for the entire month of March, 1915, their regular monthly compensation, out of the contingent fund of the House of Representatives.

The following committee amendments were read:

In line 3, strike out the words "clerks of committees provided for in House resolution 667" and insert "employees provided for in House resolutions 54, 55, and 667."

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. LLOYD. Yes.

Mr. MANN. Was this same resolution passed two years ago?

Mr. LLOYD. They were paid two years ago, it seems, without a resolution.

Mr. MANN. How could they be?

Mr. LLOYD. This provides for the payment of session clerks to the Expenditure Committees.

Mr. MANN. How could they be paid without a resolution?

Mr. LLOYD. The appropriation bill provides for the payment of the session clerks to the other committees for the month of March, but there is nowhere anything that construes the word "session" to include the month of March, and two years ago the Treasury Department paid them upon the theory that the word "session" as construed in the appropriation bill was the proper construction of the word. In order to avoid that question being raised again we are simply presenting this resolution.

Mr. MANN. Of course the appropriation bill specifies the length of the session?

Mr. LLOYD. Yes.

Mr. MANN. The short session running until the 1st of April and a long session until the 30th of June?

Mr. LLOYD. Yes.

Mr. MANN. I did not know whether this was the beginning of a movement to pay the employees of the House an extra month's pay. That is what this does in this case. Certain employees are selected out, and they are given an extra month's pay. I do not doubt that they need it. I have no objection to their having it. I always thought it was a good custom, and I still think it is a good custom, where employees are brought to the House from all over the country and receive no mileage, that they may properly receive at the end of every session an extra month's pay, so that they can go home and wear good clothes when they go home.

Mr. LLOYD. This makes no provision for the employees of the House.

Mr. MANN. Oh no; only for a few of the employees and to those it gives an extra month's pay.

Mr. LLOYD. Under the regulations at the present time, as provided in the appropriation bill, the session clerks who receive \$6 a day get paid for the month of March. The clerks to the Expenditures Committees who get \$125 per month will not get paid for the month of March unless some such provision as this is made.

Mr. MANN. Yes; but the clerks who come in one place go in under the law which provides what their pay shall be, and they know. These clerks come in under a law which provided that their pay should cease on the 3d of March—yesterday.

I have no objection to their getting it. I regret that it is necessary to pay two of the clerks an extra month's pay and let the rest go home on the ties.

Mr. LLOYD. All the clerks to committees get their pay.

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

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution was agreed to.

LILLIE M. REESCH.

Mr. LLOYD. Mr. Speaker, I also present the following privileged resolution which I send to the desk and ask to have read. The Clerk read as follows.

House resolution 722 (H. Rept. 1502).

Resolved, That there shall be paid out of the contingent fund of the House the sum of \$600 to Lillie M. Reesch for extra services rendered in connection with the sending out of blanks, receiving, filing, and compiling expense statements filed by Members of Congress in accordance with H. R. 2958, "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected,' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses."

Mr. LLOYD. Mr. Speaker, this is similar to the resolution offered in the last Congress.

Mr. MANN. I do not quite understand it.

Mr. LLOYD. This resolution provides for pay to an individual who had charge of the accounting end of the corrupt practices act. She sends out all of the statements to individual Members with reference to the accounts that they must make, the four statements that are required to be made. This lady has kept those accounts and kept the accounts of all of the Members as they have been filed and of the committees that are required to make reports to the House.

Mr. MANN. May I ask the gentleman what is meant by "H. R. 2958"?

Mr. LLOYD. I do not understand.

Mr. MANN. The resolution says:

And compiling expense statements filed by Members of Congress in accordance with H. R. 2958.

Mr. LLOYD. It is in accordance with the law affecting campaign contributions.

Mr. MANN. I did not know what that was. I am sure they have not filed any accounts under any bill pending in the House. Does not this lady receive a regular salary?

Mr. LLOYD. Yes.

Mr. MANN. Does she not perform this work in office hours?

Mr. LLOYD. I do not know.

Mr. MANN. I am pretty sure she could not perform it in any other hours. What do we pay her the other salary for?

Mr. LLOYD. We paid her for the regular service she was required to perform before she was expected to perform this extra duty.

Mr. MANN. Perhaps she was not expected to perform any. I did not know. Do I understand the gentleman to go upon the theory that if we employ a clerk to perform some service and then really give the clerk something to do that we have to pay extra for that?

Mr. LLOYD. We pay for this extra service here exactly on the same theory that we pay the extra clerk detailed from the Pension Office to perform work for the Invalid Pensions Committee, and we pay extra services for the person who is detailed to perform work for the Pension Committee.

Mr. MANN. I do not know that I shall object. I would like a moment.

Mr. Speaker, in the good old days before the gentleman from Pennsylvania [Mr. PALMER] put the throttle on the throat of the Democratic side of the House, we used to pay quite often to different clerks money for extra services. Then came along the "reform" of the gentleman from Pennsylvania; that was all cut out in the air, in the talk, and in the resolution. It has gradually been going by the boards. Places have been filled again. We have just passed a resolution to pay certain em-

ployees one extra month's salary. Now, we have one employee—no doubt a very competent and capable one—who did not have much to do, could not have had much to do, because we propose to pay that employee \$600 for doing something in office hours. That is \$50 a month. You can employ a very competent person as a clerk for \$50 a month. At the end of the next Congress, I suppose, we will pay them all extra compensation. We have raised the salaries of more clerks in the House for committees than had been raised for years before. We have added more clerks to the committees than had been provided in years before.

Let us be on the square about it. The truth is that when one party remains in power in the House for a series of years it gets in the habit of giving a little extra compensation now and then to some person who performs good service, and service that they are paid for. I remember the House at one time, without any suggestion from me, although I would have been glad to have made the suggestion, paid one of my clerks an extra compensation to the amount of \$1,500, which was well earned. The House paid it because so many Members of the House had to deal with that clerk and found the clerk so competent. Maybe you will find a clerk after a while, if you keep on, that is worth paying \$1,500 to. God knows, I wish you would.

Mr. LLOYD. Mr. Speaker, I wish to say in reply to the statement that has just been made, that there have not been more clerks added to the rolls recently than were ever added before.

Mr. MANN. Committee clerks I said.

Mr. LLOYD. The truth about it is, that there have been less added during the last four years than in the same length of time during the last 20 years. We commenced our work on this Democratic side four years ago by cutting off a large number of employees. It was said at that time that they would be put back. They have not been put back up to this good hour. [Applause on the Democratic side.]

Mr. MANN. Some of them have been put back in their places and drawing the same rate of pay.

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

The question was taken and the resolution was agreed to.

EXTENSION OF REMARKS.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and also for a reprint of the bills H. R. 21331 and H. R. 21332, the print having been exhausted.

The SPEAKER. The Chair will put one of these requests at a time. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? There was no objection.

By unanimous consent, Mr. QUEZON, Mr. ABERCROMBIE, Mr. KENNEDY of Connecticut, Mr. SMITH of Maryland, Mr. FITZHENRY, Mr. WILLIAMS, and Mr. CANTOR were granted leave to extend their remarks in the RECORD.

REPRINT OF BILLS.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent that 1,000 copies each of the bills H. R. 21331 and H. R. 21332, relating to the unemployed, be reprinted, the first print having been exhausted.

The SPEAKER. The gentleman from Illinois asks unanimous consent to have an extra 1,000 copies printed of each one of the bills he names.

Mr. MANN. Reserving the right to object, Mr. Speaker, the gentleman knows, I suppose, that the Committee on Printing has authority to order additional copies? The document room will order additional copies of the bill.

Mr. FOWLER. I supposed the committee would get away pretty soon.

Mr. MANN. Oh, no; the Committee on Printing is here permanently. I do not think the House ought to order a reprint of bills. We never do that.

The SPEAKER. Is there objection?

Mr. MANN. I object.

FREDERICK H. LEMLY.

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

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 3561) to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy.

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint

Frederick H. Lemly a passed assistant paymaster on the active list of the Navy, to take the same rank and position on the list of passed assistant paymasters that he occupied on March 5, 1908 (the date upon which his resignation as a passed assistant paymaster in the Navy was accepted): *Provided*, That the said Frederick H. Lemly shall establish to the satisfaction of the Secretary of the Navy by the usual examinations required for promotion to the grade of passed assistant paymaster his fitness in all respects to perform the duties thereof: *Provided further*, That the said Frederick H. Lemly shall be carried as additional to the number of the grade to which he may be appointed or at any time thereafter promoted: *And provided further*, That nothing in this act shall be construed as entitling said Frederick H. Lemly to any pay or allowances from the date of the acceptance of his resignation herein referred to and the date of the passage of this act.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object, Mr. Speaker.

Mr. AUSTIN. Mr. Speaker, Mr. Lemly was an assistant paymaster in the Navy for five years, but owing to the serious illness of his father in North Carolina and an appeal to the son, he resigned his position, returned home to North Carolina, and cared for his father until his recovery. Then he made application to the Navy Department for reinstatement, and a bill was introduced by the gentleman from North Carolina [Mr. STEDMAN]. That bill has been recommended by the Paymaster General of the Navy, stating that there was a necessity for trained and experienced assistant paymasters in the Navy, and that this man's record was an efficient and satisfactory one, and that it was in the interests of the public service to have him rather than to have an untrained man from private life who had never had any experience in this line of business. The bill is recommended by the Secretary of the Navy, who makes an exception in this case for the reasons given in the letter or report of the Paymaster General of the Navy.

Now, I know this young man. He is worthy, he is capable, and has a faithful and efficient record in the Navy. This bill was first recommended in the Senate by the Senate Naval Committee in a unanimous report. It passed the Senate without a dissenting vote, came to the House, and is on the House Calendar with a unanimous report from the House Naval Committee. While I know it is the invariable rule of the gentleman from Illinois [Mr. MANN] to oppose bills of this character, the other day when this bill was on the Unanimous-Consent Calendar with similar bills the gentleman from Illinois stated that there was merit in this one. Now, I appeal to the Members of this House to restore this young man to the Navy—a young man who gave up his career in the Navy on account of an appeal from his invalid father. In doing this he did a noble act which should commend him to every Member of this House. We ought to give him an opportunity to reenter the service, especially when his former superior officers favor and urge it.

Mr. MANN. Mr. Speaker, it is always an unpleasant task to object to any of these bills which gentlemen desire to have passed. I have objected to personal bills for reinstatement in the Navy and in the Army for a good many years, rather effectively, always stating that I would have no objection to general legislation which authorized the Secretary of War or the Secretary of the Navy to reinstate a man in the service for active duty. The Army bill carries such a provision, I believe, and the Navy bill carries such a provision. Neither one would carry such a provision if it had not been for the objections which I have made to this rotten system of personal legislation in the House. It is true that provision in the naval bill does not cover this case, but if before the President has signed the Navy bill, which he will sign before noon to-morrow, we commence again the system of personal legislation and put these men back in the Navy and the Army who are not covered by the general legislation, we will be just as badly off in the end as we are now.

Mr. HENRY. Will the gentleman yield for a motion?

Mr. MANN. I will.

Mr. HENRY. This is a bill that was included in the Witherpoon rule that was referred to the Committee on Rules when we reported the resolution for repealing the plucking board, and this was one of the cases that was reported before the committee. And my recollection is that there was a unanimous report from the Committee on Naval Affairs, and we thought that we had covered this case as well as those others.

Mr. MANN. Then the gentleman was very careless.

Mr. HENRY. Relief was given in the other cases, and it seems that this is just as meritorious a case as those. I think it is a bill introduced by the gentleman from North Carolina [Mr. STEDMAN].

Mr. MANN. The very distinguished gentleman from Texas, as chairman of the Committee on Rules, brought into the House a rule providing that there should be in order on the naval bill various provisions, and if the Committee on Rules had this case before them, and the gentleman from Texas drew a rule to cover this case and did cover it, then this is not necessary. If he

did not cover it, why, then, the gentleman ought not to ask us to make up for his negligence.

Mr. HENRY. I did not mean to state that; but we simply came to the conclusion that this was a meritorious case, and I assumed that there would be a way to get it up here for consideration, like the other cases.

Mr. MANN. There was a way, and that was to put it in your rule.

Mr. HENRY. We did not report a special rule enumerating cases, but reported a general rule that authorized legislation repealing the plucking board; but it seems that this case does not fall under that.

Mr. MANN. But the general rule that the gentleman reported went away beyond the cases of the plucking board. The general rule had one provision in it for the reinstatement of officers who had been plucked. Then it repeated it in another place, and said all other officers—

Mr. HENRY. That was one phase of it. I have no interest in this and no objection to it, and I think it ought to pass.

Mr. MANN. That ought to settle it.

Mr. HENRY. I hope it will be passed.

Mr. LENROOT. The gentleman states that it was the intention of the Committee on Rules to report a general rule to cover all the special bills before the committee. I must respectfully dissent from that.

Mr. HENRY. Oh, no; I did not mean that at all. What I started out to say was that this was one of the cases that we thought meritorious, after hearing a number of the members of the Naval Affairs Committee, and I think it ought to be passed, if there is any way to do it.

Mr. MANN. There was a way to pass it, and there still is a way to pass it.

Mr. HENRY. Then let us pass it.

Mr. MANN. Let the Committee on Rules, which assumes to be the manager of the House—

Mr. HENRY. Oh, no.

Mr. MANN. Let the Committee on Rules bring in a rule to pass it. Goodness knows, they exercise that power often enough.

Mr. HENRY. Let us suspend the rules and pass it to-night.

Mr. MANN. I object.

Mr. AUSTIN. I move to suspend the rules and pass this bill.

The SPEAKER. Is this a private bill?

Mr. MANN. It is a private bill.

The SPEAKER. The Chair will not recognize the gentleman for that purpose.

JUDICIAL DISTRICTS IN ARKANSAS.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to call up the bill (H. R. 18086) to amend section 71 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 4, 1911, and to concur in the Senate amendments.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Arkansas moves to concur in the Senate amendments.

The Senate amendments were read.

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

The Senate amendments were concurred in.

By unanimous consent the title of the bill was amended to conform to the text.

POST OFFICE, FORSYTH, GA.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20604) to construct a public building for a post office at the city of Forsyth, Ga.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States be, and he is hereby, authorized, empowered, and directed to cause to be erected and constructed upon the lot now owned by the United States in the city of Forsyth, Ga., a public building such as he may determine is necessary and proper for the post office and such other public officials as may be located there, in said city of Forsyth, Ga., at a cost not to exceed the sum of \$50,000, which sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. What is the amount carried in this bill?

Mr. BARTLETT. Fifty thousand dollars. That is the amount estimated by the department.

Mr. MANN. Mr. Speaker, this House is a place that brings men into close touch and friendship. As any of us go out of

the House, I think probably the pleasantest memories we shall have relating to our service in the House will be those of the personal friendships between Members, which fortunately are not based on the divisions of party lines.

I remember when I first came to the House, I think it was in my first term, one night when we were considering the sundry civil bill John Allen, whom everybody ought to know or know of, the great humorist from Mississippi, who had had long service in the House, and was then a member of the Committee on Appropriations, offered an amendment which, as I recall it, provided for a fish hatchery at Tupelo. He was going out of the House. I had been around the House for a while, and I supposed, of course, that Uncle Joe, who was in charge of the appropriation bill, would make a point of order against it, it being subject to a point of order, and Uncle Joe had made points of order against the amendments offered by everybody else. The point of order was not made. Private John Allen was going out of Congress after a long service here. He had been succeeded by another most amiable and able gentleman, the gentleman from Mississippi [Mr. CANDLER], of Tombigbee.

The House, as a compliment to him, when leaving the service here, made provision for Government work in his town; something that I suppose was needed, but was not authorized, and if offered by anybody else would have been met by a little point of order that would have knocked it out.

The gentleman from Georgia [Mr. BARTLETT] has served his country well in the House for 20 years. I served with him on the Committee on Elections when I first came into the House for a number of years; I served with him afterwards on the Committee on Interstate and Foreign Commerce until I left that committee. Both of us have a temper, but I believe that no cross word has ever passed between Mr. BARTLETT and myself. I think that he is entitled to the good will of his country and the best wishes of the House. [Applause.] The only way we can properly express that is by having the Government make him a present. [Laughter.] To-night he has asked unanimous consent for the immediate consideration of a bill which has not yet been reported, and he has received that consent, as a mark of the appreciation of his good qualities and of his able services in the House. [Applause.]

Mr. BARTLETT. Mr. Speaker, I thank the gentleman from Illinois very much indeed. It is true that there is not much in this little bill. The House has authorized the purchase of a site, and the Secretary of the Treasury has estimated the amount that is contained in the bill. It is true that the Committee on Public Buildings and Grounds have not reported it. I would not have asked for this consideration, but for the fact that I am about to retire from the House after a service of 20 years, and it is the only place in my district where a public building could be authorized where a bill has not passed and the amount been appropriated. [Laughter.]

I did not like to go out of the House and leave that work for some one else. But the fact that I have been permitted to have this bill considered is an occasion that brings to me a very pleasant recollection of my associations in this House. That recollection will go with me through the balance of my life. The gentleman from Illinois [Mr. MANN] knows how close his relations have been with me personally, and the gentleman from Illinois knows that I appreciate what he has said in reference to it.

Now, just one word more. I apprehend that when I came to this House that I was as partisan, Bourbon a Democrat as ever was born in the South; I had never seen many white Republicans. [Laughter.] Only those who held Federal offices in my State. I did not have a very warm feeling for the Republicans, but I was not here long before I forgot in my personal associations that the Members of this House were Republicans or that they were Democrats. [Applause.]

I, of course, have many associates on this side, but I can recall that some of my closest personal associates, and for whom I had great friendship, were my Republican friends. Some have passed over the river and gone; many of you are here now. I shall leave my place in this House and return to private life, and I shall always carry with me to my dying day the recollections of my associations here. I have no regret in retiring to private life on my own volition; the only regret is on severing my relations with you. I shall always carry with me to my home in Georgia my recollection of association with you here, and it will abide with me during my life. I thank you. [Applause.]

The SPEAKER. 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.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 11694. An act providing for the purchase of a site for a public building at Binghamton, N. Y.;

H. R. 20702. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Robert Caldwell Culbertson from Woodlawn Cemetery, District of Columbia, to Rocky Spring Cemetery, Chambersburg, Pa.;

H. R. 21077. An act for the relief of W. F. Crawford;

H. R. 17174. An act to pay the claim of the American Towing & Lightering Co. for damages to its tug *Buccaneer*;

H. R. 21383. An act to change the name of the old post-office building at Minneapolis, Minn.;

H. R. 17343. An act for the relief of Charles L. Pritchard;

H. R. 5849. An act to amend section 100 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 18747. An act to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest;

H. J. Res. 398. Joint resolution to refund under certain conditions a portion of the offers in compromise for failure to make the returns required under the act of October 3, 1913, said offers in compromise having been covered into the Treasury, and for other purposes;

H. R. 13591. An act for the relief of John P. Ehrmann;

H. R. 21122. An act to validate certain homestead entries;

H. R. 10122. An act to credit Samuel M. Fitch, collector of internal revenue, first district of Illinois, on the books of the Treasury Department with the sum of \$1,500 for cigar stamps lost or stolen in transit.

H. R. 16777. An act for the relief of Amato Castellano, Libero Baranello, and Michele Baranello;

H. R. 4890. An act to fix the standard barrel for fruits, vegetables, and other dry commodities;

H. R. 21009. An act to make Van Buren, Me., a port through which merchandise may be imported for transportation without appraisement;

H. R. 21563. An act granting the consent of Congress to the Keokuk & Hamilton Bridge Co. to construct a bridge across the Mississippi River at Keokuk, Iowa;

H. R. 13756. An act for the relief of Augustus Dudley Hubbell;

H. R. 20340. An act to increase the appropriation for a public building at Elkins, W. Va.;

H. R. 11256. An act granting relief to Jacob Barger;

H. R. 13470. An act for the relief of James Grady; and

H. R. 17464. An act for the relief of Fred Graff.

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

H. R. 18086. An act to amend section 71 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 4, 1911.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 20415. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916;

H. R. 20340. An act to increase the appropriation for a public building at Elkins, W. Va.;

H. R. 11694. An act providing for the purchase of a site for a public building at Binghamton, N. Y.;

H. R. 21383. An act to change the name of the old post-office building at Minneapolis, Minn.;

H. R. 11256. An act granting relief to Jacob Barger;

H. J. Res. 398. Joint resolution to refund, under certain conditions, a portion of the offers in compromise for failure to make the return required under the act of October 3, 1913, said offers in compromise having been covered into the Treasury, and for other purposes;

H. R. 21184. An act to increase the limit of cost of the United States post-office building and site of Cohoes, N. Y.;

H. R. 20702. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Robert Caldwell Culbertson from Woodlawn Cemetery, District of Columbia, to Rocky Spring Cemetery, Chambersburg, Pa.;

H. R. 21077. An act for the relief of W. F. Crawford;

H. R. 17464. An act for the relief of Fred Graff;

H. R. 13470. An act for the relief of James Grady;

H. R. 13756. An act for the relief of Augustus Dudley Hubbell;

H. R. 21009. An act to make Van Buren, Me., a port through which merchandise may be imported for transportation without appraisement;

H. R. 16777. An act for the relief of Amato Castellano, Libero Baranello, and Michele Baranello;

H. R. 10122. An act to credit Samuel M. Fitch, collector of internal revenue, first district of Illinois, on the books of the Treasury Department with the sum of \$1,500 for cigar stamps lost or stolen in transit;

H. R. 17174. An act to pay the claim of the American Towing & Lightering Co. for damages to its tug *Buccaneer*;

H. R. 17343. An act for the relief of Charles L. Pritchard;

H. R. 2909. An act to extend the privileges of the seventh section of immediate transportation act to Bay City, Mich.;

H. R. 21563. An act granting the consent of Congress to the Keokuk & Hamilton Bridge Co. to construct a bridge across the Mississippi River at Keokuk, Iowa;

H. R. 19061. An act for the relief of homestead entrymen under the reclamation projects of the United States;

H. R. 21122. An act to validate certain homestead entries;

H. R. 13591. An act for the relief of John P. Ehrmann;

H. R. 11318. An act authorizing the sale of lands in Lyman County, S. Dak.;

H. R. 13222. An act to regulate the use of public-school buildings and grounds in the District of Columbia;

H. R. 18686. An act to provide for provisional certificates of registry of vessels abroad, and for other purposes;

H. R. 18550. An act empowering and directing the Secretary of the Treasury to convey by quitclaim deed certain lands in the city of Akron, State of Ohio;

H. R. 15215. An act to authorize the Commissioners of the District of Columbia to adjust and settle the shortages in certain accounts of said District, and for other purposes;

H. R. 14197. An act for the relief of the legal representatives of Mrs. H. G. Lamar;

H. R. 12674. An act to provide for the allowance of drawback of tax on articles shipped to the island of Porto Rico or to the Philippine Islands;

H. R. 11839. An act for the relief of William Ham;

H. R. 4266. An act granting patent to certain lands to the legal heirs of W. F. Nichols;

H. R. 900. An act for the relief of James Easson;

H. R. 20107. An act to amend sections 4421, 4422, 4423, 4424, and 4498 of the Revised Statutes of the United States, and section 12 of the act of May 28, 1908, relating to certificates of inspection of steam vessels;

H. R. 8904. An act to authorize the establishment of a life-saving station at the mouth of the Siuslaw River, Oreg.;

H. R. 21200. An act quieting title to a certain tract of land located in the city of Guthrie, Okla.; and

H. R. 19078. An act granting consent of Congress to the Cleveland Yacht Club Co. to construct a bridge across the west arm of Rocky River, Ohio.

CONSTRUCTION OF REVENUE CUTTERS.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to the present consideration of the bill (S. 6829) to provide for the construction of two revenue cutters.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to construct one steam revenue cutter for service in the waters of California, at a cost not to exceed the sum of \$350,000, and one steam revenue cutter for service as anchorage patrol boat in New York Harbor, at a cost not to exceed the sum of \$110,000, such vessel to be specially constructed for ice breaking.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. ADAMSON. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

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

Mr. MANN. I object.

The Speaker appointed as tellers Mr. ADAMSON and Mr. MANN. The House divided; and the tellers reported that there were 71 ayes and 42 noes.

Mr. MANN. Mr. Speaker, I make the point that no quorum is present.

Mr. ADAMSON. Will the gentleman withhold that for a moment?

Mr. MANN. I can not withhold it; I am making it on the vote.

The SPEAKER. The Chair will not let the gentleman lose his rights if he wishes to withhold it for a moment.

Mr. ADAMSON. Mr. Speaker, I do not care to put the House in any confusion; I never throw a monkey wrench into the machinery. If anybody gets ahead of me, I always play fair. I had last year before this House two bills in the same position for four revenue cutters, a Senate bill and a House bill, on the calendar. In this open House, after consultation with the leaders, it was agreed in open House that if I would withdraw these two and pass the other two, then the gentlemen interested should have these two now at this session. The gentlemen to whom these were going, on the Pacific coast and in New York Harbor, accepted that understanding, although the gentleman from Illinois, Mr. MADDEN, and the gentleman from Wisconsin, Mr. COOPER, objected to that sort of a deal in very strong terms. They yielded, however, on the faith of the assurance. I stated here what the leaders had said, and other gentlemen here heard it, concurred in it, and acted upon it, and the gentlemen interested in these vessels accepted it in good faith. They are now demanding that the agreement be complied with, and they are threatening to throw a monkey wrench into the machinery if I yield to the gentleman's threat of no quorum.

I stated when the gentleman from Illinois [Mr. MANN] first proposed to make the point of no quorum that I should leave it to the leader on this side of the House and if he sees proper to suggest that I withdraw the bill for the present, I shall do so; but it is not fair, it is not right. We then needed the four cutters, and we got one for the Gulf and one for the New England coast, but the one on the Pacific coast and the one for New York Harbor, which are desperately needed, and were then, have not yet been granted. If we grant them now the money can not be appropriated for it until next winter, and it can not be expended until during the fiscal year ending June 30, 1917. So there is no occasion for any one to get nervous about this. The plans can be made, the work can be started, and gentlemen ought to allow us to carry out the understanding that everybody present knows about at that time. There are many gentlemen here who will thoroughly recollect the circumstances. When gentlemen then asked me why I yielded to such pressure I told them that I had to in order to get through those two, the terms were put upon me, and the gentleman from Wisconsin [Mr. COOPER] stated that I ought not to legislate by contract; and I told him it was a holdup, it was not a contract; but I yielded to it, and I told the gentlemen here, out loud, what the situation was and they accepted and acquiesced in the situation, and I do insist to the gentleman from Illinois [Mr. MANN] that under the circumstances he ought not to take advantage of it and proceed to obstruct and make the point of no quorum, because he thinks we are about to succeed in passing this bill. If he still insists, I shall leave it to the gentleman from Alabama [Mr. UNDERWOOD] to decide whether the bill shall be withdrawn.

Mr. MANN. Mr. Speaker, if the gentleman is through, I would like to occupy the floor for a moment. There is no man in the House of whom I think more than I do of the gentleman from Georgia [Mr. ADAMSON], but I will be very careful about making an agreement with him again that is not in writing, because probably I do not understand the agreement. The gentleman last year did not have four bills for revenue cutters.

Mr. ADAMSON. No; there were four in one bill.

Mr. MANN. He had one bill for four revenue cutters. He tried to pass it. He could not get unanimous consent to pass it and I do not think he dared try it in any other way.

Many other people objected to it. I objected to it on two or three occasions. I had had as much to do with legislation about the Revenue-Cutter Service as any man in this House, and the gentleman from Georgia desiring to pass his bill received the statement from me that as far as I was concerned I would be perfectly willing to vote for a bill that provided for two revenue cutters for this Congress. I did not say and did not intimate where the revenue cutters should be placed. I did not care. I thought the service was doing extremely well to get two cutters. That was last year, with a good deal more money in the Treasury than there is now. I, from my recollection of the agreement, thought it was a breach of the agreement for the gentleman to try to pass a bill now for two more revenue cutters. The gentleman from Georgia thinks it is a breach of the agreement for me to object to his trying to pass two now. In future I will want the agreements in writing, because I would not want anything that brings a misunderstanding between me and the gentleman from Georgia, and having my recollection of the agreement I stand for that. I do not blame the gentleman for standing for his recollection of it. I do not think we need the revenue cutters and I know the Treasury can not afford them.

Mr. ADAMSON. Mr. Speaker, I will not say that the gentleman's suggestion about agreements in writing is gratuitous

or offensive, because I think he misunderstood what I said. I never said I made any private agreement with the gentleman from Illinois at all. I did have some understanding with the leaders on the Democratic side of the House, in private, and gentlemen then on the floor asked me with whom I had made agreements. I never stated then nor now that I had made any private agreements with the gentleman from Illinois, but I did state and state now that on the floor of this House I stated what the condition was at that time. The RECORD will show it, will show what the stipulations were and the conditions placed upon me, and gentlemen on that side of the House objected then to my yielding to them. I said that the understanding then had was in open House, and the RECORD of May 12, 1914, pages 8471-8475, will show every word that was said then and there, and I presume the gentleman from Illinois, if he desires a contract in writing, will accept the record of it. It is true that he has had a great deal to do with revenue cutters. So have I. We went on the Committee on Interstate and Foreign Commerce together. In 1907 we authorized the first batch of revenue cutters. At that time the revenue-cutter fleet was a shame. It was weak, it was dreadful, it was almost helpless and hopeless. In 1910, when the gentleman from Illinois was chairman of the committee, we authorized two. Last year under the holdup already described we authorized two. They are about to be finished this coming spring. So we have had four revenue cutters authorized since 1907, two of them constructed and two have been destroyed. Therefore there has been no net gain yet in the revenue-cutter fleet.

When these two are finished next spring there will be a net gain of two, to be offset by those that have deteriorated and gone out of use. The one we are trying to replace in New York Harbor is the old *Manhattan*, that is as old as the gentleman from Illinois or myself, substantially. It is unfit for use. [Laughter.] Well, if you are going to give it that signification, I will say "some uses." But the old *Manhattan* is rustier and more helpless than the gentleman from Illinois and myself. It is described in the report as unseaworthy and unfit for use, and desperately do we need that little revenue cutter there with an ice-breaking nose for use in winter. The one on the Pacific coast is desired for the 6,000-mile coast line, with a coal-carrying capacity and sailing radius sufficient to do the work, for which they have no other suitable vessel at this time. It is no use to talk about it being extravagant to have an increase of two vessels for the Revenue-Cutter Service from 1907 up to this time. It is a valuable service. It is useful in a great many particulars. In addition to fighting in war, it works with the customs in time of peace. It looks out for smugglers and pirates, it works with the seal fisheries, and for the last few years the best vessels have been detailed to patrol the ice regions of the ocean. They absolutely need these ships. They needed them last year and they need them worse now. I do hope the gentleman from Illinois, with a better understanding of what I said and what he understood me to say about his private contract with me, and understanding the necessity for these ships, will refrain from insisting on his point of no quorum. If this House, after hearing the brief argument, agrees with him that these ships are not necessary, I am perfectly willing that this House shall vote them down. On the contrary, if they agree with me that they are necessary, the gentleman from Illinois ought to be willing that they vote him down and give us the ships. I do hope the gentleman will refrain from making his point of no quorum.

Mr. MANN. I made the point of no quorum.

Mr. UNDERWOOD. Mr. Speaker—

The SPEAKER. If the gentleman from Illinois will suspend his motion for a minute, the gentleman from Alabama will be recognized.

Mr. UNDERWOOD. Mr. Speaker—

Mr. MANN. Not to receive another lecture.

Mr. UNDERWOOD. Well, I am sure the gentleman is not accustomed to receiving lectures from me.

Mr. MANN. Well, I do not know.

Mr. UNDERWOOD. I want to say, Mr. Speaker, to both sides of the House when we are not in partisan debate I am sure that I can class as my friends and associates those on both sides who are ready to help carry on public business. The situation is such that two appropriation bills may fail. If they do go down, I hope the House will be prepared to pass the resolution extending the appropriations of last year in order to try to avoid an extra session of Congress.

Now, it is apparent to everybody at this time of night that we can not do business without a quorum, and we can not get a quorum at this time of morning. If we attempted to do it, it would probably take up until 8 or 9 o'clock, and I hope no business will come up before 9 o'clock that can not be passed by unanimous consent, unless it will be one of the appropriation bills. We will have to send for a quorum if one is demanded.

I will ask the gentleman from Georgia [Mr. ADAMSON] to withdraw his bill.

Mr. ADAMSON. I will withdraw it temporarily.

Mr. STAFFORD. Will the gentleman yield? I should like to inquire what body has charge of the papers of the Indian appropriation bill and the Post Office appropriation bill?

Mr. UNDERWOOD. I will say to the gentleman that the House was entitled to the papers in the Indian appropriation bill, but I understand, through mistake, the clerk of the committee delivered them to the Senate.

Mr. MANN. Or the Clerk of the House; I am not sure which. If the Senate has them, and has the bill under consideration, of course we can not get them.

Mr. UNDERWOOD. And it is never likely to come over here.

Mr. STAFFORD. Can the gentleman inform the House as to the status of the Post Office papers? I have been informed, though not authoritatively, that those papers were in the Senate instead of the House.

Mr. UNDERWOOD. The papers were coming to the House, but the Senate was entitled to the Post Office papers. They have those as a matter of right. We were entitled to the papers in the Indian appropriation bill.

Mr. MANN. Where are the papers of the Post Office bill?

Mr. UNDERWOOD. I do not know where they are.

Mr. STAFFORD. The gentleman from Alabama says the Senate was entitled to the papers of the Post Office appropriation bill.

Mr. MANN. That does not count in the loose system we are running under. I was told by one of the conferees of the House that the House conferees had possession of the papers.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that I expected the papers to come this way myself.

Mr. CARLIN. I can inform the gentleman that I just left the Senate, and they asked me to say that they will be here with the papers in 10 minutes.

Mr. MANN. Who would be here with the papers?

Mr. CARLIN. The House conferees.

Mr. MANN. The House conferees said this?

Mr. CARLIN. Yes.

Mr. UNDERWOOD. If the gentleman from Georgia will withdraw his bill, I hope the gentleman from Illinois will withdraw his point of order.

Mr. ADAMSON. I will withdraw the bill temporarily.

Mr. MANN. Then I will withdraw the point of order temporarily. The gentleman from Georgia might as well withdraw it permanently. We have reached that stage in the proceedings where business can only be transacted by unanimous consent. The gentleman might as well understand that as not, and the only purpose for sitting in session is to take care of the appropriation bills. It is now 4 o'clock on Thursday morning.

Mr. FITZGERALD. The gentleman is mistaken. It is 3 minutes after 4 o'clock. [Laughter.]

Mr. ADAMSON. Mr. Speaker, the gentleman objects to being lectured, and yet he seems to desire to lecture people.

Mr. MANN. I am taking another lecture now with good will.

Mr. ADAMSON. I will make this announcement, that I will not undertake to call up the bill again when it is apparent that the gentleman from Illinois can hold me up with a point of no quorum. And his action to-night reminds me, Mr. Speaker—

Mr. MANN. I will make the point of no quorum. I am not going to be lectured.

Mr. ADAMSON. I withdraw the proposition.

The SPEAKER. The gentleman from Georgia withdraws the bill, and the gentleman from Illinois withdraws the point of order.

BOY SCOUTS OF AMERICA.

Mr. FITZHENRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6854) to incorporate the Boy Scouts of America, and for other purposes.

Mr. UNDERWOOD. Mr. Speaker, pending the gentleman's request—

Mr. MANN. I do not think we ought to have any more requests of this nature now.

Mr. UNDERWOOD. I do not intend to make any request in reference to the gentleman's bill.

Mr. MANN. We are going to be in session until 12 o'clock. There are some gentlemen here whom I think it would vastly improve to give them an opportunity to take a nap.

Mr. UNDERWOOD. I understand that the Post Office appropriation bill will be here shortly.

Mr. CARLIN. It will be here in a few minutes.

Mr. UNDERWOOD. They say that smoking has a very pacifying effect on the human system. I was going to ask unani-

mous consent, if the ladies in the galleries will consent, that we may smoke until 7 o'clock.

Mr. MANN. No; I object. I do not propose to get a headache from breathing other gentlemen's smoke.

Mr. HENRY. We might smoke the gentleman out. [Laughter.]

Mr. PARKER of New Jersey. I desire the attention of the gentleman from Alabama. Will the gentleman permit me to submit a request that we take a recess for 20 minutes?

The SPEAKER. The gentleman from New Jersey desires to interrogate the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that we take a recess for 15 minutes.

The SPEAKER. Did the gentleman from Illinois have a point of order pending, or did he withdraw it?

Mr. MANN. I withdrew it.

Mr. ADAMSON. Mr. Speaker, before we take a recess, there is a suggestion to which I think the gentleman from Illinois [Mr. MANN] will not object. There was a little bill that the gentleman from Ohio [Mr. GOEKE] had passed, which has come back with Senate amendments. I should like to move to concur in those amendments.

Mr. MANN. I have no objection.

Mr. ADAMSON. The bill is on the Speaker's table.

The SPEAKER. What is the number of the bill?

Mr. ADAMSON. I do not know the number of the bill. We can take a recess while it is being looked up.

Mr. FITZHENRY. Mr. Speaker, have I the floor?

The SPEAKER. The gentleman was recognized to present a request for unanimous consent.

Mr. FITZHENRY. Mr. Speaker, I move to take from the Speaker's table the bill S. 6854 and pass it. This bill is identical with the bill H. R. 19907 to incorporate the Boy Scouts of America.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill (S. 6854) to incorporate the Boy Scouts of America, and for other purposes.

Mr. MANN. I object.

Mr. FITZHENRY. This bill is on the Speaker's table, and a similar House bill has been reported.

Mr. MANN. When was the House bill reported?

Mr. FITZHENRY. The House bill was reported on February 3.

Mr. MANN. Then I will withdraw the objection. I thought it was just reported.

The SPEAKER. The Clerk will report the bill.

The bill was read.

Mr. JOHNSON of Kentucky. Mr. Speaker, reserving the right to object, I wish to ask the gentleman in charge of the bill if there is any appropriation authorized anywhere in it?

Mr. FITZHENRY. There is not.

Mr. GALLIVAN. Mr. Speaker, reserving the right to object, I should like to ask why this bill is here? I should like to ask why these organizations do not incorporate in the various States?

Mr. FITZHENRY. Mr. Speaker, this bill is here because a large number of the people of this country wanted it to be here, and through their representatives they succeeded in having the bill introduced in both Houses of Congress. The bill follows almost literally the charter of the Red Cross. The Boy Scouts of America is an organization that is well known. Everybody is familiar with the splendid work its members are doing, the wonderful influence that they have upon the boys of this country; and the Judiciary Committee, in considering this bill, felt that it was doing the youth and young manhood of this country a great service by recommending the passage of the bill.

It is true the organization might be incorporated under the incorporation laws of almost any State. It might have been incorporated under the laws of the District of Columbia; but the mere fact that the Congress of the United States has recognized this great organization by the passage of a special act, even though no additional power is given to it, over what it would have under the incorporation laws of the District or of one of the States of this country, will be a great service to the boys of America, by increasing the usefulness of the organization. As I understand it, these are the reasons why the bill is here.

Mr. GALLIVAN. Mr. Speaker, I have not been satisfied by anything that the gentleman has said that all these organizations can not be incorporated in the various States, and unless a little better reason is assigned I shall have to object.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object—

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that we take a recess for 15 minutes.

Mr. GALLIVAN. I object to the consideration of that bill. The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to take a recess for 15 minutes. Is there objection?

There was no objection.

Accordingly (at 4 o'clock and 18 minutes a. m., Thursday, March 4, 1915) the House took a recess until 4 o'clock and 33 minutes a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John W. Utley *v.* The United States (H. Doc. No. 1631); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Grand Lodge of Tennessee, Independent Order of Odd Fellows, *v.* The United States (H. Doc. No. 1632); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John H. Engleman, administrator of the estate of John Engleman, deceased, *v.* The United States (H. Doc. No. 1633); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George H. Witten *v.* The United States (H. Doc. No. 1634); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of J. C. McConnell *v.* The United States (H. Doc. No. 1635); to the Committee on War Claims and ordered to be printed.

6. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Richard T. Dowdell, administrator estate David B. Dowdell, deceased, *v.* The United States (H. Doc. No. 1636); to the Committee on War Claims and ordered to be printed.

7. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sophie Fleming et al., heirs of W. W. Fleming, deceased, *v.* The United States (H. Doc. No. 1637); to the Committee on War Claims and ordered to be printed.

8. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Amasa Bernard and Edgar Bernard *v.* The United States (H. Doc. No. 1638); to the Committee on War Claims and ordered to be printed.

9. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Wilber F. Stone *v.* The United States (H. Doc. No. 1639); to the Committee on War Claims and ordered to be printed.

10. Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joel Crawford *v.* The United States (H. Doc. No. 1640); to the Committee on War Claims and ordered to be printed.

11. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Harrison Peachee *v.* The United States (H. Doc. No. 1641); to the Committee on War Claims and ordered to be printed.

12. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Richard S. Eaton *v.* The United States (H. Doc. No. 1642); to the Committee on War Claims and ordered to be printed.

13. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Daniel Elliott *v.* The United States (H. Doc. No. 1643); to the Committee on War Claims and ordered to be printed.

14. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Oscar H. Crowder *v.* The United States (H. Doc. No. 1644); to the Committee on War Claims and ordered to be printed.

15. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William Shaw *v.* The United States (H. Doc. No. 1645); to the Committee on War Claims and ordered to be printed.

16. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Cyrus H. Abbott *v.* The United States (H. Doc. No. 1646); to the Committee on War Claims and ordered to be printed.

17. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of

William C. Brooks *v.* The United States (H. Doc. No. 1647); to the Committee on War Claims and ordered to be printed.

18. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sarah Goin, widow of Caleb Goin, deceased, *v.* The United States (H. Doc. No. 1648); to the Committee on War Claims and ordered to be printed.

19. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary L. Hastings, administratrix of Thomas J. Hastings, *v.* The United States (H. Doc. No. 1649); to the Committee on War Claims and ordered to be printed.

20. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Peter Franzman *v.* The United States (H. Doc. No. 1650); to the Committee on War Claims and ordered to be printed.

21. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Eliza A. Watson, widow of Francis W. Watson, *v.* The United States (H. Doc. No. 1651); to the Committee on War Claims and ordered to be printed.

22. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sidney S. Alden *v.* The United States (H. Doc. No. 1652); to the Committee on War Claims and ordered to be printed.

23. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John F. Alsop *v.* The United States (H. Doc. No. 1653); to the Committee on War Claims and ordered to be printed.

24. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Helen Kilburn *v.* The United States (H. Doc. No. 1654); to the Committee on War Claims and ordered to be printed.

25. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ernest F. Hilgard *v.* The United States (H. Doc. No. 1655); to the Committee on War Claims and ordered to be printed.

26. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Martha J. Brunson, widow of John L. Brunson, *v.* The United States (H. Doc. No. 1656); to the Committee on War Claims and ordered to be printed.

27. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Matthew Bigger *v.* The United States (H. Doc. No. 1657); to the Committee on War Claims and ordered to be printed.

28. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph Berry *v.* The United States (H. Doc. No. 1658); to the Committee on War Claims and ordered to be printed.

29. A letter from the chief clerk of the Court of Claims, transmitting a list of congressional cases, referred by the House of Representatives, dismissed on the preliminary question of loyalty (H. Doc. No. 1659); to the Committee on War Claims and ordered to be printed.

30. Letter from the chief clerk of the Court of Claims, transmitting certified copy of order of court dismissing the petition in the case of Sebron L. Lowe, deceased (H. Doc. No. 1660); to the Committee on War Claims and ordered to be printed.

31. Letter from the chief clerk of the Court of Claims, transmitting findings of fact and conclusions of law in the French spoliation claims relating to the brig *Hannah* (S. Doc. No. 962); to the Committee on Claims and ordered to be printed.

32. Letter from the Attorney General, transmitting supplement to annual report, fiscal year 1914, embodying the first report of the committee appointed to study the need for legislation affecting children in the District of Columbia, including drafts of new juvenile court laws (H. Doc. No. 1661); to the Committee on the District of Columbia and ordered to be printed.

33. Letter from the Secretary of the Interior, transmitting a supplemental report with respect to the investigation and enrollment of the so-called St. Croix Chippewa Indians of Wisconsin, in accordance with the provisions of the act of Congress approved August 1, 1914, together with a final roll of St. Croix Chippewa believed to be entitled to benefit from the Government (H. Doc. No. 1663); to the Committee on Indian Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 21350)

to increase the limit of cost of the construction of a Federal building at Eureka Springs, Ark., reported the same without amendment, accompanied by a report (No. 1489), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PORTER: A bill (H. R. 21605) regulating the furnishing of quotations of stock exchanges and giving jurisdiction thereof to the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: A bill (H. R. 21606) to provide for the appointment of postmasters of all classes by the Postmaster General, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. CARLIN: A bill (H. R. 21607) to amend the laws for the protection and regulation of the fisheries of Alaska; to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: A bill (H. R. 21608) for protection of the water supply of the city of Grand Junction, Colo.; to the Committee on the Public Lands.

By Mr. FARR (by request): A bill (H. R. 21609) to provide for the unemployed, to strengthen the national defenses, and for other purposes; to the Committee on Labor.

By Mr. BRYAN: A bill (H. R. 21614) to authorize the transfer of certain lots to the city of Bremerton, Wash.; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 21604) for the relief of Thomas J. K. Looney; to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 21610) granting a pension to G. W. Wells; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 21611) for the relief of the Centerburg Building & Loan Co., of Centerburg, Ohio; to the Committee on Claims.

By Mr. NEELY of West Virginia: A bill (H. R. 21612) granting an increase of pension to James Logsdon; to the Committee on Invalid Pensions.

By Mr. PHELAN: A bill (H. R. 21613) for the relief of the heirs or legal representatives of Isham B. Beard, late of East Carroll Parish, La.; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Pleasantville (Iowa) Methodist Episcopal Church, urging resolution to abolish polygamy in the United States; to the Committee on the Judiciary.

By Mr. ALLEN: Protests of sundry residents of Ohio, against the passage of laws abridging freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON: Petition of Mitchell Bros., of Taopi, John Hansen and others, of Lyle; A. G. Spies and others, of Wykoff; Church Bros., of Minnesota City; F. H. Joesting and others, of Owatonna; Porter Young and others, of Le Roy; Thompson & Williamson and others, of Claremont; D. J. Roberts and others, of Glenville; John W. Donehower and others, of Dakota; H. C. Seiffert and others, of Caledonia; H. J. Rudolf and others, of Freeburg; Charles V. Miller and others, of Dexter; A. E. Warren and others, of Brownsdale; G. J. Hoffman and others, of Hokah; S. B. Johnson and others, of Harmony; J. N. Ristey and others, of Spring Grove; Graf & Brudlos and others, of Prosper; E. L. Tollefson & Co. and others, of Mabel; A. Torgerson and others, of Adams; C. P. Russell & Son and others, of Eyota; L. O. Krenzke and others, of Stockton; Charles A. Krenzke and others, of Utica; J. D. Senn and others, of Elgin; M. W. Reiland and others, of Rollingstone; B. D. Blair and others, of Winona; C. H. White and others, of Chatfield; George Campbell & Co. and others, of St. Charles; Thomas A. Asken and others, of Plainview; F. C. Schwartz and others, of Sargeant; Zimmerman Bros. and others, of Jonesville; Stensrud & Madson and others, of Hartland; A. N. Tyeholm and others, of New Richland; Ellingson Bros. and others, of Ellendale; Skinner, Chamberlain & Co. and others, of Albert Lea;

A. G. Hall & Son and others, of Alden; Sibley Mercantile Co. and others, of Emmons; E. L. Lyman & Co. and others, of Rochester; Wolf Habein and others, of Waseca; N. A. Young & Co. and others, of Lake City; F. L. Wilson & Co. and others, of Dodge Center; E. C. Keefe & Co. and others, of Rose Creek; Eaton McInnis & Co. and others, of Medford; A. J. Sprecken & Co. and others, of West Concord; G. F. Westcott and others, of Hayfield; F. M. Williams and others, of Byron; Lenthold Parkeir and others, of Kasson; B. J. Schmidt and others, of Theilman; W. J. Disney & Sons and others, of Zumbo Falls; N. Brincher and others, of Hammond; John Costello & Co. and others, of Kellogg; John Peshan, of Minneiska; P. J. Cosgrove and others, of Millville, all of the State of Minnesota, favoring H. R. 5308, the Hinebaugh bill to tax mail-order houses; to the Committee on Ways and Means.

By Mr. BAILEY: Petition of W. S. Kearns, Fred Karaschin, William Figura, John Stump, Nicholas C. Dixon, Herman Jeschonek, Henry Karaschin, Emil Gertz, John Draturnsky, Julius Fatro, William Karaschin, Adam Bockmann, Alfred Karaschin, Saul Smolnik, Carl Smolnik, Henry Hollman, Paul Schilling, Jacob Brosch, Michael Leyka, Thomas Richards, Frank Miera, and Max Riffle, all of Johnstown, Pa., favoring H. J. resolutions 377 and 378, S. 6688, and H. R. 19548; to the Committee on Foreign Affairs.

By Mr. BRITTEN: Petitions of citizens of the United States requesting Congress to place an embargo on wheat and foodstuffs; to the Committee on Foreign Affairs.

Also, petition of Chicago Grocers and Butchers' Association, protesting against the demotion system employed in the United States Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Petitions of 30 merchants and citizens of the city of Sheboygan and rural citizens of Sheboygan County, Wis., asking for action by Congress which will limit exports of wheat, rye, and flour, in order that the interests of American consumers may be protected; to the Committee on Foreign Affairs.

Also, petitions of 16 merchants and citizens of Sheboygan City and rural citizens of Sheboygan County, Wis., asking for action by Congress which will limit exports of wheat, rye, and flour, in order that the interests of American consumers may be protected; to the Committee on Foreign Affairs.

By Mr. CALDER: Petition of mass meeting of American citizens assembled in New York City February 22, 1915, relative to American neutrality; to the Committee on Foreign Affairs.

By Mr. COPLEY: Petition of John A. Williams, of Aurora, Ill., urging legislation to limit exports of wheat, etc.; to the Committee on Foreign Affairs.

Also, memorial of Woman's Missionary Society of Elmhurst, Ill., relative to prohibiting practice of polygamy; to the Committee on the Judiciary.

By Mr. DALE: Memorial of mass meeting of American citizens at New York, favoring maintenance of strict neutrality by our Government, etc.; to the Committee on Foreign Affairs.

Also, petition of Pacific Coast Defense League, relative to the equalizing of military conditions between the two coasts, etc.; to the Committee on Military Affairs.

By Mr. EAGAN: Petition of sundry citizens of New Jersey, urging enforcement of strict neutrality by the United States; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of mass meeting of American citizens in New York February 22, 1915, relative to American neutrality; to the Committee on Foreign Affairs.

By Mr. FARR: Petitions of citizens of Carbondale, Pa., and the surrounding towns in favor of House resolution 377, forbidding export of arms; to the Committee on Foreign Affairs.

Also, petitions of Jacob Lieberum and Fred Lieberum, Carbondale; Fred Schweizer, Scranton; Joseph Boyle, Simpson; Rudolf Kausemann, William Hermann, Harry McArdelle, and William E. Roberts, Carbondale; John C. Boyle, Simpson; and F. C. Wagner, Adolf Brunner, Addison Bryant, John B. McArdelle, Frank A. Marci, Fred Brunner, Oscar J. Brunner, August Brunner, Fred Schadel, William Hermann, Louis Brunner, and Harry Lieberum, Carbondale, all in the State of Pennsylvania, favoring House resolution 377; to the Committee on Foreign Affairs.

By Mr. FINLEY: Petition of W. P. Talbert, of Blacksburg, S. C., favoring embargo on arms; to the Committee on Foreign Affairs.

By Mr. GRAHAM of Illinois: Petition of citizens of Mount Olive, Ill., favoring House joint resolution 377, forbidding export of arms; to the Committee on Foreign Affairs.

By Mr. JOHNSON of Washington: Memorial of West Coast Lumber Manufacturers' Association, of Tacoma, Wash., favoring

bill to increase the present limit of deposits in postal savings banks and supporting the proposal to increase the rate of postal savings bank interest to 3 per cent; to the Committee on Banking and Currency.

Also, memorial of West Coast Lumber Manufacturers' Association, of Tacoma, Wash., favoring the appropriation of funds for the protection of Government-owned Pacific-coast timberlands; to the Committee on Agriculture.

Also, memorial of West Coast Lumber Manufacturers' Association, of Tacoma, Wash., favoring the national incorporation of export selling companies; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY of Pennsylvania: Petition of citizens of Allegheny County, Pa., protesting against abridgment of freedom of press; to the Committee on the Post Office and Post Roads.

By Mr. KETTNER: Memorial of citizens of San Diego, Escondido, Coachella, Redlands, Fullerton, and San Marcos, Cal., favoring passage of House joint resolution 344, national marketing commission; to the Committee on Agriculture.

Also, petition of citizens of Inglewood, Hawthorn, and Los Angeles, Cal., protesting against abridgment of freedom of press; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Anaheim, Fullerton, Long Beach, Riverside, Arlington, Pasadena, Los Angeles, Cucamonga, Upland, Santa Ana, and Ontario, Cal., favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. KIESS of Pennsylvania: Petition of Sharon Grange, No. 1247, of Little Genesee, N. Y., opposing additional national armament in the United States; to the Committee on Military Affairs.

By Mr. KONOP: Petition of sundry citizens of Wisconsin, favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. LIEB: Petition of J. M. Myrick and Walter Curslir, of Patoka, Ind., favoring limiting exports of wheat, etc.; to the Committee on Foreign Affairs.

By Mr. LOBECK: Petition of citizens of Omaha, Nebr., favoring embargo on wheat, rye, and flour; to the Committee on Foreign Affairs.

By Mr. LONERGAN: Petition of George F. Holcomb, of New Britain, Conn., relative to exportation of wheat, rye, and flour; to the Committee on Foreign Affairs.

By Mr. McCLELLAN: Petition of Cornelius E. Donnie and 16 others, residents of Sullivan County, N. Y., protesting against the transmission of the Menace through the mails; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of citizens of Chicago, Ill., protesting against the publication of the Menace; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of mass meeting of American citizens in New York, February 22, 1915, relative to American neutrality; to the Committee on Foreign Affairs.

Also, petition of the Merchants' Association of New York, relative to the national defense; to the Committee on Military Affairs.

Mr. NEELY of West Virginia: Papers to accompany a bill for relief of James Logsdon; to the Committee on Invalid Pensions.

By Mr. J. I. NOLAN: Memorial of Building Trades Council of San Francisco, Cal., protesting against export of foodstuffs by United States; to the Committee on Foreign Affairs.

By Mr. RAINEY: Petition of 17 citizens of Jacksonville, Ill., favoring embargo on arms; to the Committee on Foreign Affairs.

Also, petition of citizens of Mason City, Ill., favoring H. R. 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. RIORDAN: Petition of sundry citizens of the eleventh New York district, favoring passage of H. R. 5189, relative to retirement of aged clerks in the Government service; to the Committee on Reform in the Civil Service.

By Mr. SABATH: Petition of Chicago Grocers and Butchers' Association, relative to demotion in the United States Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: Petition of New Jersey State Council, St. Patrick's Alliance of America, favoring exclusion of the Menace from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of mass meeting of American citizens assembled in New York City February 22, 1915, relative to American neutrality; to the Committee on Foreign Affairs.

By Mr. STOUT: Petition of citizens of Montana, favoring construction by the United States Government of an irrigation project in Toole County, Mont.; to the Committee on Irrigation of Arid Lands.

Also, petition of 226 residents of Big Sand and Kenilworth, Mont., asking right to enter an additional 160 acres of land; to the Committee on the Public Lands.

By Mr. TOWNER: Petition of sundry citizens of Clarke County, Iowa, protesting against the passage of laws abridging the freedom of the press; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, March 4, 1915.

The Senate met at 11 o'clock and 5 minutes a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee at this closing session of this Congress with a sense of our infinite debt of gratitude to Thee. We thank Thee for the broad foundation of Christian truth upon which we are building our national life. We thank Thee for the high ideals that cluster about our flag. We bless Thee for the noble patriotism and devotion of all the people. We acknowledge Thy goodness to us in the gift of our land, which has brought to us its infinite treasure and resource. But above all things we bless Thee for the sense that Thou art guiding us as a Nation and fulfilling through us a divine purpose in the great brotherhood of the nations of the earth. Lead Thou us on to the accomplishment of the divine will and purpose. We ask for Christ's sake. Amen.

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the preceding session.

Mr. LODGE. I ask that the reading of the Journal be dispensed with.

Mr. STONE. I object.

The VICE PRESIDENT. Objection is made, and the Journal will be read.

The Secretary proceeded to read the Journal of the legislative day of Friday, February 19, 1915.

Mr. MYERS. Mr. President, I desire to present a conference report on the disagreeing votes of the two Houses upon Senate joint resolution 74.

The VICE PRESIDENT. The Senator can not interfere with the reading of the Journal.

Mr. MYERS. I ask unanimous consent that the reading of the Journal be dispensed with.

Mr. GALLINGER. I object.

The VICE PRESIDENT. The reading of the Journal will be resumed.

The Secretary resumed the reading of the Journal.

Mr. MYERS. I ask unanimous consent that the reading of the Journal may be dispensed with.

Mr. PENROSE. I object, Mr. President.

The Secretary resumed the reading of the Journal, and after having read for some time,

Mr. STONE. Let me say to the Senator from New Hampshire and others that the chairman of the Committee on Indian Affairs states that they have finally arranged the conference report on the Indian appropriation bill, and the reading of the Journal may now be dispensed with.

Mr. GALLINGER. I ask unanimous consent that the further reading of the Journal may be dispensed with.

There being no objection, the further reading of the Journal was dispensed with, and it was approved.

INDIAN APPROPRIATIONS—CONFERENCE REPORT.

Mr. ASHURST. Mr. President, out of order I ask unanimous consent to present a conference report upon the disagreeing votes of the two Houses upon the bill (H. R. 20150) 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, 1916.

In presenting this report I will simply state that it is the same as the report which was before the Senate yesterday save and except that a different arrangement or agreement has been made with reference to amendment numbered 20 and amendment numbered 120. I ask that amendments 20 and 120 be read. They constitute the only changes in the report as heretofore submitted.

The VICE PRESIDENT. The Secretary will read the amendments.