

HOUSE OF REPRESENTATIVES.

MONDAY, April 3, 1916.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite, Eternal Spirit, whom we have been taught to call Our Father, an appellation which brings us close to Thee, and makes the whole world akin, in the simplicity of children we pray for our daily needs; wisdom, that we may comprehend somewhat of life and its far-reaching purposes; truth, which shall lift us out of the transient into the eternal, that our work may have a deeper significance and our life a fuller sweep in all that pertains to the now and the then; the sublime, the beneficent, in the thought and purpose of Thy love and will, that our longings, hopes, and aspirations may be satisfied in the fullness of joy. In Christ Jesus our Lord. Amen.

The Journal of the proceedings of Saturday, April 1, 1916, was read and approved.

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. The Clerk will call the first bill on the calendar.

ADDITIONAL TERM OF COURT AT SACRAMENTO, CAL.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 6099) to amend section 72 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

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 the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois 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 SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 72 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

SEC. 72. The State of California is divided into two districts, to be known as the northern and southern districts of California. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Fresno, Kern, Kings, Madera, Mariposa, Merced, and Tulare, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura, which shall constitute the southern division of said district. Terms of the district court for the northern division shall be held at Fresno on the first Monday in May and the second Monday in November; and for the southern division, at Los Angeles on the second Monday in January and the second Monday in July, and at San Diego on the second Monday in March and September. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Tuolumne, Alpine, and Mono, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito, which shall constitute the southern division of said district. Terms of the district court for the northern division of the northern district shall be held at Sacramento on the second Monday in April and the first Monday in October, and at Eureka on the third Monday in July; and for the southern division of the northern district at San Francisco on the first Monday in March, the second Monday in July, and the first Monday in November. The clerk of the district court for the northern district shall maintain an office at Sacramento, in charge of himself or a deputy, which shall be kept open at all times for the transaction of the business of the court."

With a committee amendment, as follows:

Amend, page 2, line 1, by inserting after the word "Fresno" the word "Inyo."

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

The amendment was agreed to.

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.

On motion of Mr. STEELE of Pennsylvania, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

ADDITIONAL JUDGE IN THE DISTRICT OF NEW JERSEY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 538) to appoint an additional judge in the district of New Jersey.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I suppose that if the bill comes up at all the gentleman from New Jersey [Mr. EAGAN] wants to take up the Senate bill.

Mr. EAGAN. Yes; I shall ask to take up the Senate bill.

Mr. MANN. The Senate bill is No. 66 on the Unanimous Consent Calendar.

Mr. EAGAN. Mr. Speaker, I ask unanimous consent to substitute the Senate bill 1809 for the House bill.

The SPEAKER. The gentleman from New Jersey [Mr. EAGAN] asks unanimous consent that the Senate bill of the same tenor be considered in lieu of the House bill just reported. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the consideration of the Senate bill at this time?

Mr. MANN. It is on the calendar as No. 66.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 1809) to create an additional judge in the district of New Jersey.

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized and directed, by and with the advice and consent of the Senate, to appoint an additional judge of the district court of the United States for the district of New Jersey, who shall reside in said district, and whose term of office, compensation, duties, and powers shall be the same as now provided by law for the judge of said district.

SEC. 2. That this act shall take effect immediately.

The SPEAKER. Is there objection? This bill is on the Union Calendar.

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I would like to inquire whether any consideration was given to the desirability of holding court in the southern district of New Jersey? At present, as I understand it, there are two district judges, who hold court, respectively, at Newark and Trenton. A number of us are acquainted with the large volume of work arising in the southern district of New Jersey. I want to know whether the bar has petitioned the Committee on the Judiciary concerning terms of court to be held, for instance, at Camden or in some other portion of the State?

Mr. STEELE of Pennsylvania. No such matter was presented to the committee. The matter was not taken up for consideration by the committee.

Mr. STAFFORD. It is rather novel to have three judges without the State being divided into districts. The additional judge is because of the increased volume of business, as the two judges are not able to take care of it. I wanted to inquire whether any recommendations had been made by the bar of southern New Jersey as, for instance, for holding court at Camden?

Mr. EAGAN. Not to my knowledge.

Mr. STAFFORD. I think there is occasion for having an additional court for the convenience of the practitioners of southern New Jersey.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. EAGAN. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Jersey [Mr. EAGAN] asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. EAGAN. Mr. Speaker, there is an amendment, to insert, on line 9, page 1, after the word "therein," the following:

Provided, however, That the President shall make public all indorsements made in behalf of the person appointed as such district judge.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the bill by inserting, in line 9, page 1, after the word "therein," the following:

Provided, however, That the President shall make public all indorsements made in behalf of the person appointed as such district judge."

Mr. MANN. Where does this come in?

Mr. EAGAN. On line 9, page 1.

Mr. STAFFORD. Mr. Speaker, may we have the amendment reported again? I could not quite follow it.

Mr. MANN. There is no such word as "therein" in the bill.

The SPEAKER. Without objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. STAFFORD. There is no such word in that line, Mr. Speaker.

Mr. MANN. There is no such word as "therein" in the bill, either in line 9 or anywhere else.

The SPEAKER. Where does the gentleman want the amendment to come in?

Mr. MANN. It should come in after the word "district," on line 9.

Mr. EAGAN. It should come in after the word "district," on line 9; yes.

The SPEAKER. The Clerk will again report the amendment.

The Clerk read as follows:

At the end of line 9, after the word "district," insert the following: "Provided, however, That the President shall make public all indorsements made in behalf of the person appointed as such district judge."

Mr. GARNER. Mr. Speaker, will the gentleman from New Jersey yield?

Mr. EAGAN. I yield to the gentleman from Texas.

Mr. GARNER. Do I understand the gentleman from New Jersey to say that this is a committee amendment?

Mr. EAGAN. No.

Mr. GARNER. This is an amendment offered by the gentleman from New Jersey on his own behalf?

Mr. EAGAN. No. The question came up in the last House, and objection was made because we had not agreed to such an amendment.

The SPEAKER. The question is on the amendment.

The question being taken, on a division (demanded by Mr. CULLOP) there were—ayes 20, noes 61.

Accordingly the amendment was rejected.

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

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

By unanimous consent the corresponding House bill was ordered to lie on the table.

HOMESTEAD OF ABRAHAM LINCOLN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8351) to accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same; and, further, to accept an assignment or transfer of an endowment fund of \$50,000 in relation thereto.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, the Committee on the Library will very shortly be reached on Calendar Wednesday, probably on next Wednesday. There are some amendments that ought to be made to this bill. I hope there will be no objection to letting it go over until it is reached on Calendar Wednesday.

Mr. JOHNSON of Kentucky. There are only two amendments, and they are very simple. One is the change from the Secretary of State to the Secretary of War and the other is a short amendment putting the Secretary of War in control of the property.

Mr. MANN. I think it is a matter that ought to go over, inasmuch as it will be reached anyhow this week.

Mr. JOHNSON of Kentucky. I hope the gentleman will let the matter be considered now. I do not think there is any serious objection.

Mr. STAFFORD. I think there will be some debate on the proposition, and as we have had no Unanimous Consent Calendar for a month for the hearing of bills on that calendar, no harm can be done by letting this go over until Wednesday, when it can be brought up under the call of the committee.

Mr. MANN. I wish the gentleman would ask to have it passed by unanimous consent.

Mr. JOHNSON of Kentucky. I do not like to do that, unless the gentleman proposes to object to its consideration now.

Mr. MANN. I would object to its consideration to-day, Mr. Speaker.

Mr. JOHNSON of Kentucky. Under those circumstances I ask unanimous consent that the bill be passed without prejudice, with the understanding that it is to hold its present position on the Unanimous Consent Calendar.

The SPEAKER. The gentleman asks unanimous consent to pass the bill without prejudice. Is there objection?

There was no objection.

THE CORBETT TUNNEL.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 51) appropriating money for the payment of certain claims on account of labor, sup-

plies, materials, and cash furnished in the construction of the Corbett Tunnel.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

Mr. MONDELL. Will not the gentleman withhold his objection?

Mr. STAFFORD. I will reserve the objection at the request of the gentleman from Wyoming.

Mr. MANN. The bill will have to be read.

Mr. MONDELL. Will the gentleman withhold his objection?

Mr. STAFFORD. Mr. Speaker, I am quite positive that there will be nothing developed that will change my opinion on this bill.

Mr. MONDELL. I think it is possible that something might develop.

Mr. STAFFORD. I will withhold my objection out of courtesy to the gentleman from Wyoming.

Mr. MONDELL. I want to state to the gentleman that something ought to be done with regard to this matter. It has been pending a long time. A number of years ago Congress made an appropriation of \$42,000 to pay certain claims. Recently the Secretary of the Interior has been enjoined from the payment of those claims. The people to whom these moneys are due are all of them people who are needing the money very badly, most of them people of very limited means, and they have already waited a long time for their money.

Mr. STAFFORD. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STAFFORD. Does the gentleman consider that it is good governmental policy to pay a definite amount, as is provided in this bill, to a certain lobbyist, and thereby establish as a precedent of the House that we will pay those who try to obtain the payment of claims against the Government?

Mr. MONDELL. That depends. Congress has appropriated hundreds of thousands of dollars that have been paid to people who have prosecuted claims against the Government.

Mr. STAFFORD. If the gentleman will permit, I do not believe there has ever been an instance where we have separately recognized a lobbyist who has generated such claims as this bill provides.

Mr. MONDELL. I do not think the party who would be a beneficiary under this provision ought to be called a lobbyist. I would not be in favor of the passage of the bill as reported by the committee. I do not think that ought to be done, but I think the Senate bill ought to pass, and I want to make this suggestion with regard to what the effect of the Senate bill would be: In order to bring these claims within the \$42,000 appropriated by Congress it became necessary for the Secretary of the Interior to cut down the amount of the claims. This was done by the action of one of the claimants, who agreed to accept about \$3,000 less than the amount of his claim in order to bring about a settlement. Now, in addition to a little over \$45,000 that is actually due there is a claim for something more than \$3,000, which was not covered by the original appropriation, which is for work done on the spillway. So as a matter of fact there are claims for over \$6,000 which would not be paid if there were no further legislation and the \$42,000 were distributed. If we pass the Senate bill, it would pay those additional claims and would leave something over \$8,000, which, under the terms of the Senate bill, the Secretary could pay, or a reasonable amount of it, to the person through whose services said claims were presented to the attention of Congress.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. MONDELL. Yes; but just let me conclude this sentence. The effect of the passage of the Senate bill would be to pay all the claims, including the spillway claim, and leave something over \$8,000, which the Secretary could pay in whole or in part to Mrs. MacDonald. There is no question but what Mrs. MacDonald did a great deal of work in connection with securing the legislation for the payment of these claims, and while I do not think it would be right to scale down, as is proposed in the House amendment, the sums already appropriated, it does seem to me that it would be entirely proper to provide the additional appropriation, which will pay all additional claims, and leave, as I said, about \$8,000, a part of which the Secretary could pay to Mrs. MacDonald if he felt it proper to do so.

Mr. McLAUGHLIN. The gentleman says that the bill ought to be passed promptly because the amount is going to persons in great need of the money. Is it not a fact that a very large part of these claims involved, a large part of the appropriation to be made, is in the hands of those who did not do the work, in the hands of others by assignment?

Mr. MONDELL. That is not entirely true. As a matter of fact Mrs. MacDonald, who did have an assignment of quite a

number of claims, found when she came to present the claims to the Interior Department that the assignments were not all of a character they could accept. My understanding is that the claims which she holds amounts to less than \$6,000 in all. I understand the gentleman from Montana to say that is correct. She is the largest holder, and practically the only holder, of assigned claims, if I am rightly informed, otherwise the payments will be made directly to the parties who did the work or furnished the material.

Mr. STOUT. The assigned claims were stricken out by the department.

Mr. McLAUGHLIN. All the assigned claims have not been stricken out, and a large part of the money will go to the assignees.

Mr. MONDELL. I thought I had stated that to the gentleman. I understand that Mrs. MacDonald has in the neighborhood of \$6,000 of claims. She actually put in more than \$6,000.

Mr. McLAUGHLIN. By the purchase of claims by others.

Mr. MONDELL. No; only where she received them in payment of sums due. The department has not accepted any of those assignments except where it was very clearly shown that the assignment was made for value received. Outside of that one case, so far as I am informed—and I am fairly familiar with this matter—the original claimants still hold their claims.

Mr. McLAUGHLIN. This claim, or one similar to it covering the same matter, has been before the House before, and objected to largely because the claims were not in the hands of those who performed the work and to whom the debts were originally due.

Mr. MONDELL. I think the gentleman is mistaken about that. Objection has been made to paying Mrs. MacDonald money which she claimed for bringing the matter to the attention to Congress.

Mr. McLAUGHLIN. Is not her claim now largely in excess of the amount she paid for the claims?

Mr. MONDELL. No; that has not developed. So far as the department has proof of her claims, and they do not amount in all to more than \$6,000, they are all for value received. She is making nothing out of them, I understand. So if Mrs. MacDonald gets anything for her time and trouble it will be by providing in the appropriation that she may be paid. Now, if we pass the Senate bill it will pay certain claims that were not included in the \$42,000 of approved claims, and will leave about \$8,000, which the Secretary could distribute under the terms of the bill to those who had been instrumental in securing the passage of the legislation.

Mr. McLAUGHLIN. In other words, the Government puts a premium on, and pays for the services of those who work up claims against the Government.

Mr. MONDELL. I think that is hardly a fair statement of the matter.

Mr. McLAUGHLIN. I think it is a fair statement, because the money will be paid.

Mr. MONDELL. For bringing claims to the attention of Congress. I am not interested in Mrs. MacDonald's claim, but I am interested in having people who furnished these supplies paid for them.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HAMILTON of Michigan. Mrs. MacDonald was boarding the men employed?

Mr. MONDELL. Yes; some of them.

Mr. HAMILTON of Michigan. And she never received pay for the board?

Mr. MONDELL. She did not in all cases.

Mr. HAMILTON of Michigan. And these claims that these men had for services were assigned to her to compensate her for the obligations that they were under to her?

Mr. MONDELL. That is it, and I will say that it is my understanding that not only have none of her claims been approved, except where it was clear that they were transferred to pay for board or supplies, but the department has not accepted, and will not accept, some of the transfers made, because they are not made in a way that the department considers regular. I am told that so far as Mrs. MacDonald is concerned she would not be repaid for the money she has actually spent and for the food subsistence she has furnished as matters now stand.

Mr. HAMILTON of Michigan. And I assume that she became active in the presentation of the claim inspired by her desire to get pay for what she had actually furnished.

Mr. MANN. And now she wants \$7,000 to \$10,000 in addition.

Mr. HAMILTON of Michigan. I am not discussing that.

Mr. MANN. That is the very thing we are discussing.

Mr. HAMILTON of Michigan. As to the assigned claims, it seems to me that it is only fair that she should be paid.

Mr. MANN. She would have been paid the money long before this if she had not filed injunction proceedings to prevent the Government paying it over—a proceeding which was valueless—and if the Government had attended to its business the suit would have been dismissed.

Mr. MONDELL. In the meantime these people who can not afford to wait are kept out of their money. They are writing continuously in regard to the claims and wanting to know when they will be paid. I am not interested in compensating Mrs. MacDonald, except as I am in favor of having the fair and just thing done, but I am interested in having the money paid to some of my constituents who have waited for it for years.

Mr. MANN. The gentleman knows that in the last Congress, Congress was prepared to appropriate the money, but the one who held it up was Mrs. MacDonald, or those seeking to protect her rights, to prevent Congress appropriating sufficient money to pay the claims unless they included a large sum to pay her over and above her claim. It will be a long time before they get the money on those terms, in my judgment.

Mr. MONDELL. Is not the gentleman willing to leave it to the Secretary, as the Senate bill does, to determine that matter?

Mr. MANN. The Senate bill in effect directs the Secretary to pay Mrs. MacDonald in the neighborhood of \$10,000 over and above the amount of her claims, because she claims she was instrumental in bringing the claims to the attention of Congress.

Mr. MONDELL. And she was. There is no doubt about that.

Mr. MANN. Oh, she is not the only one. We might as well treat them all alike—double the amount of their claims, because they had a claim against the Government and got it allowed, because they called it to the attention of Congress, when the whole thing was a gratuity. There was no legal claim against the Government.

Mr. MONDELL. There should have been.

Mr. MANN. But there was not.

Mr. MONDELL. If there was no legal claim against the Government, it is the fault of Congress, and we certainly ought not to have a condition in which there is no claim against the Government for material furnished for Government work. If we have so neglected our duty here that we have not provided for a legal claim in such cases, then the fault is ours and not that of the people who furnished the material.

Mr. MANN. There is no fault about it. It was the deliberate intention of Congress.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FORDNEY. Is it not true that those claims are the ones that were really the course of the breach between Mr. Pinchot and Secretary of the Interior Ballinger, for this reason, that when Mr. Ballinger was appointed Secretary of the Interior it was found that those in charge of the construction of these irrigation projects out there had run out of money, there was no more money in the fund to carry out the work, and due-bills or those receipts were given to the people who had settled on the lands that were likely to be irrigated by these projects, squatted on the land before they had the right to take up the land, and had gone to work for the Government on these projects—

Mr. MANN. Oh, the gentleman is as far from the facts in this case as the sun is from the moon.

Mr. MONDELL. The gentleman is barking up the wrong tree.

Mr. FORDNEY. Are not those receipts that were issued to those men made transferable?

Mr. MONDELL. What the gentleman is talking about has nothing to do with this matter at all.

Mr. FORDNEY. If I am wrong about it, I desire to be set right.

Mr. MONDELL. There is no connection at all between the matter the gentleman has in mind and the things here involved.

Mr. FORDNEY. What were those receipts issued for?

Mr. MONDELL. There were some due bills issued, but not upon this project or anywhere near it.

Mr. FORDNEY. I refer to the whole 32. Testimony of that kind came before the committee.

Mr. MONDELL. I am talking from knowledge, and I am afraid the gentleman has been misinformed.

Mr. FORDNEY. That was the testimony before the committee.

Mr. MANN. Not these claims.

Mr. MONDELL. None of these claims had anything to do with that situation. Mr. Speaker, it seems to me it would be fair to pass this Senate bill and settle this matter which has been hanging up for so many years.

Mr. MADDEN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

EXCHANGING CERTAIN LANDS IN WYOMING.

The next business on the Calendar for Unanimous Consent was the bill H. R. 177, authorizing the Secretary of the Interior to accept the relinquishment of the State of Wyoming to certain lands heretofore certified to said State, and the State of Wyoming to select other lands in lieu of the lands thus relinquished.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I reserve the right to object.

Mr. STAFFORD. Let the bill be reported.

Mr. FOSTER. The bill has been reported by title and the Speaker asked if there is objection. I notice that this bill provides that the State of Wyoming shall have the right to select other lands of approximately equal acreage. There is nothing said about the value of the land at all.

Mr. MONDELL. Mr. Speaker, I will say, if the gentleman will permit, that a number of years ago the State of Wyoming selected, on the application of one of its citizens, 320 acres of land, this man desiring to lease the same. While he had the land under lease, but had not cultivated or improved it in any way, an ambitious young woman came from the State of Michigan into the State of Wyoming looking for a homestead. She saw this particular tract of land, and while it was not much better or very different from the surrounding lands she concluded it would make a good homestead and she settled upon these lands and built her house upon them, understanding they were public lands subject to entry. A few months later she discovered that these lands belonged to the State. The State was willing to go out of the way in order to aid this young lady in her laudable ambition to secure a home, and all that the State asks is authority to select another 320 acres of land which they could have selected when they selected these, the same character of lands.

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

Mr. MONDELL. Yes.

Mr. MANN. In order to assist this young lady in her laudable ambition to have a home, why does not the State give her title to the land?

Mr. MONDELL. The State can not do it, because under our law and constitution the State can not part with title to its lands except in exchange with the Government or on payment of \$10 an acre.

Mr. MANN. They do not seem to be very anxious in the State to get settlers out there.

Mr. MONDELL. They are very anxious, and the State land board went to the trouble of passing a resolution asking that this be done, and agreeing to take other lands in lieu of these lands.

Mr. MANN. They are very anxious to get settlers on Government lands, but not on the State lands.

Mr. MONDELL. This young woman can not afford to pay \$10 an acre to the State for these lands; they are not worth that amount, anyway, in their natural state.

Mr. MANN. The State could afford to give the lady land as well as the Government, worth just as much whether owned by the State or the Government.

Mr. MONDELL. The State can not under its constitution give this young lady this land.

Mr. MANN. But it does not do for a new State to hide behind a constitution in dealing with settlers, because they made the constitution.

Mr. MONDELL. I trust the gentleman from Illinois will not urge, as some others have, that a constitution is not worthy of consideration and should be ignored.

Mr. MANN. No; but it comes with poor grace for the people in a new country to adopt a constitution which is against the settlers and those coming in and say that the General Government ought to be generous because we can not; we prohibited ourselves from doing it.

Mr. MONDELL. I will tell the gentleman how we came to adopt that provision. Gentlemen like the gentleman from Illinois said at one time and another that the Western States were wasting their lands, were frittering them away, and were not getting much of anything for them. So the people of Wyoming

said, "Very well, we will agree that we will not sell any land unless we get \$10 an acre for it." We did that because certain gentlemen in Congress insisted on having it done. We are not, however, especially regretting it.

Mr. MANN. I think probably that was a good thing.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. MONDELL. The lady in question comes from the State of my distinguished friend.

Mr. McLAUGHLIN. I should think there would have to be ample inducement to offer to citizens of Michigan to go to Wyoming and settle. [Laughter.] There is nothing in here that gives any assurance that the title to the land after it is vested in the State of Wyoming will be transferred to this woman, in whom, of course, I am very much interested.

Mr. MONDELL. If the gentleman will read the report, he will find the young lady has been living on this land for some time, and, being a resident upon the land, she has the preference right to enter the land when transfer shall be made.

Mr. McLAUGHLIN. I will say to the gentleman a number of bills of this kind come before the House and a number of them of similar import have come before the committee of which I am a member—that is, providing for transfers—and no bill of the kind now receives favorable consideration unless the value of the land to be exchanged is taken into consideration. Now, then, the land described here may be of little value and it will be possible for the State of Wyoming to select land of similar quantity but of higher value. That would not be right, would it?

Mr. MONDELL. If the gentleman will listen for a moment, I will show him how little there is in his contention. At the time the State of Wyoming selected this land it could have selected any vacant land subject to homestead settlement in the entire State. That was a number of years ago. That is all it can do now. It does not have nearly so wide a selection now as it had then, because in the meantime a lot of lands have been homesteaded. The State can not take an acre now it could not have taken at the time it took this land. They are lands of approximately the same character, nonmineral lands, subject to homestead settlement.

Mr. McLAUGHLIN. I am disposed to do anything that will help this young woman.

Mr. MONDELL. Then help us pass the bill and give the young lady the homestead.

Mr. McLAUGHLIN. Because I think it is evident the Land Department made a mistake in permitting her to settle on land not subject to homestead entry, and Congress is so lax in making provision for those who are the victims of mistakes of that kind. In my district a few years ago a woman settled on a piece of land which she understood from the Land Department was subject to entry as a homestead. She settled and made improvements to the extent of \$2,500, as appears by the testimony before the Committee on the Public Lands of this House. The committee accepted that statement on her part and proof she submitted as correct, that she laid out \$2,500. Later it became known that an error had been made in the Land Office and the land was not subject to homestead. She lost the land and all she put in, and the Land Office refused to reimburse her in any respect whatever, and in the last session when a bill for her relief came up I am ashamed to say to this House it was objected to and it was defeated. If there is any way to penalize the Government and make this grant clear, I will be glad to see it done. As far as I can see, this land would go to the State and the woman could not get anything.

Mr. MONDELL. I desire to say to the gentleman from Michigan that if this bill passes the young lady in question will get the land. It is simply an effort to give to a young lady who has already established her residence upon it a tract of ordinary bench land and give to the State, which now owns it, authority to take another piece of land.

Mr. CANNON. If that is so, had not we better stand by the girl?

Mr. McLAUGHLIN. As before, the girl will have to take her chances.

Mr. FOSTER. Mr. Speaker, in view of the fact that this young lady was willing to go from the State of Michigan out into Wyoming, I believe she is entitled to consideration, and for that reason I will make no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. MONDELL. Mr. Speaker, I ask that the bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 177) authorizing the Secretary of the Interior to accept the relinquishment of the State of Wyoming to certain lands heretofore certified to said State, and the State of Wyoming to select other lands in lieu of the lands thus relinquished.

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to accept the relinquishment of the State of Wyoming to the east half of the northwest quarter, southwest quarter of northeast quarter, northwest quarter of southeast quarter, south half of southeast quarter of section 19, township 53 north, range 103 west of sixth principal meridian, which lands were certified to the State of Wyoming in Lander Clear List No. 6, approved March 10, 1910; and the State of Wyoming is hereby authorized to select, and the Secretary of the Interior is authorized to certify to the State of Wyoming, an approximate equal acreage of lands subject to selection under the terms of the grant under which the lands herein described were selected.

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.

TITLE TO CERTAIN LANDS IN COLORADO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2744) to correct the title to certain lands in Colorado.

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

Mr. MANN. Mr. Speaker, I would like to have the bill read. The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to issue a patent conveying to the Lily Park Stock Growing Association, a corporation of Colorado, all of lots 2 and 4 in section 23; lots 7, 9, and 11 in section 24; lots 3, 4, 5, 6, 7, 8, 12, 13, 14, 15, 17, and 19 in section 25; lots 1, 2, 7, 8, 9, 10, 15, and 17 in section 26, township 6 north, range 99 west, sixth principal meridian, Colorado, containing 639.14 acres, according to resurvey made in pursuance of the act of April 28, 1904 (33 Stat. L., p. 519), being the same land transferred to the said Lily Park Stock Growing Association by the State of Colorado by patent dated September 6, 1894, and filed for record August 15, 1901, in book 37, page 18, one of the land records for Routt County, Colo., and described in said patent from the State as section 36 of said township.

Also the following committee amendment was read:

Page 1, lines 4 and 5, strike out the words "Lily Park Stock Growing Association, a corporation of Colorado," and insert "State of Colorado and its assigns."

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, on page 2, line 3, by inserting after the word "acres" the words "more or less."

The amendment was agreed to.

Also the following committee amendment was read:

Page 2, at the beginning of line 7, strike out the word "said."

The amendment was agreed to.

Also the following committee amendment was read:

On page 2, line 7, insert the words "a corporation of the State of Utah."

The amendment was agreed to.

Also the following committee amendment was read:

Page 2, line 13, after the word "township," insert:

Provided, That the State of Colorado and the said Lily Park Stock Growing Association, its successors or assigns, if any, shall relinquish to the United States any and all claims to section 36 of said township and range, as shown by the survey made in pursuance of said act of April 28, 1904, which survey was approved August 14, 1907.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

NATIONAL PARK, TERRITORY OF HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9525) to establish a national park in the Territory of Hawaii.

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

Mr. FOSTER. I object.

Mr. AUSTIN. Will the gentleman from Illinois withhold his objection?

Mr. FOSTER. I am going to object, Mr. Speaker, but I will reserve it for a few minutes.

Mr. AUSTIN. I think you are probably subject to conversion on the proposition.

Mr. FOSTER. We are going to object.

The SPEAKER. Is there objection?

Mr. FOSTER. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

BRIDGE ACROSS THE MISSOURI RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9909) to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I would like to have the bill reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Chicago, Milwaukee & St. Paul Railway Co., its successors and assigns, are hereby authorized to construct, maintain, and operate a bridge, and approaches thereto, across the Missouri River at a point suitable to the interests of navigation, said bridge to extend from a point on the west bank of said river in the county of Lyman to a point in or near the city of Chamberlain, in Brule County, in the State of South Dakota, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the act of Congress approved February 9, 1905, which granted to the White River Valley Co., its successors and assigns, the right to construct and maintain a pontoon and pile bridge across said Missouri River from a point on the west bank of said river in the county of Lyman to a point on the east bank of said river in or near the city of Chamberlain, in Brule County, in the State of South Dakota, is hereby repealed, but permission is hereby granted to maintain the present pontoon and pile bridge for one year from and after the date of this act: *Provided*, That if, on or before one year from and after the date of this act, it shall be shown to the satisfaction of the Secretary of War that actual construction of the bridge herein authorized has been commenced, then the said company, its successors or assigns, is hereby granted permission to maintain said pontoon and pile bridge during the period of construction of the bridge herein authorized, but in no case is said company granted permission to maintain said pontoon and pile bridge for a period longer than three years from and after the date of this act.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, this bill is different from the ordinary bridge bill. It is the first bridge bill to my knowledge in which an attempt is made to repeal a prior bridge act and force the railroad company to build a bridge of a different character from that now existing. I would like to inquire of the gentleman who has reported the bill whether the railroad company was granted a hearing or whether they appeared before the committee as to their wishes in the matter and as to the need of having a permanent bridge substituted for this present pontoon bridge.

Mr. DILLON. I will say to the gentleman that this pontoon bridge has been maintained for about nine years. It goes out from one to four times every year; usually whenever the spring snows melt the pontoon bridge and the piles of the bridge are carried out, and there is no service there for a period of from two to four weeks. And then, again, when the June rise comes it takes out the pontoon bridge and the piles. And you have the same thing of no service for about a month. And then, again, in July we usually have the same result; and in the fall of the year, when the ice begins to freeze, we also have a similar condition. Now, the railroad company has made constant assurances to the people along the line that they will put in a permanent bridge. The railroad commission of the State has frequently requested the company to put in a permanent bridge and had hearings on the matter, and the company promised to put in a permanent bridge.

Notice of this matter has been published in all the papers of South Dakota, and the committee has not heard one word of opposition, and we understand that the company is satisfied with it.

Mr. STAFFORD. On what does the gentleman base his position that the company has no opposition to the repeal of the present act authorizing the pontoon bridge and the substitution under this act of a permanent bridge instead?

Mr. DILLON. We base it on the theory that they have a representative here, and that it is a matter of general publicity, and that they have assured these people for the last five or six years that they would construct this permanent bridge.

Mr. STAFFORD. Has any notice been given to the company or its officials that there is a proposal to do away with the

pontoon bridge and require the company to erect a permanent bridge, as is proposed by this act?

Mr. DILLON. I do not know as to the notice, but it is a matter of general publicity. They know all about it, and they have assured our people from time to time that they would construct this permanent bridge.

Mr. STAFFORD. Who has assured you?

Mr. DILLON. The company officials.

Mr. STAFFORD. Assured whom?

Mr. DILLON. They have assured our railroad commissioners and the people along the line.

Mr. STAFFORD. There has been no assurance given to any person connected with the National Government?

Mr. DILLON. Not so far as I know, except as they have representatives in the city.

Mr. STAFFORD. Are you sure they have representatives in the city?

Mr. DILLON. Yes; I so understand. Mr. Charles McCoy represents the company.

Mr. STAFFORD. Although I come from a city where this railroad had its headquarters, I never knew that it had a representative here.

Mr. MADDEN. Was he sent for when this bill was under consideration?

Mr. DILLON. Not to my knowledge.

Mr. MADDEN. Ought he not to have been?

Mr. DILLON. Mr. Speaker, I will yield to my colleague Mr. GANDY, who has special knowledge of the subject.

Mr. STAFFORD. I believe I have the floor. I will yield to the gentleman in a minute.

Mr. HAMILTON of Michigan. How does the gentleman from Wisconsin happen to have the floor?

Mr. STAFFORD. I reserved the right to object, and I yielded the floor temporarily to the gentleman from South Dakota [Mr. DILLON].

Mr. ADAMSON. Mr. Speaker, I wanted to ask a question of the gentleman from Wisconsin and make a suggestion or two, and then, I think, the other gentleman from Wisconsin [Mr. ESCH] will say something valuable concerning this matter. In the first place, my recollection is that the author of the bill, Mr. GANDY, stated that it had been a matter of frequent statement and correspondence, and that the attorney for the railroad had conversed with him about it, and that it was always understood that this permanent bridge would be built.

Mr. DILLON. That is my understanding.

Mr. ADAMSON. The next suggestion I have to make is that the act of 1905, which we undertake to repeal by section 2, expressly provided for the modification and repeal of that act, and we are now repealing it, as we have the right to do.

Mr. DILLON. Yes. The bridge is wholly unsafe as it is.

Mr. HAMILTON of Michigan. I wanted to suggest to the gentleman from Wisconsin that the railroad company was put upon notice by the passage of the original act, which reserved the right to amend, alter, and repeal.

Mr. STAFFORD. Oh, every bridge act reserves that right.

Mr. HAMILTON of Michigan. Certainly.

Mr. STAFFORD. But here is a new proposition entirely.

Mr. HAMILTON of Michigan. Not at all.

Mr. STAFFORD. In a case where you would compel the railroad company to go to an expense of possibly several million dollars it is well to know whether they have been given notice of this bill before they shall be forced to discontinue their train service across the Missouri River without knowledge of this new obligation, and the question is whether the railroad has received notice of this proceeding before we take this action.

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

Mr. STAFFORD. Yes; I yield.

Mr. ESCH. The Legislature of the State of South Dakota on March 17, 1915, passed a resolution as follows:

A joint resolution memorializing Congress and our Senators and Representatives in Congress to use all honorable means to compel the Chicago, Milwaukee & St. Paul Railway Co. to construct a permanent railway bridge across the Missouri River at the city of Chamberlain.

Be it resolved by the Senate and House of Representatives of the State of South Dakota:

Whereas, about the year 1905, the Chicago, Milwaukee & St. Paul Railway Co., as the parent corporation of the White River Valley Railway Co., entered upon the construction of a line of railway commencing at the east bank of the Missouri River at the city of Chamberlain and extending westward through Lyman, Stanley, and Pennington Counties to the city of Rapid City, and as a part of said line of railway constructed a pontoon bridge across the Missouri River at Chamberlain; and

Whereas the said Chicago, Milwaukee & St. Paul Railway Co. has taken over the property of the White River Valley Railway Co., including the pontoon or pile bridge at Chamberlain, but has never constructed a permanent railroad bridge; and

Whereas the said pontoon or pile bridge goes out at least from one to four times each year when there is any unusual condition of the Missouri River at Chamberlain; and

Whereas said pontoon or pile bridge is unsafe and dangerous to the traveling public, and by reason of the maintenance of said bridge in its unsafe condition a railway train, either passenger or freight, is liable at any time to be precipitated in the Missouri River, especially during the early spring of the year when the ice is going out and during the June rise, and in the fall of the year and when the ice is formed or floating in said river, it is impossible to operate the draw in said bridge, and the maintenance of said bridge by the said railway company is inimical and dangerous to the public health and safety of the traveling public generally as well as to shippers; and Whereas, by reason of the fact that all traffic to points west of the Missouri River when said bridge is out or the draw open must be sent via the lines of the Chicago Northwestern Railway Co. via Wolvey and Rapid City to consignees between Chamberlain and Rapid City, and passengers, mail, express, and freight are thereby greatly delayed and the development of said country deterred and the business interests of the people located between Chamberlain and Rapid City jeopardized: Therefore be it

Resolved by the Legislature of the State of South Dakota, That the Congress of the United States and our Senators and Representatives in Congress be, and hereby are, urged to use all honorable and lawful means at their command to compel the Chicago, Milwaukee & St. Paul Railway Co. to erect at the earliest possible date a good, safe, permanent railway bridge across the Missouri River at Chamberlain; and be it further

Resolved, That a copy of this resolution be sent to the Congress of the United States and to our Senators and Representatives in Congress and to the Secretary of War.

That would be considered sufficient notice, would it not?

Mr. STAFFORD. No; it would not be sufficient notice that the matter would be brought up in Congress. It might be sufficient notice of the agitation in the State, but as the gentleman knows, we often receive memorials to which we do not give attention, because we know the signers or originators are not conversant with the facts.

The question is a larger one than that. What will be the cost to the railroad company of this bridge? And, further, in case the railroad company does not think it is financially warranted in going ahead at this time to erect a permanent bridge, the question arises whether it should discontinue the present train service. The gentleman knows that between Baltimore and Philadelphia the Pennsylvania Railroad maintained for many years pile bridges across Gunpowder Creek and adjoining bights of Chesapeake Bay, and only recently did it erect permanent structures. But here Congress, without calling upon the railroad company, is proposing that the company shall erect a permanent structure, when, perhaps, the structure is very expensive and its finances will not warrant the railroad company in expending millions and millions of dollars on such a permanent structure.

Mr. ESCH. When Congress passed the original grant in 1905 to build a bridge across the Missouri River Congress had the right to assume that the railroad company would fulfill its obligations and put a structure there that would not at all obstruct the passage of mails and passengers.

Mr. STAFFORD. You might as well say that when Congress granted the right to the Pennsylvania Railroad Co. to erect a pile bridge across Gunpowder Creek Congress had the right to assume that ultimately a permanent structure would be erected. The Pennsylvania Railroad Co. did in due time erect a permanent structure. I want to know whether the railroad company, which has some rights that are proper to be considered, have had a hearing on this proposition.

Mr. GANDY. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from South Dakota.

Mr. GANDY. I want to say to the gentleman that since this bill was introduced in this Congress one of the men from the head offices of the Milwaukee Railroad system, Mr. Harry Hunter, who for years has been one of their publicity men and one of their field men out of the Chicago office, talked about this bill with me in this city, and he and the company have full notice of what is going on. This matter has been mentioned time and again in the newspapers in South Dakota. Every Milwaukee superintendent and agent and employee knows what is going on, and so far as the temporary bridge is concerned, not a vestige of that bridge remains this day except a few piles sticking out of the water.

Mr. STAFFORD. Will the gentleman yield?

Mr. GANDY. Yes.

Mr. STAFFORD. Will the gentleman inform the House who this Mr. Harry Hunter is, and what is his representative capacity, and whether he has authority to represent the railroad in this particular matter?

Mr. GANDY. I can not say as to that. He has been connected with the Milwaukee general offices, and appeared for the company before committees of the Legislature of the State of South Dakota at the time when I was a member of that body, and he seems to represent them in field matters.

Mr. DILLON. In all legislative matters.

Mr. STAFFORD. Out in South Dakota.

Mr. DILLON. He lives in Chicago.

Mr. GANDY. His home is in Chicago.

Mr. STAFFORD. Does not the gentleman think that in a matter of this importance to the Chicago, Milwaukee & St. Paul Railroad Co., or any railroad company, involving the expenditure of how much—

Mr. GANDY. I do not know. Less than a million dollars.

Mr. STAFFORD. That some information should be given to the representatives of the company that it is pending, so that they may be heard?

Mr. GANDY. I mailed a copy of this bill to the head office of the Chicago & Milwaukee Railroad Co.

Mr. STAFFORD. When did the gentleman do that?

Mr. GANDY. About two months ago.

Mr. MANN. I received a protest, I think from the counsel of the Chicago, Milwaukee & St. Paul Railroad, against the repeal of the act authorizing them to construct a pontoon bridge, and requiring them to construct a new bridge which they say will cost a million dollars and which they say they are not able to finance at this time. I know nothing about that, but it seems to me that where we propose to repeal a bridge act, which we have the power to do, although I am not certain that we can do it without making recompense for the damage—we insert a repealing clause in all the bridge bills that we pass—if the company desires to be heard before the committee, it ought to have that opportunity. I do not know whether the company were neglectful about appearing or not, but we all know that these bridge bills are usually passed through the committee without very much special consideration, because they are largely formal matters. I hope the gentleman will let this go over until there is some consideration by the committee.

Mr. ADAMSON. I want to assure the gentleman from Illinois that every question raised by him and by the gentleman from Wisconsin [Mr. STAFFORD] was raised by me as chairman of the committee. We postponed the hearing several times to secure the attendance of the author of the bill and examined him about every one of these questions, and by his statement he satisfied the committee that the railroad company had had full and ample knowledge of the pendency of the bill.

Mr. MANN. The committee may have secured the presence of the author of the bill, which, I take it, was not hard to do—

Mr. ADAMSON. It was a little difficult in this case.

Mr. MANN. But it seems to me if the company desire to be heard before you repeal an act giving them rights you ought to give them an opportunity to be heard.

Mr. ADAMSON. We had no protest. If there had been any protest it would have been regarded.

Mr. MANN. Doubtless the committee would have regarded it if they had received it, and it ought to have been presented to them.

Mr. ADAMSON. If the railroad company want to be heard they can be heard.

Mr. HAMILTON of Michigan. I want to ask the gentleman from Illinois [Mr. MANN] whether it does not raise a fair presumption that the railroad company did have notice, when their agent called upon the Representative from that district and discussed the matter with him, and thereafter failed to send anyone to appear before the committee.

Mr. MANN. I do not know whether it was thereafter. The gentleman from South Dakota did not say thereafter.

Mr. ADAMSON. Gentlemen state that protests have reached them which did not reach the committee, and so I do not think we ought to pass the bill without giving the railroad company an opportunity to be heard. I ask unanimous consent that the bill be passed without prejudice, in order that between now and the next unanimous-consent day the railroad company may be heard before the committee.

The SPEAKER. The gentleman from Georgia asks unanimous consent to pass this bill without prejudice. Is there objection?

There was no objection.

NEW ORLEANS, BATON ROUGE & VICKSBURG RAILROAD CO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 540) for the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railroad Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MADDEN. Reserving the right to object, I think this bill covers such important questions that it ought not to be considered on the Unanimous Consent Calendar. I have been trying to get some information in connection with just what it does. It is not clear in the bill what it does, though there is a letter here from some one to the chairman of the Committee on the Public Lands.

Mr. FERRIS. Does not the gentleman think it is fairly clear that it only authorizes a readjudication by the department?

Mr. MADDEN. That may be, but it takes away certain rights from private individuals.

Mr. FERRIS. It might result in that, but not without a hearing.

Mr. MADDEN. I think the bill is so important that it ought not to be considered by unanimous consent. I am perfectly willing, however, if the gentleman from Louisiana prefers to do it, to have the matter go over without prejudice. I would not object to that; but unless he is willing to do that I shall feel constrained to object.

Mr. FERRIS. Will the gentleman yield for a suggestion? Of course the bill, as the gentleman knows, was up last year and had great consideration. The witnesses for the lumber people and the railroads were before us, and the settlers were before us, and heard at great length. The hearing is voluminous; it is all printed and preserved. The bill went through here by almost unanimous consent, and this year, rather than bring the old settlers up here again, the committee reported the bill out, and it was passed without prejudice two or three weeks ago because the gentleman from Michigan, Mr. FORDNEY, was absent. It has been kicked and cuffed around a good deal, and would not the gentleman be willing to let us consider it and have it out of the way. Unanimous consent for consideration does not mean that the bill will necessarily be passed; but let us debate it and have a chance.

Mr. MADDEN. I would like to have an opportunity to read the hearings.

Mr. FERRIS. Does the gentleman think he will read them now? They have been printed, I think, for two years.

Mr. LENROOT. If the gentleman will permit me, the reading of the report on the bill, I do not think, would give anybody a correct idea of what the bill itself does do. The report deals with the merits of the question involved. The bill itself does nothing more than direct the Interior Department to take up the question and deal with the merits under the law as it may exist. I am frank to say that the reading of the report is in favor of the contention made by the constituents of the gentleman from Louisiana, Dr. ASWELL, but the bill itself does not in any way attempt to decide anything.

Mr. ASWELL. It merely puts the question up to the Land Office, and there are only a few people to be considered under the bill. We have had altogether five hearings on this bill.

Mr. MADDEN. Will not the gentleman let it go over without prejudice?

Mr. ASWELL. I would like to have it taken up and considered now.

Mr. MADDEN. I want to read the hearings before the committee.

Mr. ASWELL. Would not the gentleman be willing for it to come and be debated and discussed? The gentleman and others can vote against it.

Mr. MADDEN. No; I shall object to the bill unless it goes over without prejudice.

Mr. ASWELL. We have had so many hearings and so many discussions that I would like to have it considered now.

Mr. MADDEN. As I say, I have not read the hearings, but I will do so between now and next unanimous-consent day.

Mr. ASWELL. All this bill does is to put the matter up to the Land Office.

Mr. MADDEN. I must insist that unless it goes over without prejudice I shall object.

Mr. FORDNEY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Michigan objects, and the Clerk will report the next bill.

BRIDGE ACROSS THE MONONGAHELA RIVER, FAIRMONT, W. VA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10139) to authorize the city of Fairmont to construct and operate a bridge across the Monongahela River at or near the city of Fairmont, in the State of West Virginia.

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

The Clerk read the bill, as follows:

Be it enacted, etc., That the city of Fairmont, a municipal corporation under the laws of the State of West Virginia, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River at or near the city of Fairmont, in Marion County, W. Va., at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

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

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

COLLECTION OF ADDITIONAL STATISTICS ON COTTON.

The next business on the Calendar for Unanimous Consent was House joint resolution 103, authorizing and directing the Director of the Census to collect and publish additional statistics.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, this resolution is under consideration by the House on Calendar Wednesday, and it will require some little further consideration.

Mr. HEFLIN. Will the gentleman withhold his objection?

Mr. STAFFORD. I will gladly withhold.

Mr. HEFLIN. I will say that this measure is very important. The Director of the Census is anxious to have it enacted at the earliest moment. I thought if we could consider it to-day we could get it over so much earlier to the Senate.

Mr. STAFFORD. The gentleman realizes that it is now under consideration on Calendar Wednesday. We have not had unanimous consent for a month, and as this would require some time for consideration I think it would expedite business to have it considered on Calendar Wednesday, and so I will object.

The SPEAKER. The gentleman from Wisconsin objects, and the Clerk will report the next bill.

BRIDGE ACROSS SUSQUEHANNA RIVER, MILTON, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9066) to authorize the Catawissa Railroad Co., its lessees, successors, and assigns, to construct a railroad bridge across the west branch of the Susquehanna River from the borough of Milton, Northumberland County, Pa., to the borough of West Milton, Union County, Pa.

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

Mr. ADAMSON. Mr. Speaker, I expected the gentleman from Pennsylvania to be here and attend to this matter, but I understand that he is ill. There is a Senate bill of identical character on the calendar, and I ask unanimous consent that the Senate bill be considered in lieu of the House bill.

The SPEAKER. The gentleman from Georgia asks unanimous consent to consider the Senate bill in lieu of the House bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

An act (S. 3978) to authorize the Catawissa Railroad Co., its lessees, successors, and assigns to construct a railroad bridge across the west branch of the Susquehanna River from the borough of Milton, Northumberland County, Pa., to the borough of West Milton, Union County, Pa.

Be it enacted, etc., That the Catawissa Railroad Co., its lessees, successors, and assigns be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the west branch of the Susquehanna River, at a point suitable to the interests of navigation, from the borough of Milton, county of Northumberland, State of Pennsylvania, to a point about 1,700 feet south of West Milton Station, in the borough of West Milton, in the County of Union, in the State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The following committee amendment was agreed to:

In line 5, page 1, strike out the word "railroad."

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

The title was amended so as to read: "An act to authorize the Catawissa Railroad Co., its lessees, successors, and assigns, to construct a bridge across the west branch of the Susquehanna River from the borough of Milton, Northumberland County, Pa., to the borough of West Milton, Union County, Pa."

The bill H. R. 9066 was laid on the table.

BRIDGE ACROSS SUSQUEHANNA RIVER AT SUNBURY, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9067) to authorize the Shamokin, Sunbury & Lewisburg Railroad Co., its lessees, successors, and assigns, to construct a railroad bridge across the Susquehanna River from the borough of Sunbury, Northumberland County, Pa., to Monroe Township, Snyder County, Pa.

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

There was no objection.

Mr. ADAMSON. Mr. Speaker, there is an identical Senate bill, S. 3977, Calendar No. 79, on the calendar, and I ask unanimous consent that it be considered in lieu of House bill 9067.

The SPEAKER. The gentleman from Georgia asks unanimous consent that an identical Senate bill be considered in lieu of the House bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Shamokin, Sunbury & Lewisburg Railroad Co., its lessees, successors, and assigns, be, and there are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Susquehanna River at a point suitable to the interests of navigation, at or about 560 feet north of Sunbury Station, county of Northumberland, State of Pennsylvania, to a point at or near the existing bridge south of Clement Station, in the township of Monroe, in the county of Snyder, in the State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

With the following committee amendment:

Page 1, lines 5 and 6, strike out the word "railroad."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

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

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended so as to read: "An act to authorize the Shamokin, Sunbury & Lewisburg Railroad Co., its lessees, successors, and assigns, to construct a bridge across the Susquehanna River from the borough of Sunbury, Northumberland County, Pa., to Monroe Township, Snyder County, Pa."

BRIDGE ACROSS FLINT RIVER, GA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9923) granting the consent of Congress to the county of Mitchell, or to the county of Baker, both of the State of Georgia, acting jointly or separately, and their successors and assigns, to construct a bridge across the Flint River.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Mitchell, or to the county of Baker, both of the State of Georgia, acting jointly or separately, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Flint River at a point suitable to the interests of navigation, at or near Newton, in the county of Baker, in the State of Georgia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. PARK, a motion to reconsider the vote by which the bill was passed was laid on the table.

WESTERN AND EASTERN JUDICIAL DISTRICTS OF OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11148) transferring the counties of Osage and Pawnee from the western judicial district of the United States court, in the State of Oklahoma, to the eastern judicial district of said court in said State, for judicial purposes.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object.

Mr. THOMPSON. Mr. Speaker, I object.

Mr. DAVENPORT. Mr. Speaker, I will ask the gentleman to reserve his objection.

Mr. THOMPSON. I reserve the objection.

Mr. DAVENPORT. Mr. Speaker, I ask the gentleman to reserve his objection, for the reason that I desire to present to the House a letter from the trial judge of the eastern judicial district and also from the Department of Justice saying that they do not raise any objection to the passage of this bill, and also telegrams from the members of the bars of those two counties affected by this legislation. The truth is that the Osage County line runs down and corners in the city of Tulsa, where the Federal court is held in the eastern judicial district, within half a mile of where the court sits, and people living in that county must go all of the way from 75 to 150 miles to court when they could go this short distance if this legislation were passed. Pawnee County corners on a direct line of railroad within 14 miles of the city of Tulsa, in the eastern district, and

there are railroads coming into Tulsa from all sections of the two counties; as the trial judge says, making it more convenient to attend court at Tulsa than any other point where the court is now held, and while he says it will increase his work, he states if Congress passes this legislation he will have no objection to it.

Mr. THOMPSON. Mr. Speaker, is it not a fact that the United States court for the eastern district of Oklahoma, to which the gentleman is trying to attach these counties, is something like two and a half to three years behind with its docket, and that in the western district they are now about up with the docket?

Mr. DAVENPORT. That is not the fact. It is a fact that the docket at Muskogee in the eastern judicial district is behind, but the docket that is tried at Tulsa is not behind, and they never sit there the full length of time that is assigned for that docket. A copy of the docket for the April term, 1916, is as follows:

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF OKLAHOMA—ASSIGNMENT FOR APRIL TERM, 1916, AT TULSA.

MOTIONS AND DEMURRERS.

Monday, April 3.

- 2169E. United States v. W. E. Privett et al.: Motion to strike answers of John O. Mitchell and J. E. Crosbie.
 2253E. The Fred W. Wolf Co. v. Weleatka Light & Water Co. et al.: Motion of Irrigation Loan & Trust Co. to dismiss.
 2255E. United States v. Canoe Jimsey et al.: Motion of Roma Oil Co. et al. to dismiss.
 2267E. United States v. Henry Hornecker: Motion to dismiss.
 2269E. The Uncle Sam Oil Co. v. The City of Tulsa et al.: Application for temporary injunction; motion to dismiss.
 2333. Golda Buxton, administratrix, v. Receivers St. Louis & San Francisco Railroad Co.: Motion to strike amendment to petition.
 2341. William B. Mars v. Receivers St. Louis & San Francisco Railroad Co.: Demurrer to petition.
 2345. United States v. Charles Price: Motion to make more definite and certain.
 2359. Receivers St. Louis & San Francisco Railroad Co. v. G. S. Straughler: Demurrer to petition.
 2377. Smith Barnes & Strober Co. v. The Tulsa Music Co. et al.: Demurrer to petition.
 2378. C. A. Smith v. The Tulsa Music Co. et al.: Motion to make more definite and certain.
 2390. Anna Haley v. Receivers St. Louis & San Francisco Railroad Co.: Motion to quash service.
 2393. George W. Summers v. The Hubert Mining Co.: Motion to strike parts of petition; motion for costs.

CRIMINAL ASSIGNMENT.

Tuesday, April 4.

1144. Martin F. Witte, introducing.
 1661. W. R. Sanders, retail liquor dealer.
 1971. Clarence Nail, forgery of money order.
 1965. John P. Matthews, embezzlement of mail matter.
 1890. John Scruggs, introducing.
 1862. Algie Baldrige and Bolin Reed, introducing.

Wednesday, April 5.

2018. John Foley, retail liquor dealer.
 2020. W. G. Holleman, retail liquor dealer.
 2064. Grant Gordon, introducing.
 2073. Ike Reynolds, introducing.
 2074. Cam Finley, introducing.

Thursday, April 6.

2088. Aaron Paxton, introducing.
 2098. Oscar Sauls, introducing.
 2007. Etta Tweedy, introducing.
 2106. Hiram May, introducing.
 2117. Andrew J. Wandick, white slavery.

Monday, April 10.

1908. Ed E. Lewis, making false entry.
 1909. Ed E. Lewis, making false entry.
 1910. Ed E. Lewis, misapplication of funds of national bank.
 1911. George Lewis, misapplication of funds of national bank.
 1912. George Lewis, unlawful certification of check on national bank.
 The above criminal cases have by order of court been assigned for trial in the United States District Court at the April, 1916, term, at Tulsa, in the order set forth. All defendants in such cases are required to be in attendance upon said court on the date when herein assigned.

D. H. LINEBAUGH,
 United States Attorney.

CIVIL TRIAL ASSIGNMENT.

Thursday, April 13.

2360. United States v. J. Knox Greer et al.
 2361. United States v. J. Knox Greer et al.
 2366. United States v. Charles Roper et al.
 2381. United States v. Twenty-three 60-pound Tubs of Uncolored Oleomargarine, and so forth.

Friday, April 14.

2328. Continental Gin Co. v. W. L. Stocker et al.
 2280. Andrew Reed v. A. L. Atchison.
 1404. In re Orpheum Theater, bankruptcy.

Saturday, April 15.

2120. Clint Moore v. Midland Valley Railroad Co.
 2248. Richardson Dry Goods Co. v. Elmer Coon.
 2268. Richardson Dry Goods Co. v. Rachel C. Brady.

Monday, April 17.

1853. Annie Silas v. W. E. Waddle et al.
 2049. Reinforced Concrete Co. v. August Nelson et al.
 2118. S. Phillips v. J. W. Boen et al.

Tuesday, April 18.

2253. Missouri, Kansas & Texas Railway Co. v. Bartlesville Supply Co.
 2332. Edward C. Mahan v. St. Louis & San Francisco Railroad Co.
 2365. Receivers St. Louis & San Francisco Railroad Co. v. Oce Allen, county treasurer of Rogers County.

Wednesday, April 19.

2348. Harry S. Evans v. The Board of County Commissioners of Hughes County.
 2376. Miami Lead & Zinc Co. v. James S. Mabon et al.
 2392. Minnie Goodell et al. v. St. Louis, Iron Mountain & Southern Railway Co.

Thursday, April 20.

235. Thomas L. Sloan v. World Publishing Co. et al.
 2239. Thomas L. Sloan v. The Petroleum Publishing Co.

EQUITY TRIAL ASSIGNMENT.

Monday, April 24.

- 2211E. Harry Lee Taft et al. v. Joe McIntosh et al.
 2019E. A. H. Sharum v. Whitehead Coal & Mining Co.
 2174E. Loues Friedman v. Regina M. Kaadt.

Tuesday, April 25.

- 2192E. James A. Swindle v. Lon C. Hill et al.
 2238E. Finley Shuck v. William Spencer.
 2271E. Wade S. Stanfield v. Winnifred T. Stanfield et al.

Wednesday, April 26.

- 2010E. T. N. Barnsdall v. Charles Owen.
 2023E. Alluwe Oil Co. v. Morgan-Nelson Oil & Gas Co. et al.
 2037E. Charles A. Bosworth, Trustee, v. Frederick Oil Co. et al.

Thursday, April 27.

- 2216E. The Presto-Lite Co. v. The Western Auto Supply Co. et al.

Friday, April 28.

- 2090E. Joseph Burns et al. v. John Finlayson et al.

The next term of court for the eastern district is the first Monday in June, 1916, after the term in April at Tulsa.

Mr. THOMPSON. In the western and eastern districts they do not have any lines between the courts. They do business all over the entire district, and Muskogee being the headquarters, they try most of the business there, and so necessarily the judge sits there most of the time.

Mr. DAVENPORT. A date is fixed in each place for holding court in the eastern district. They commence on a certain day at Tulsa and they have three or four weeks assigned, and use such time as is necessary to dispose of the cases for trial. The docket is always disposed of before the time is up. In Muskogee in the Federal court there is a large docket. I want to say to the gentleman that while the counties sought to be transferred are not in his congressional district, they are in the western district of Oklahoma, and I do not believe there is a single man interested in the Federal court proceedings in the two counties who has not asked to have these counties transferred to Tulsa where the railroads lead into the town and where nearly all men having business with the court can leave home in the morning or early in the night and get there for court the next day instead of having to go a very much greater distance.

Mr. THOMPSON. Mr. Speaker, I will say that I have a great many protests against the change, for the reason that the eastern counties were in the original territory of Oklahoma, and under Oklahoma law, and the two jurisdictions down there, the eastern district and the western district, were entirely separate. If you transfer these two counties out of the western district you transfer them out of the code of laws under which they have been since the enabling act and you will put them into a district that has had the Arkansas laws, entirely dissimilar. I have a great many protests and I have telegrams from the counties affected showing that they want to remain in the western district, because they say they can get their business transacted down there expeditiously, whereas they can not, if the two counties are transferred to the eastern district.

Mr. DAVENPORT. Mr. Speaker, I am surprised that the gentleman, a lawyer by profession, should make such a statement when he knows that since November 16, 1907, the whole State has been operating under a universal code of laws.

Mr. THOMPSON. I understand the question involved here comes up under the question of construction of treaties. The questions involved will be questions of Osage treaties in Osage County, and do not apply to the Five Civilized Tribes of the eastern district, and the court in the eastern district would not be familiar with that question, whereas the judge of the western district has tried many of those cases.

Mr. DAVENPORT. I know and I realize the opposition of my colleague. Guthrie is one of the cities where court is held and they do not want to lose jurisdiction.

Mr. THOMPSON. That is not the question. The people affected feel that it can not be done as well in the eastern district as in the western district.

Mr. DAVENPORT. If the gentleman wants to object, he can do so; but I would like for him to put his telegram and protests in the RECORD from the bar or business men, either or both, of

the counties—business man or lawyer—who are opposing this bill.

Mr. THOMPSON. I will say to the gentleman I can put in a letter from the Attorney General that was written to the gentleman himself showing that he thinks there should be an entire rearrangement.

The SPEAKER. Is there objection?

Mr. DAVENPORT. And the Attorney General suggests that in the gentleman's district there should be some of those counties transferred to the western district in order to make it more convenient for litigants who have to attend Federal court.

Mr. THOMPSON. Our people object to that for the same reason that those people object to being transferred to the eastern district.

The SPEAKER. Is there objection?

Mr. THOMPSON. I object.

The SPEAKER. The gentleman objects. Both gentlemen ask leave to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The matter referred to above is as follows:

PAWUSKA, OKLA., February 9, 1916.

Hon. JAMES S. DAVENPORT, M. C.,
Washington, D. C.:

At a call of the meeting of the Osage County Bar Association the following resolution was adopted:

"Resolved, That the Osage County Bar Association is unanimously in favor of the transfer of Osage County, Okla., from the jurisdiction of the Federal court, western district of Oklahoma, to the eastern district of Oklahoma. We also believe proposed change meets the approval of all the citizens of Osage County, Okla."

C. S. MACDONAL,
L. F. ROBERTS,
E. E. GRINSTEAD,
Committee.

TULSA, OKLA., February 9, 1916.

Hon. JAMES S. DAVENPORT,
Care House of Representatives, Washington, D. C.:

It is the consensus of opinion of the bar of Tulsa County that Osage and Pawnee Counties should be transferred from western to eastern Federal district. We urge the Oklahoma delegation to support bill and desire that you transmit this communication to Chairman Webb of the Judiciary Committee.

TULSA COUNTY BAR ASSOCIATION,
By ALBERT H. BELL, President.

BIG HEART, OKLA., March 27, 1916.

Hon. JAMES DAVENPORT,
Washington, D. C.:

The citizens of this section are strongly in favor of Tulsa for several reasons. Better railroad center; closer accommodations; better in general. If I can be of any further service, call.

K. L. COLLEY.

HOMINY, OKLA., March 28, 1916.

JAS. S. DAVENPORT,
Washington, D. C.:

Citizens of this section are heartily in favor bill relative to Federal court. We are all with you.

CARL MULLENDORE.

DEPARTMENT OF JUSTICE,
Washington, D. C., March 22, 1916.

Hon. JAMES S. DAVENPORT,
House of Representatives.

SIR: Referring to your letter of the 17th instant relative to H. R. 11148, transferring the counties of Osage and Pawnee from the western judicial district to the eastern judicial district of Oklahoma, you are respectfully informed that this matter was considered to some extent in connection with the bill introduced some time ago providing for the division of the eastern district of Oklahoma into three divisions, etc. The following information is submitted from the files of the department:

According to the views of the officials in the western district of Oklahoma, as expressed in the past, the proposed transfer of Osage County would be objectionable. This view was expressed at the time the bill for dividing the eastern district was under consideration. In connection with that bill the department recommended that it might be advisable to transfer the counties of Grady, McClain, Garvin, Stephens, Murray, Carter, Jefferson, and Love from the eastern judicial district to the western judicial district on account of the railroad facilities in that section of the country.

The district attorney and marshal for the eastern district of Oklahoma were in Washington some time ago and suggested that the counties specified above be transferred to the western district and that Osage and Pawnee be placed in the eastern district. There appears to be no real objection to the proposed transfer of the two counties in question. As far as the department is concerned, the transfer would be satisfactory.

If it is desired that an expression of the views of each of the court officials in each of the two districts of Oklahoma be procured, please advise, and arrangements will be made to secure the same.

Respectfully,

SAM J. GRAHAM,
Assistant Attorney General
(For the Attorney General).

DEPARTMENT OF JUSTICE,
Washington, D. C., March 28, 1916.

Hon. JAMES S. DAVENPORT,
House of Representatives, Washington, D. C.

SIR: In reply to your letter of the 23d instant relating to H. R. 11148, you are respectfully informed that the information furnished by department letter of the 22d instant was obtained from the files of the

office. The last reports bearing in any way upon the question of transfer of the counties mentioned in the bill were made in 1910, and no additional facts have been procured since that time. This being the case, it is impracticable for the department to make any further statement than that contained in its previous communication.

Whatever change is considered best by those affected in the two districts of Oklahoma with reference to the counties in question will be entirely satisfactory to the department, as it has no other interest in the matter.

As heretofore stated, the views of the several court officials will be obtained, if you so desire.

Respectfully, for the Attorney General,

SAMUEL J. GRAHAM,
Assistant Attorney General.

UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF OKLAHOMA,
Muskogee, Okla., March 31, 1916.

Hon. JAMES S. DAVENPORT,
Washington, D. C.

MY DEAR MR. DAVENPORT: Answering yours of the 29th relative to your bill to add Osage and Pawnee Counties to the eastern district of Oklahoma for judicial purposes, I agree with you that from the standpoint of railroad facilities the people of these two counties can no doubt reach Tulsa, a place of holding court in the eastern district, more conveniently than they can any court town in the western district; and if I could have the relief which you say the department suggests by way of attaching certain of the western counties of the eastern district to the western district I would consider it a wise "swap" from the standpoint of the convenience of the litigants and the courts. I do feel, though, that if the additional litigation arising in Osage and Pawnee Counties be added to the eastern district, this additional burden should be compensated by some such corresponding relief as the department suggests, especially in view of the already large volume of business in this district. It always has seemed to me an unwise arrangement of the districts which necessitates my going right through Oklahoma City, a court town in the western district, on to Chickasha, 60 miles farther, to hold court for the eastern district. If it seems best to Congress to make the change contemplated by your bill, I shall, of course, not complain, but I do think if any change is made at all it should be such an adjustment as will not result in increasing rather than lightening the load this district now carries.

Yours, very truly,

RALPH E. CAMPBELL, Judge.

HOMESTEAD ENTRIES OF MINORS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16) 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 Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object—

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The bill goes off the calendar.

Mr. TAYLOR of Colorado. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. MANN. What is the use? We have had this up a dozen or more times.

Mr. TAYLOR of Colorado. This bill has been up for consideration by unanimous consent once or possibly twice before, and the bill has never been considered by the House at all yet. The gentleman will observe this bill has been modified a great deal from the form in which it was a year ago. It does not apply now to anything except homestead entries, and does not permit entry until the entryman becomes 24 years of age. It merely allows a boy or girl to go and select a piece of land. It is to induce boys to stay on the farm and to give them some incentive to work and get a start in the world. It seems to me there could be no better use of the public domain than to encourage our boys to undertake to take it up and improve it and let them have something to work for when and before they reach their majority. The people of the West are very much interested in the matter.

Mr. MANN. Mr. Speaker, it would make a world of difference, to hear some men talk, whether a minor got a homestead a year earlier or a year later.

The SPEAKER. Is the gentleman from Illinois going to object?

Mr. MANN. I am not going to object, but I did object a moment ago.

Mr. TAYLOR of Colorado. Did not the gentleman withhold it?

Mr. MANN. No; I did not.

Mr. TAYLOR of Colorado. I feel we ought to give our boys every chance we can in this country. I want to read into the RECORD a few statements from the report of the Public Lands Committee on this bill, as follows:

As will appear from the report of the Secretary of the Interior, this bill was favorably approved and reported upon by the Interior Department during the Sixty-third Congress. The bill was passed by the Senate and unanimously and favorably reported by the Public Lands Committee of the House, but was never reached for consideration in the House before the adjournment of that Congress.

The bill as it passed the Senate authorized a minor to make any kind of entry of the public lands. The bill as it was reported to the House by the Public Lands Committee on March 19, 1914 (Rept. No.

419), favorably recommended the bill allowing minors to make homestead and desert-land entries only, and in that form the bill was again introduced on the first day of this session as H. R. 16 by Mr. TAYLOR of Colorado. Your committee, however, has deemed it advisable to limit the authorization of entries by minors to the homestead right only, and it also deems it advisable to prohibit final entry until the entryman has attained the age of 24 years. The amendment does not require six years' residence, but merely the usual period of three years' residence after attaining the age of 21 years.

While the bill in this form is very greatly limited in its operation, as compared with the form recommended by the Interior Department, as well as by the Department of Agriculture, which reported thereon favorably on June 14, 1914 (S. 2419); at the same time, the bill as recommended by your committee will be of considerable benefit.

The main object of this legislation is to induce the boys to stay on the farm by giving them an opportunity of initiating a right to a piece of public land upon which they can make improvements, and have a small start in the world when they have reached their majority, and thereby induce them to continue in the improvement of the land and the making of a home thereon.

It is believed that this law would be in accordance with sound public policy and in the interest of the development of the West. The Legislature of the State of South Dakota has memorialized Congress urging the passage of this measure, and the platforms and public resolutions of various parties and communities of the West have urged the passage of the bill. The demands for this measure have come primarily from the Northwestern States by reason of the fact that the Dominion of Canada has a law much more liberal than this provision. Their minors of the age of 18 years are permitted to make public-land entry and at the same time reside with their parents, and a very large number of ambitious boys who have been compelled to make a living before attaining their majority have gone to Canada, for the purpose of acquiring a home.

Your committee after having this matter pending before it and in Congress for nearly three years are still of the unanimous opinion that this legislation would be a wise and beneficent measure in the interest of encouraging the youths of the country to make a home upon the public domain, and thereby very greatly assisting in the development of the country.

ADDITIONAL COURT TO BE HELD AT SALINA, KANS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 6914) to amend section 82, chapter 231, of the act to codify, revise, and amend the laws relating to the judiciary.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I ask that the bill be read; it is short.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 6914) to amend section 82, chapter 231, of the act to codify, revise, and amend the laws relating to the judiciary.

Be it enacted, etc., That section 82, page 1112, part 1, volume 36, of the act to codify, revise, and amend the laws relating to the judiciary be amended to read as follows:

"Sec. 82. That the State of Kansas shall constitute one judicial district, to be known as the district of Kansas. It is divided into three divisions, to be known as the first, second, and third divisions of the district of Kansas. The first division shall include the territory embraced on the 1st day of July, 1910, in the counties of Atchison, Brown, Chase, Cheyenne, Clay, Cloud, Decatur, Dickinson, Doniphan, Douglas, Ellis, Franklin, Geary, Gove, Graham, Jackson, Jefferson, Jewell, Johnson, Leavenworth, Lincoln, Logan, Lyon, Marion, Marshall, Mitchell, Morris, Nemaha, Norton, Osage, Osborne, Ottawa, Phillips, Pottawatomie, Rawlins, Republic, Riley, Rooks, Russell, Saline, Shawnee, Sheridan, Sherman, Smith, Thomas, Trego, Wabaunsee, Wallace, Washington, and Wyandotte. The second division shall include the territory embraced on the date last mentioned in the counties of Barber, Barton, Butler, Clark, Comanche, Cowley, Edwards, Ellsworth, Finney, Ford, Grant, Gray, Greeley, Hamilton, Harper, Harvey, Hodge, Haskell, Kingman, Kiowa, Kearny, Lane, McPherson, Morton, Meade, Ness, Pratt, Pawnee, Reno, Rice, Rush, Scott, Sedgwick, Stafford, Stevens, Seward, Sumner, Stanton, and Wichita. The third division shall include the territory embraced on the said date last mentioned in the counties of Allen, Anderson, Bourbon, Cherokee, Coffey, Chautauqua, Crawford, Elk, Greenwood, Labette, Linn, Miami, Montgomery, Neosho, Wilson, and Woodson. Terms of the district court for the first division shall be held at Leavenworth on the second Monday in October; at Topeka on the second Monday in April; at Kansas City on the second Monday in January and the first Monday in October; and at Salina on the second Monday in May; terms of the court for the second division shall be at Wichita on the second Mondays in March and September; and for the third division, at Fort Scott on the first Monday in May and the second Monday in November. The clerk of the district court shall appoint three deputies, one of whom shall reside and keep his office at Fort Scott, one at Wichita, and the other at Salina, and the marshal shall appoint a deputy who shall reside and keep his office at Fort Scott."

The committee amendment was read, as follows:

Page 3, after the word "Scott," on line 11, insert the words "and the marshal shall also appoint a deputy who shall reside and keep his office in Kansas City."

Mr. MANN. Where does that amendment come from? It is not in my copy of the bill.

Mr. CONNELLY. It comes from the Committee on the Judiciary.

The SPEAKER. The Clerk has the correct copy.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the amendment may be reported again so we will know exactly what it is.

The SPEAKER. Without objection, the amendment will be again reported.

There was no objection.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, there are one or two matters I would like to inquire about of the gentleman who introduced this bill. First, I notice he provides the term of court for the second Monday in May, at Salina.

Mr. HELVERING. Yes.

Mr. STAFFORD. Whereas, under existing law and in this bill the gentleman provides for a term of court to be held on the first Monday of May, at Fort Scott. I wish to ask this practical question of the gentleman, whether there is sufficient interval of time between the first Monday in May and the second Monday in May whereby court could be held at Fort Scott, and whether it would not be better to make a different date for the holding of court at Salina?

Mr. HELVERING. As I understand, in drawing this bill, the work at Fort Scott is very light and that in the Kansas City division—

Mr. MANN. There is no change from existing law.

Mr. STAFFORD. No change from existing law; but at the term herein provided for holding court on the second Monday in May the court would not have sufficient time to dispatch even a jury trial which might be in progress at Fort Scott in the term beginning on the first Monday in May.

Mr. MANN. That is the case now.

Mr. STAFFORD. No; it is not compulsory now to hold court in Salina. It is optional with the judge, so that he can, if he wishes to, under existing law, postpone the term of court that is provided to be held at Salina. I would like to ask the gentleman whether he has considered that overlapping?

Mr. HELVERING. We did consider that, and we considered that the judge could dispose of the work that week and come home and go out to Fort Scott and Kansas City.

Mr. STAFFORD. There is not sufficient time to give for a jury trial.

Mr. HELVERING. The way the business is transacted, it goes to Kansas City rather than to Fort Scott.

Mr. STAFFORD. I think it will be more corrective to have it on the third Monday in May in Salina, and provide for that contingency in case there was a jury trial on the first Monday in May at Fort Scott.

Mr. HELVERING. The time for holding court at Fort Scott and Salina has been changed.

Mr. STAFFORD. Heretofore it has not been obligatory to hold the court at Salina on the second Monday in May.

Mr. MANN. It is just as obligatory as it is now. Absolutely no change in that respect.

Mr. STAFFORD. Under the existing law it was left to the judge whether he would hold court there or not.

Mr. MANN. Oh, no. It was left as to what cases he would try.

Mr. STAFFORD. It was left as to whether he would hold court there or not.

Mr. MANN. I have the language of the law in front of me, and there is no such thing in the law.

Mr. STAFFORD. I read the law recently, and I recall it as I have stated.

Mr. HELVERING. We know that under the law the judge never held court there. Since the western part of the State has become so thickly settled, it is better to take the court to the litigants rather than to bring lawyers and litigants 400 miles in order to try these cases. Therefore we thought it better to introduce this bill rather than to introduce the bill for a special district, as many are asking us to do.

Mr. STAFFORD. Are there any jury trials at the term of court held on the first Monday in May at Fort Scott?

Mr. HELVERING. I am not advised. There are likely to be.

Mr. STAFFORD. It is very possible the judge could not get through a jury trial if it was a lengthy one inside of a week, and he would be compelled to adjourn court and open the court at Salina on the second Monday in May.

Mr. WEBB. The question was raised in the Judiciary Committee and the gentleman from Kansas [Mr. TAGGART], who represents part of Kansas on the committee, said that there would be no trouble in getting from Fort Scott on Saturday to Salina on Monday morning.

Mr. STAFFORD. Did the committee consider the possibility of the holding over of a jury trial at Fort Scott, say, on the first Monday in May, that would go over to the following week, and the judge would not be able to hold court on the second Monday in Salina?

Mr. WEBB. The judges in one week will not take up an important case on Friday or Saturday, for the very reason that they would not want to hold the jury over.

Mr. STAFFORD. Here is an instance where the court only holds a session once every six months in these cases where there might be need of having a jury trial, and yet the court could not expedite the case for hearing because there is a mandatory expression to hold court on the next Monday at another place.

Mr. WEBB. I see the force of the gentleman's suggestion, and if there is any trouble about it we can have it fixed later on.

Mr. STAFFORD. But we are making permanent law.

Mr. WEBB. There are numbers of cases in the books which provide one term shall follow immediately after another. This provision is nothing new.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object—

Mr. CANNON. Is there any business at Fort Scott whatever?

Mr. WEBB. I can not say. I can only say that the evidence before the committee says so.

Mr. CANNON. Twice a year they do summon a petit and a grand jury at Fort Scott?

Mr. WEBB. I think so.

Mr. HELVERING. I will say it has been the practice at Fort Scott at the spring term to take up such matters as could be easily disposed of, and in the fall term take up cases that the gentleman refers to. I understand it will be no hindrance to the work of the judge. I understand they never call a jury at Fort Scott in the spring.

Mr. CANNON. They dispense with it at least for one term in the year?

Mr. HELVERING. I will say to the gentleman that this law, as I have introduced it, simply makes it compulsory on the judge to hold court at Salina—

Mr. CANNON. There is no business, practically, at Salina or Fort Scott, is there?

Mr. HELVERING. At Salina now, no; but we contemplate that there will be a great deal of business there on account of the way the western part of the State has settled up. The object of this bill is to take the court out as far west as we can, where we have a public building and a court room already established, and hold court in the western part of the State.

Mr. CANNON. Why do you not do away with the Fort Scott court?

Mr. WEBB. I suppose it has not been suggested, for one reason.

Mr. HELVERING. We could not do that.

Mr. CANNON. You could do it by legislation.

Mr. HELVERING. We could, but I do not think it would be just.

Mr. WEBB. If you will take up the map of Kansas, you will see the western part of the State is without court facilities.

Mr. CANNON. I am talking about the southern part of the State. Primarily these things are an excuse to get a public building. You have got a public building at Salina?

Mr. HELVERING. Not in this case.

Mr. CANNON. But primarily. In my home State there was a court held at Cairo pro forma and in Quincy pro forma, and I think in several other places, which resulted in public buildings. As I understand it, it is not necessary to have the jury at Fort Scott but once a year instead of twice.

Mr. HELVERING. I will say it is the practice to have a jury meet at the fall term, which is a longer term than the spring term, which is only, under the original law, one week in length.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. WEBB. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to amend by inserting, on page 1, line 4, after the word "thirty-six" the words "Statutes at Large," and then inclose the language beginning with "page 112" and ending with the word "Large" in parenthesis.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert, page 1, line 4, after the word "thirty-six," the words "Statutes at Large," and inclose the language "page 112, part 1, volume 36, Statutes at Large" in parenthesis.

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

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

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.

On motion of Mr. HELVERING, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RELIEF OF INDIANS IN ARIZONA, NEW MEXICO, AND CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3391) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] 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 SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That all of the provisions of an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, be, and the same are hereby, extended for a period of two years from and after the 4th day of March, 1916.

The SPEAKER. The question is on the third reading of the bill.

Mr. MANN. I would like to know what anybody expects to accomplish by this bill unless it is amended.

Mr. STEPHENS of Texas. It is the bill of the gentleman from New Mexico [Mr. HERNANDEZ], and he will explain it.

Mr. MANN. He did not draw the bill.

Mr. HERNANDEZ. Mr. Speaker, the House bill, H. R. 9131, of similar import, has been reported to the House. It is a similar bill.

Mr. MANN. Yes. I am familiar with both bills, but I call the attention of the gentleman from New Mexico to the fact that this only extends all the provisions of a certain act, which act limited the amount of land that could be disposed of under it, and that that land has all been disposed of already.

Mr. HERNANDEZ. My understanding is that there has been very little of the land that the original bill provided for allotted to these Indians.

Mr. MANN. But the Secretary of the Interior says that the records of the Indian Office show that the area applied for in Arizona exceeds the authorized area by possibly 2,000 acres, and he makes a similar statement practically in regard to New Mexico, where 16,000 acres have been applied for, while the limit in the act which it is proposed to extend is not to exceed 3,000 acres in Arizona and 1,000 acres in New Mexico and 5,000 acres in California. All that could be applied for under the original act has already been applied for, so that the extending the act would not accomplish what is desired. I offer an amendment to correct it.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: At the end of line 8 insert the following after the word "sixteen":

"Provided, That there may be exchanged under the provisions of the act named herein a total area not exceeding 10,000 acres in Arizona and 25,000 acres in New Mexico."

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

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

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

On motion of Mr. HERNANDEZ, House bill No. 9131, of similar tenor, was laid on the table.

LAND FOR OMAHA INDIAN CEMETERY PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6417) to provide for the selection by the Omaha Indians and the setting apart of reservation lands for tribal cemetery purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. STEPHENS of Texas. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas 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 SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to reserve from sale, under the terms of the act of May 11, 1912 (37 Stat. L., 111), the following-described tracts of land within the Omaha Agency Reserve in Nebraska: The northwest quarter of the southwest quarter of the southwest quarter, formerly used by the Presbyterian missionary; and the northeast quarter of the southwest quarter of the southwest quarter, in addition to the 8 acres in the southeast quarter of the southwest quarter of the southwest quarter which have already been set apart; all in section 24, township 25 north, range 9 east, of the sixth principal meridian; said lands to be used by the Omaha Indians for cemetery purposes.

Sec. 2. That the Secretary of the Interior, in his discretion, may likewise cause to be set apart for Indian cemetery purposes unappropriated lands as follows: Not to exceed 10 acres other than herein described in the south half of the southwest quarter of section 24, township 25 north, range 9 east, and not to exceed 40 acres in two or more tracts in other parts of the reservation, said tracts to be selected by the Indians.

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.

AMENDMENT OF THE COPYRIGHT LAWS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8356) to amend sections 28 and 30 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909.

The title of the bill was read.

The SPEAKER pro tempore (Mr. CARAWAY). Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That sections 28 and 30 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, be amended to read as follows:

"Sec. 28. That any person who willfully and for profit shall infringe any copyright in any work protected under the copyright laws of the United States, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than \$100 nor more than \$1,000, or both, in the discretion of the court: *Provided, however,* That nothing in this act shall be so construed as to prevent the performance of religious or secular works, such as oratorios, cantatas, masses, or octavo choruses by public schools, church choirs, or vocal societies, rented, borrowed, or obtained from some public library, public school, church choir, school choir, or vocal society, provided the performance is given for charitable or educational purposes and not for profit.

"Sec. 30. That the importation into the United States of any article bearing a false notice of copyright when there is no existing copyright thereon in the United States, or of any infringing copies, matter, or material of any work copyrighted in the United States, is prohibited."

With a committee amendment, as follows:

On page 2, line 6, strike out the word "oratorios" and insert the word "oratorios."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

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

CHARITON COUNTY, MO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11792) transferring Chariton County from the northern division of the eastern district to the western division of the western judicial district of Missouri.

The Clerk read the title of the bill.

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

Mr. MANN. Let the bill be read, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the county of Chariton, in the State of Missouri, be detached from the northern division of the eastern judicial district and attached to the western division of the western judicial district of the State of Missouri: *Provided,* That courts of the northern division of the eastern district shall retain and exercise jurisdiction over all causes and proceedings, civil and criminal, arising in or coming from said county and begun and pending at the date of taking effect of this act and of all criminal offenses committed in said county prior to the date this act goes into effect, the prosecution of which have not begun, as completely as if this act were not passed.

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

Mr. MANN. Reserving the right to object, in view of the very illuminating statement in the report, which is simply a recommendation that the bill do pass, I would like a little information on the subject, and on the form of the bill.

Before the gentleman makes a statement as to the form, I will say that the Judiciary Committee has fallen into the practice of reporting some bills, making slight changes in various judicial districts, and changes in the time of holding courts, by amending the sections of the Judicial Code in some cases, and in other cases by paying no attention at all to the section of the Judicial Code, but putting in an independent statute. It seems to me that the committee ought to have a uniform practice, one way or the other, and adhere to it. We passed the Judicial Code a few years ago and divided up the States into districts, naming the counties, and so forth; and for a time most of the amendments to that code were passed by amending the section, repeating it and making the change in the section, so that anyone who had the amended act would have the whole thing before him. Now bills are introduced, some of them doing it in that way and some in the other way. The Judiciary Committee ought to have a practice on the subject to which it conforms, and have all of these alike, so that anyone examining the statute can know what the custom is.

Mr. IGOE. Mr. Chairman, when this bill was considered that question was raised, as to whether it might not be the better practice to set out the statute as it would read when amended, and some of us were informed that on another occasion when that had been done the Senate changed the practice and reported back the bill in some such form as this.

Mr. MANN. The gentleman's information was incorrect. There has been no such case. There has been no case where the House passed a bill amending an original section, where the Senate struck that out and inserted a mere change of the law.

Mr. IGOE. As to the necessity for this, the gentleman from Missouri, my colleague [Mr. RUCKER], who drew the bill and introduced it, and who comes from Chariton County, will explain the necessity for it.

Mr. MANN. I suppose it was on account of the importance of it that the gentleman from Missouri, my friend [Mr. RUCKER], did not have any information contained in the report.

Mr. RUCKER. Mr. Chairman, I have no doubt the criticism of the gentleman from Illinois—

Mr. MANN. I am not making any criticism—far from it.

Mr. RUCKER. I have no doubt the remarks of the gentleman are well founded, and possibly it would be better to follow the suggestion he makes. The fact is, however, that this bill is in the form in which like bills have frequently passed the House.

In this particular matter the gentleman asks for information because the report does not fully disclose the reasons for the bill. I will say that Chariton County, Mo., in which I reside, was always in the western division of the western district of Missouri until a few years ago, when a certain judge presided over that court before whom the lawyers were so reluctant to try their cases that at their request and the request of the people I introduced a bill, in form like this one, by which Chariton County was transferred from the western to the eastern division of the State. Since that time a new occupant of the bench has appeared, before whom the lawyers are perfectly willing to try their cases, and for convenience they desire to be put back into the western district.

I will say that the county seat of Chariton County is on the main line of the Wabash Railway and close by Kansas City, so that it is very convenient to travel backward and forward, while the court in the eastern district is much more inconveniently located, requiring a longer time, a greater distance, and at least one, if not two, transfers on the railroad, with the incidental delay in waiting for trains, and so forth.

Mr. MANN. How long is it since we transferred this county to the eastern district?

Mr. RUCKER. I do not remember definitely, but I would say about 10 years.

Mr. MANN. And now we are transferring it back?

Mr. RUCKER. Yes.

Mr. MANN. How long does the gentleman think it will be before we transfer it back again?

Mr. RUCKER. Whenever we get another judge on the bench like the one who was there at the time it was transferred before.

Mr. MANN. That excuse hardly goes.

Mr. RUCKER. I have told the gentleman frankly why this county was taken out of the western district some years ago and why it is desirable to put it back now.

Mr. MANN. I know; but the gentleman says they took one county out of the district because that county did not happen to like the judge.

Mr. RUCKER. The gentleman well knows that proceedings of a different character were threatened here; and this is not the only county, but a number of other counties were taken out of the jurisdiction of a certain judge; and when he saw that something was being done that interfered with his jurisdiction, he retired from the bench, as he had the right to do under the law, and then the trouble disappeared.

Mr. MANN. As I understand it, if somebody in Missouri thinks the judge is looking cross-eyed at him, he wants his county moved into another district.

Mr. RUCKER. I will say to the gentleman that there can be no quarrel between him and me about that, because the judge I have reference to was appointed by President Cleveland and happened to come from this side of the House, the side I represent. We could not get along, and that is all there is about it. I will say to the gentleman that if he had been in the court and had seen what I have seen he would not have hesitated to do what has been done.

Mr. MANN. I can understand now why the report did not contain any information.

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

There was no objection.

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

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

DESERT-LAND ENTRIES IN RIVERSIDE COUNTY, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11081) to exempt from cancellation certain desert-land entries in Riverside County, Cal.

Mr. FERRIS. Mr. Speaker, the corresponding Senate bill was passed Saturday by unanimous consent; and I ask unanimous consent that this bill lie on the table.

Mr. MANN. This House bill, the Raker bill, has already been laid on the table.

Mr. FERRIS. Yes; it is unnecessary to have it done again.

BRIDGE ACROSS MISSOURI RIVER, YANKTON COUNTY, N. DAK.

The next business on the Calendar for Unanimous Consent was the bill H. R. 10836, granting the consent of Congress to the Yankton County Bridge Co., a corporation, to construct a bridge across the Missouri River at a point between Yankton County, S. Dak., and Cedar County, Nebr.

Mr. DILLON. Mr. Speaker, I ask unanimous consent that the bill S. 4190, a bill of the same tenor, be substituted for the House bill.

The SPEAKER pro tempore. Is there objection to considering the Senate bill in lieu of the House bill? [After a pause.] The Chair hears none.

The Clerk read the Senate bill, as follows:

An act (S. 4190) authorizing the Yankton County Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River at a point between Yankton County, S. Dak., and Cedar County, Nebr.

Be it enacted, etc., That the Yankton County Bridge Co., a corporation organized under the laws of the State of South Dakota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge or bridges and approaches thereto across the Missouri River at a point suitable to the interest of navigation, in section 13, township 93 north, of range 56 west, Yankton County, S. Dak., to the shore opposite thereto, at a point in section 11, township 33 north, range 1 west, Cedar County, Nebr., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

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

On motion of Mr. DILLON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The bill H. R. 10836 was laid on the table.

BRIDGE ACROSS MISSOURI RIVER, MONT.

The next business on the Calendar for Unanimous Consent was the bill H. R. 10750, permitting the Mondak Bridge Co. to construct, maintain, and operate a bridge across the Missouri River, in the State of Montana.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Mondak Bridge Co., a corporation organized under the laws of the State of Montana, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Missouri

River at a point suitable to the interests of navigation at or near sections 14 and 15 township 26 north, range 59 east, Montana principal meridian, in the counties of Sheridan and Richland, in the State of Montana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The following committee amendment was read and agreed to:

Line 1, page 2, after the word "Montana," insert the following: "at least one-half mile distant from the existing bridge of the Great Northern Railway Co. in that vicinity."

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

On motion of Mr. DILLON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AMENDING SECTION 17 OF THE BANKRUPTCY LAW.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12195) to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto of February 5, 1903.

The SPEAKER. Is there objection?

Mr. MANN. Let the bill be read.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 17 of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended February 5, 1903, be amended so as hereafter to read as follows:

"Sec. 17. Debts not affected by a discharge.—A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (first) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (second) are liabilities for obtaining property by false pretenses or false representations, or for willful and malicious injuries to the person or property of another, or for alimony due or to become due, or for maintenance or support of wife or child, or for seduction of an unmarried female, or for breach of promise of marriage accompanied by seduction, or for criminal conversation; (third) have not been duly scheduled in time for proof and allowance, with the name of the creditor, if known to the bankrupt, unless such creditor had notice or actual knowledge of the proceedings in bankruptcy; or (fourth) were created by his fraud, embezzlement, misappropriation, or defalcation while acting as an officer or in any fiduciary capacity."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like first to ask in reference to a matter of form which is not, perhaps, important. I notice that the gentleman introducing the bill changes "one" to "first," "two" to "second," "three" to "third," and "four" to "fourth." It is not quite the form of the bankruptcy act. I want to ask out of curiosity why the change was made?

Mr. DANFORTH. I will say that that was against the wishes of the introducer of the bill. The copy was changed twice so as to make it accord with the original section, but the Government Printing Office insisted on substituting the words "first," "second," and so forth.

Mr. MANN. I think it is about time that the Public Printer had some one down there who knew how to follow copy. He has frequently and impudently made changes from the copy.

Mr. DANFORTH. I think the rules that the Printing Office prescribe require these words to be used.

Mr. MANN. The other day we sent to the Printing Office the record of some pairs which did not in the slightest degree concern the Public Printer in any way that I know of. He did not like the form in which the pairs were put and so he changed them around—thought it was none of our business—and fixed up the pairs the way he wanted them, giving no information. He deliberately cut it out. He has done that a number of times lately. Here is a bill introduced amending a section of a long law, drawn on certain lines. The original act might have said "first" instead of "one," but it did not. All through it is divided up into one, two, three, four, five, and six. The Public Printer thought "first" would look better than "one," so he changed it; he thought "second" would look better than "two," so he changed that. It is not possible to have the Public Printer print an amendment to a law following the language of the original law. I think it is about time it was stopped.

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

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

On motion of Mr. DANFORTH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEASING OF IRRIGABLE ARID LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6782) providing for the leasing of arid lands which are irrigable belonging to Indian allottees and fixing the maximum time for which such leases may run.

The Clerk read the title to the bill.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that that bill be passed without prejudice.

The SPEAKER. The gentleman from Texas asks unanimous consent that that bill be passed without prejudice. Is there objection?

There was no objection.

UNITED STATES COURT AT AIKEN, S. C.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9819) to amend the act of March 3, 1915, providing the time for the holding of the United States court at Aiken, S. C.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, let the bill be reported.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 5 of the act of March 3, 1915, entitled "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," be, and the same is hereby, amended to read as follows:

"SEC. 5. That terms of the district court for the eastern district shall be held at Charleston on the first Tuesdays in June and December; at Columbia on the third Tuesday in January and the first Tuesday in November; at Florence on the first Tuesday in March; and at Aiken on the fourth Tuesdays in March and October."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I assume that this bill is possibly to accommodate or, if not to accommodate, to accord with the recommendation of Judge Johnson.

Mr. WEBB. No; I can not say that it is.

Mr. MANN. If it is not in accord with his wishes, it has not the chance of a snow flake.

Mr. WEBB. I will say to the gentleman that the United States court and the State courts are held in the State courthouse in South Carolina. The holding of the United States court conflicts with the holding of the State courts, and in order to relieve the conflict and permit both authorities to hold their courts regularly this bill is recommended.

Mr. BYRNES of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Certainly.

Mr. BYRNES of South Carolina. I can say to the gentleman from Illinois that this courthouse is not in the district in which Judge Johnson is presiding judge, but is in the district in which Judge Smith presides and is recommended by him. The bill is introduced for the purpose stated by the gentleman from North Carolina [Mr. WEBB].

Mr. WEBB. There is no other place for holding court in Aiken except the State courthouse.

Mr. MANN. This is amending the act of last year which created an additional judge down there?

Mr. BYRNES of South Carolina. Yes.

Mr. MANN. Did the act do any more than that?

Mr. BYRNES of South Carolina. Yes; it fixed the time for holding the courts at all of the points in the State. Through an error a date was fixed which conflicts with the holding of the State court at this point. For that reason a change is sought to be made in the time for holding the court at Aiken.

Mr. MANN. Mr. Speaker, I am rather slow at getting at what I want to say, but I arose simply to say that one of the ablest Members this House ever had, in my opinion, was appointed United States district judge in the State of South Carolina, Mr. Joseph T. Johnson, and I will take my hat off to him at any time, whether in the House or on the bench. [Applause.]

The SPEAKER. Is there objection?

There was no objection.

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.

LOCATING AND MARKING CONFEDERATE GRAVES.

The next business on the Calendar for Unanimous Consent was House joint resolution 171, to continue in effect the provisions of the act of March 9, 1906.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," approved March 9, 1906; and continued in full force and effect for two years by joint resolution approved February 26, 1908; and for the additional period of one year by a joint resolution approved February 25, 1910; and for the additional period of two years by a joint resolution approved December 23, 1910; and for the further additional period of two years by a joint resolution approved March 14, 1914, be, and the same is hereby, continued in full force and effect for two years from the expiration of the present continuation, March 13, 1916; and the

unexpended balance of the appropriation made by said act of March 9, 1906, is continued and made applicable for expenditure during the additional period of two years herein provided for: *Provided,* That the triplicate registers provided for in the original act shall include the time and place of death of each Confederate soldier prisoner of war: *Provided further,* That the compensation of the commissioner shall be fixed by the Secretary of War.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I do not think there is a Member on either side of the aisle who is opposed to the worthy purpose covered by this resolution, but I do think there should be some evidence of a desire to terminate this work. I would like to inquire of the gentleman from Virginia [Mr. HAY] whether he thinks the work will be completed when the present unexpended balance of \$40,000 is exhausted, or whether there will be this biennial call upon Congress to continue reviving the work of this commission and providing for additional funds when we are long out of Congress?

Mr. HAY. Mr. Speaker, it is impossible for me to answer that question, as I do not know how much more work has to be done. The present incumbent of this office has filed a very full report showing what has been done under his administration, and he says in the last part of that report that it is not possible at this time to definitely forecast the time required to complete the work, but that due diligence is being exercised to do so in the shortest time possible.

Mr. STAFFORD. Perhaps he meant by that that he might surprise Congress by completing the work within the two-year period?

Mr. HAY. Yes. I will say that the present commissioner is a gentleman of great industry and has discharged the duties of his office with great ability.

Mr. STAFFORD. The recent report shows that he has been very assiduous in the work, but I assume that the gentleman from Virginia is in sympathy with this work being concluded at some time?

Mr. HAY. Oh, certainly.

Mr. STAFFORD. We would all like to see the work brought to a close, and there is no reason why it should not be brought to a close.

Mr. HAY. Yes; I should think in two years it ought to be completed.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This resolution is on the Union Calendar.

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

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

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

On motion of Mr. HAY, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ALSEA INDIANS, SILETZ RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10307) authorizing the Secretary of the Interior to pay and to distribute the balance now in the Treasury to the credit of the Alsea and other Indians on the Siletz Reservation.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to pay to the heirs of any deceased person enrolled as living on the Siletz Reservation at the time of the ratification of the agreement with the Alsea and other Indians on the Siletz Reservation on August 15, 1894 (28 Stat. L., p. 324), the pro rata share of such deceased person in the fund of \$100,000 set aside as a permanent fund by article 2 of the agreement.

The Secretary of the Interior is also hereby authorized to pay per capita to living members of the tribe any or all of any balance remaining from the \$42,600 set aside by article 2 of the agreement for paying \$75 each to "males of 21 years and females of 18 years or more, and all married persons, whether they shall be of age or not." The Secretary is also authorized, in his discretion, to expend all or any part of said balance for the care and support of aged, infirm, or destitute members enrolled under the provisions of the agreement.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, as I understand it, there are about 28 persons to whom this fund will be available.

Mr. HAWLEY. In the distribution of the first part of it, the balance of the \$100,000.

Mr. STAFFORD. And there are some \$42,600 now undistributed?

Mr. HAWLEY. Of the \$42,000, the sum in the second part of the bill, there is about \$4,600 yet undistributed, with some accrued interest.

Mr. STAFFORD. What I wish to inquire especially about is this: I could not get a clear idea from reading the report how much per capita will be paid to these heirs per stirpes.

Mr. HAWLEY. As I understand from the department's statement, the same amount as would have been paid to the original persons had they lived. Each heir will take that which would have been paid to the immediate ancestor.

Mr. STAFFORD. Where is there any such direction in the bill under consideration, that they shall receive no more than what their original ancestor would have taken?

Mr. HAWLEY. I can not answer that, except that the bill was prepared by the department in order to enable them to carry out that purpose. They have been doing this work before—distributing the money.

Mr. STAFFORD. To the heirs of the original persons entitled to it?

Mr. HAWLEY. Yes; and as they state in their report, they reread the terms of the agreement and concluded that it did not warrant them in doing that—about three years ago—and so they ceased the distribution that had been formerly made, holding it up awaiting this legislation to enable them to go on with the work as it had been heretofore carried on.

Mr. STAFFORD. Can the gentleman give estimate as to the amount of money that will be available for payment to these heirs?

Mr. HAWLEY. As I remember the report of the Commissioner of Indian Affairs, which I do not have before me at this time, there would be a few thousand dollars, I have forgotten how many but not a very large sum.

Mr. STAFFORD. Well, it says here in the report payment has been made to the heirs of all but 4 deceased persons, and in addition to those 4 persons there are now 24 living who are entitled to their pro rata share, making in all some 28. I was curious to find out what would be the basis of apportionment to those who are heirs, whether they would receive a larger percentage than the original ancestor would be entitled to.

Mr. HAWLEY. Well, I understood the practice of the department was to pay the heirs what their ancestors would have received.

Mr. STAFFORD. Of course, there is nothing here in the bill making such a limitation. I do not think it would be fair to pay the heirs a greater pro rata than what the ancestors were originally entitled to.

Mr. MANN. Why not? They usually treat an Indian as an Indian; I do not know what they do here, where every one is born it comes in as though he was a grandfather.

Mr. STAFFORD. These descendants are not necessarily members of the tribe.

Mr. HAWLEY. Oh, yes.

Mr. STAFFORD. Oh, no. They do not have to be members of the tribe. The original allottee did not receive the fund, because he was perhaps a shiftless person or noncompetent or for some other reason the money was held up. There are only 24 persons who have received the fund and there are 4 other shares of deceased persons whose heirs would be entitled to a share in the proceeds of this fund under this bill, and I am curious to know whether they are going to receive more or only the same portion as the original allotment.

Mr. HAWLEY. My understanding is that the 24 who did not receive the amount when it was originally distributed will receive their full share, and the heirs of the others will receive the part that their ancestors would have received.

Mr. STAFFORD. Would there be any balance of this \$48,000 remaining after it is divided into 28 equal parts?

Mr. HAWLEY. Of the \$100,000?

Mr. STAFFORD. There is only \$42,000.

Mr. HAWLEY. That is the second part of the bill and in the last paragraph.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in the Committee of the Whole House on the state of the Union.

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

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

On motion of Mr. HAWLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENLARGED HOMESTEADS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 8654) to amend an act entitled "An act to provide for an enlarged homestead."

The Clerk read as follows:

Be it enacted, etc., That section 3 of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, and of an act entitled "An act to provide for an enlarged homestead," approved June 17, 1910, as amended by an act approved February 11, 1913, and as amended by an act approved March 3, 1915, be, and the same is hereby, amended to read as follows:

"SEC. 3. That any person who has made or shall make homestead entry of the character herein described and who has not submitted final proof thereon, or who, having submitted final proof, still owns and occupies the land thus entered, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his first entry, which shall not, together with the original entry, exceed 320 acres: *Provided*, That if there be no vacant land of this character contiguous to his original entry such person may enter as such additional entry other land situated in the land district where such former entry was made: *Provided*, That the land originally entered and that covered by the additional entry shall have first been designated as subject to this act, as provided by section 1 hereof."

The committee amendment was read, as follows:

Strike out all the matter just read and insert the following:

"That the act entitled 'An act to provide for an enlarged homestead,' approved February 19, 1909, be amended by adding thereto an additional section to be known as section 7:

"SEC. 7. That any person who has made or shall make entry of less than 320 acres of lands of the character herein described, and who shall have submitted final proof thereon, shall have the right to enter public lands subject to the provisions of this act, not contiguous to his first entry, which shall not with the original entry exceed 320 acres: *Provided*, That the land originally entered and that covered by the additional entry shall first have been designated as subject to this act as provided by section 1 thereof: *Provided further*, That in no case shall patent issue for the land covered by such additional entry until the person making same shall have actually and in conformity with the homestead laws resided upon and cultivated the lands so additionally entered, and otherwise complied with such laws: *And provided further*, That this section shall not be construed as affecting any rights as to location of soldiers' additional homesteads under section 2306 of the Revised Statutes."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I understand this bill goes farther than any bill passed by this House, as the additional land to which the former homesteader could make entry under former bills was to within 30 miles of his homestead, but this gives the privilege to go anywhere and take up an additional amount of land to make up his quota of 320 acres.

Mr. TIMBERLAKE. I will say he is restricted, however, to the character of land contained in his first application. This amendment was a recommendation by the Department of the Interior.

Mr. STAFFORD. But he is not restricted to any local district. He may go anywhere, even if he is no longer living on the land, even if he has sold his homestead right; he can make additional entry for an amount of land to equal 320 acres.

Mr. TIMBERLAKE. That is only in the case where 320 would be necessary for a homestead entry. There is a reason for that. They have undergone all the hardships incident to that country, and just when the time arrives when he could be recompensed for the work he had done he was barred by reason of the fact he had made final proof, and he sees his neighbor, who had not undergone the hardships, take an adjacent homestead giving him 320 acres.

Mr. STAFFORD. He had a preferential choice and he decided on land on which the entire homestead was sufficient to maintain him. He went ahead and entered and improved the property. Just because we passed an enlarged homestead law, because the remaining land was not sufficient to sustain a family, you are going to give this man, who may have abandoned the farm a year ago, the right to locate somewhere else and take up a second entry.

Mr. TIMBERLAKE. I would like to say to the gentleman that applied to the person who is given the benefits of this act. Now, three or four years later a settler settles in this same locality; the Government comes on and says that it requires 320 acres in order to make a comfortable living. Now, that man comes in there three or four years later than this man and he is given the benefit of the 320 acres.

Mr. STAFFORD. Those were cases where the man had not up to that time made final proof.

Mr. TIMBERLAKE. That is true.

Mr. STAFFORD. And, of course, granting to everyone who was then going to enter upon land the additional right to take up land of 320 acres, Congress was naturally influenced by the equitable side to extend it to those who had already entered but had not made final proof. But here you are giving a second homestead entry to persons who already may have abandoned their homesteads, a departure entirely from the policy of Congress which can not be justified, in my opinion.

Mr. TIMBERLAKE. Mr. Chairman, it seems to me there is every justification to give this to those people who went out to that country in an early day. It had not been said to him that

160 acres was ample for him to maintain himself and family, and they had gone out there presuming that they might be able to do so, and they underwent a hardship for five or six years on that 160 acres, and very nearly starved to death in many cases. They were required to make proof in seven years, which prevented them from getting the benefit of the 320 acres which Congress decided afterwards was necessary for a living on that character of public land, and the consequence is that they really received no benefit from this homestead entry. Now, the provisions of this bill require that they comply with the homestead law. It does not give it to them in fee. They have to go and cultivate it and reside on it for three years. And it does seem to me it is giving consideration to those who went to this country at an early day and underwent all the hardships of that region, and there is no justification, in my mind, for barring them.

Mr. STAFFORD. Does not the gentleman think it is giving them a second homestead entry to the land?

Mr. TIMBERLAKE. It is a second homestead entry, but it simply equalizes them with their neighbors who came in later and had not undergone all the hardships of that country that the earlier settler had undergone.

Mr. STAFFORD. This could not be used in conjunction with a homestead entry.

Mr. MANN. Under this they have to live on the new land.

Mr. STAFFORD. They may have sold their old entry, and this gives them a second homestead entry.

Mr. MANN. On this class of land.

Mr. TIMBERLAKE. Possibly some of them have sold it and the title has parted from them for the reason that they absolutely exhausted all they could get out of the land to keep their families and educate their children.

Mr. STAFFORD. The gentleman is taking an inconsistent position. He claims that formerly, under the original law, before the enlarged homestead entry, a man could not make a living on 160 acres of that character of land. Now, he has abandoned that land, and you are going to give him the right to enter upon a remnant of the 320 acres, the difference between his original entry and the 320, where it is acknowledged he could not make a living, just merely for the purpose, maybe, to get title to it and sell it.

Mr. MANN. Is not this the situation: We have given to those who are now on the land, and have their homesteads there, the right to 160 additional acres of the same class, without their even going to live upon it at all; that we will make them a present of it?

Mr. STAFFORD. Subject to the passage of the enlarged homestead entry.

Mr. MANN. Now, this proposition proposes to give those who did make a homestead and lost it, perhaps, or I might say sold it—but I take it that most of them practically lost it—a chance to try it over on the same class of land.

Mr. STAFFORD. On a smaller fraction.

Mr. MANN. Not a smaller fraction—the same fraction. What they could take before was 160 acres, and this would give them a chance to take a new 160 acres. Can we not just as well afford to take care of the fellow who lost his place as one who kept it?

Mr. STAFFORD. Are we not taking care of the fellow who has got an advantage in his original homestead entry of 160 acres, and now wishes to go and exploit another 160 acres?

Mr. MANN. I take it that in most cases they have lost it.

Mr. TIMBERLAKE. In 99 cases out of 100.

Mr. STAFFORD. This is not a case where a man goes and takes a piece of ground out of which he makes profit.

Mr. FERRIS. These must be investigated by the Geological Survey, and it must be found to be nonirrigated, nonmineral, and not timbered.

Mr. STAFFORD. And 320 acres are required and, therefore, you propose to give him 160—

Mr. FERRIS. The gentleman will recall that on our way out through The Needles there was land similar to this. Suppose it did exist, and suppose he did worry along with it and get title to the first 160 acres, and then came along under the act of 1899, which gave a man a right to 320 acres, that amount is not too much.

Mr. STAFFORD. I would not object to granting to the man who is still living on his land the right to an additional 160 acres, provided it was tributary, but to grant him an additional right, no matter where the location is to be, I think is to adopt a policy that should not be approved by this House.

Mr. FERRIS. I wish to say that the gentleman from Colorado [Mr. TIMBERLAKE] has been in the Land Office himself as receiver, and his judgment is sound on that, and he is right about it. It is not too much to give a man an additional entry

of 160 acres that already has 160 acres of this nonirrigable, non-timbered land.

If it was irrigable land, if it was timberland, if it was mineral land, I would be in agreement with the gentleman—and he and I agree about most things as to that kind of land—but Congress has got to display a little liberality toward those people, you know.

Mr. STAFFORD. Does not the gentleman think Congress has been displaying a considerable amount of liberality toward those persons who are on the land? I do not object to affording further rights to the man who is on the land, but to the man who has sold his entry I do not think we should do it.

Mr. FERRIS. They are constrained by the direst circumstances sometimes to part with their 160 acres. They may have only a team of ponies, worth about \$25 apiece, and a barrel of water and a shanty, and they may be trying to raise a family and a little broom corn and a little sod crop, and they do not have much music while they eat, I can assure the gentleman.

Mr. STAFFORD. I will withhold my objection, Mr. Speaker, in response to the request of the gentleman from Colorado [Mr. TIMBERLAKE].

Mr. TIMBERLAKE. Mr. Speaker, I want to say that this is in line with the acts of Congress all the way through. The act of 1889 gave an additional homestead to the men who had filed on an earlier homestead, where it was deemed at first that 80 acres would be enough to keep a family. They went out to this territory, where it was designated that 320 acres were necessary to make a homestead, and the department allows them to take up, in all, 320 acres.

Mr. STAFFORD. Mr. Speaker, will the gentleman be willing to pass this over until next week without prejudice, when I can make further inquiry along the line of the gentleman's remarks?

Mr. TIMBERLAKE. Yes. I ask unanimous consent, Mr. Speaker, that we pass over this bill without prejudice.

The SPEAKER. The gentleman from Colorado [Mr. TIMBERLAKE] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

ENLISTED MEN OF THE NAVY AND MARINE CORPS IN SERVICE OF THE REPUBLIC OF HAITI.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12835) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes.

The title of the bill was read.

Mr. MANN. Mr. Speaker, what became of Calendar No. 82?

Mr. STAFFORD. That was passed over by the Clerk without prejudice. [Laughter.] That is House Calendar 66, known as the Gordon bill.

The SPEAKER. The Clerk will report it.

REPEAL OF SECTION 1342, REVISED STATUTES.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7619) to repeal section 3 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, is this another star print? I do not recognize the bill from the copy that I have as read by the Clerk.

The SPEAKER. Is this the star print of this bill or not? The Chair understands that this is the original print.

Mr. MANN. The Clerk did not read the copy that I have in my hand. I ask that it be read over again.

The SPEAKER. The Clerk will again report the bill.

The Clerk read as follows:

A bill (H. R. 7619) to repeal section 3 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892.

Be it enacted, etc., That section 3 of section 1342 of the Revised Statutes of the United States be, and the same hereby is, repealed.

Sec. 2. That this act shall take effect and be in force from and after its passage, and shall apply to all pending prosecutions and existing causes of prosecutions.

The SPEAKER. Is there objection.

Mr. GORDON. I will ask unanimous consent to pass the measure without prejudice.

The SPEAKER. The gentleman from Ohio asks unanimous consent to pass the bill without prejudice. Is there objection?

There was no objection.

NAVAL AND MARINE OFFICERS IN HAITI.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12835) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under

the Government of the Republic of Haiti, and for other purposes.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, the gentleman from Tennessee [Mr. PADGETT] is out of the hall at present on committee work. I told him that I was not willing to let this bill be passed to-day. I ask unanimous consent that it may be passed over without prejudice.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to pass the bill without prejudice. Is there objection?

There was no objection.

BRIDGE ACROSS WABASH RIVER, SILVERWOOD, IND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13006) to authorize the reconstruction of an existing bridge across the Wabash River at Silverwood, in the State of Indiana, and the maintenance and operation of the bridge so reconstructed.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Toledo, St. Louis & Western Railroad Co. and Walter L. Ross, its receiver, their successors or assigns, be, and they are hereby, authorized to reconstruct the bridge of said company and operate the same across the Wabash River at or near Silverwood, Ind., at a point suitable to the interests of navigation, on the line of the existing bridge of said company, in accordance with the provisions of the act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

With the following committee amendment:

Page 1, line 6, insert after the word "and" the words "maintain and."

The committee amendment was 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. CULLOP, a motion to reconsider the last vote was laid on the table.

COMMERCE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 308) to amend the act to regulate commerce, as amended, and for other purposes.

The Clerk read the title of the bill.

Mr. ADAMSON. I understand the gentleman from Illinois [Mr. MANN] does not think we ought to consider this bill and the following bill and joint resolution to-day?

Mr. MANN. Yes.

Mr. ADAMSON. Then I ask unanimous consent that Unanimous Consent Calendar Nos. 85, 86, and 87 go over without prejudice until the next unanimous-consent day.

The SPEAKER. The gentleman from Georgia asks unanimous consent that Unanimous Consent Calendar Nos. 85, 86, and 87 be passed without prejudice. Is there objection?

There was no objection.

HOMESTEAD LAW IN ALASKA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 228) to amend the United States homestead law in its application to Alaska, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, let the bill be reported.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That every person who is qualified under existing laws to make homestead entry of the public lands of the United States who has settled upon or who shall hereafter settle upon any of the public lands of the United States situated in the District of Alaska, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall, subject to the provisions and limitations hereof, be entitled to enter 160 acres or a less quantity of unappropriated public land in said District of Alaska, and no more.

SEC. 2. Additional homestead entries authorized in Alaska: That every person who is the head of a family, or who has arrived at the age of 21 years, and is a citizen of the United States, or who has filed his or her declaration of intention to become such, as required by the naturalization laws, shall be and is hereby authorized to enter one quarter section or a less quantity of unappropriated public in the Territory of Alaska, under the provisions of the homestead laws of the United States, and the fact that such person has prior to such entry in Alaska entered or acquired title to a homestead entry under the homestead laws of the United States in any other State or Territory shall not be held to bar such additional entry in Alaska, and the Secretary of the Interior shall make such additional rules and regulations as may be necessary to carry out the provisions of this section: *Provided,* That said additional homestead may be located and entered upon surveyed or unsurveyed lands, and when so entered upon unsurveyed lands shall be so entered under the laws now in force in Alaska in relation to the entry of unsurveyed lands, except as modified by this act: *And provided*

further, That this section shall apply to any person in Alaska who has in good faith entered upon said land for homestead entry prior to the passage and approval of this act.

With the following committee amendment:

Page 3, after line 2, insert the following as a new section:

"SEC. 3. That there shall be excepted from homestead settlement and entry under this act the lands in Annette and Pribilof Islands, the islands leased or occupied for the propagation of foxes, and such other lands as have been or may be reserved or withdrawn from settlement or entry."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I will ask the gentleman, have they got tired of 320 acres up there in Alaska?

Mr. FERRIS. Where the expense of clearing is great and the terms of the law are mandatory, as to cultivating a certain area, these provisions have proven burdensome to the people up there, and the Delegate from Alaska and numerous citizens who have written to the committee urge that the limit be cut down.

Mr. MANN. Is it mandatory on them to take 320 acres under the existing law?

Mr. FERRIS. No; but they do take it under the law, and they have to cultivate a certain proportion, I believe one-eighth of it, the first year and some additional each year.

Mr. MANN. But a man who protests against his right to take more than 160 acres may confine himself to the privilege of taking 160 acres. He may take more, but he is not compelled to.

Mr. FERRIS. Perhaps what the gentleman says may be true, although it is handled in this way: The Geological Survey goes out and makes an examination of certain lands and designates them as entitled to be entered under the 320-acre or enlarged homestead law or under the 160-acre homestead law. Now, if a man made application to enter 160 acres, in lands that were designated as dry-farming lands, or entitled to be entered under the 320-acre law, I am not sure that his application would be received.

Mr. MANN. I am sure that there is no law of the United States that requires a man to take a fixed quantity of land. He is permitted to do it, but he may take less if it is divided, and there is that division.

I am very certain that we have not learned all the reasons for the passage of this bill, because when people protest that the law permits them to take too much and they have the right to take less and they want the law changed, you have got to show me. [Laughter.]

Mr. FERRIS. I will yield to the gentleman from Alaska, who is more familiar with it. I know of no reason why the area should not be reduced if they desire it up there.

Mr. MONDELL. Before the gentleman does that will he yield to me for a question to refresh my memory. Have we extended to Alaska the limited homestead law, the law allowing a limited patent on mineral lands?

Mr. FERRIS. I think so. The gentleman from Alaska will probably know better than I about local laws up there.

Mr. WICKERSHAM. We have a special law in Alaska allowing the homesteader to take 320 acres.

Mr. MONDELL. That is not the question. Have we extended to Alaska what is known as the limited-title law, under which a homesteader may take lands containing certain minerals, secure a patent, reserving to the Government the minerals?

Mr. WICKERSHAM. I do not know.

Mr. FERRIS. We passed a law in 1898 extending the homestead law and in March, 1893, an act providing that the homestead law shall be applicable up there, and now the gentleman asks if we provided for a limited homestead, a surface patent.

Mr. MONDELL. What is erroneously called a surface homestead—was that law extended to Alaska?

Mr. FERRIS. I am not sure about that.

Mr. LENROOT. It is my recollection that in the coal-leasing law we did, but I am not certain about it.

Mr. MONDELL. Let me suggest this to the gentleman, that as to the second section, which seems to me to be the only part of the bill that is important, because the gentleman from Illinois has called attention to the fact that there is no necessity of reducing the area of a homestead if the object be to relieve the homesteader of the necessity of more clearing and cultivation, he can comply with that, because he can meet that situation himself. That matter is entirely under his control. But the second section contains a provision which, I think, is a very wise one, under which a former entry in the United States is not a bar to a homestead in Alaska. That could be provided for in a bill of two lines, and that is important. But the difficulty of the bill, as I see it, is that reenacting, as it does at great length and in extenso the homestead law, following, if it does, the law providing for a limited patent and containing no provision at all with regard to minerals, it raises a question of what class of lands you are confining.

Mr. FERRIS. I will yield to the gentleman from Alaska, who, I am sure, can give you the information.

Mr. WICKERSHAM. In regard to the point made by the gentleman from Illinois [Mr. MANN], the bill was not introduced in the interest of the man who has taken the homestead. It was not introduced for the purpose of preventing him from getting the benefits of the old law, but it was introduced because there is a small area of this good land in Alaska, and it is now being taken by men in these large tracts. There is not enough to go around, and we think 320 acres is altogether too much to allow a homesteader in valleys where there is such a limited quantity of this good land. Along the line of the new railroad there are thousands of people going in, and to allow each one 320 acres is to limit the population too much, which will happen if each one takes 320 acres.

Mr. MANN. Why did you not give the reason when the proposition came up instead of giving the reason that it required them to cultivate too much, which on its face is an absurdity?

Mr. WICKERSHAM. Both reasons are good.

Mr. MANN. The gentleman does not claim that it is a good reason to say if a man has a right to take 160 acres or 320 acres that he wants a law passed saying that he can not take over 160 acres because he can not restrain himself from work.

Mr. WICKERSHAM. We find that where they can take 320 acres or 640 acres they invariably take the maximum and then groan about it.

Mr. MANN. Let them groan.

Mr. WICKERSHAM. I want to limit them so that some other man can get a chance.

Mr. MANN. That is another reason, but it is not the reason set forth in the report. We all know that people have to restrain themselves, restrain their passions and appetite in eating and drinking, and so forth, but to say that a man must restrain his passion for work on a homestead entry by law gets me.

Mr. FERRIS. If the gentleman will yield, in Congress a few years ago we passed the enlarged-homestead act giving the right to enter 320 acres, and they now say they only want to enter 160. Now, what earthly objection can there be to that?

Mr. MANN. No objection on my part, but as a reason on its face it is palpably incorrect. I asked the question hoping that I might find out the real reason for the passage of the bill. It is absolutely silly to say that a man who has the right to take 160 acres or 320 acres insists that Congress shall limit him to 160 acres. He can take 160 acres if he wants it. Everybody knows that that is not the reason for the passage of the bill.

Mr. FERRIS. What is the reason? I know of none other than the one assigned and the additional one, that they desire it.

Mr. MANN. That is what I am trying to find out.

Mr. WICKERSHAM. I stated the reason to the gentleman from Illinois.

Mr. MANN. The gentleman from Alaska may have given the reason, but that is not the reason assigned in the report. The reason assigned in the report is so palpably incorrect that I wanted to know what the real reason was.

Mr. WICKERSHAM. I have given the gentleman the real reason.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire of the chairman of the committee whether, in considering the question of granting an additional homestead right to those who had heretofore exercised that right in the United States, the committee considered those instances where persons merely go on to timberlands, strip the timber off, and dispose of it, without any idea of making it a permanent home. I know, on a visit to Canada some years ago as a member of the select committee on pulp and paper investigation—the Mann Committee, so called—we found numerous instances in northern Canada where persons made it a practice of locating on timberlands with the sole idea of stripping the lands of the timber, selling it, and then abandoning the land. We all know that in Alaska there are large timberlands.

Mr. FERRIS. But the timberlands are all in the forest reserves.

Mr. STAFFORD. Oh, there are some lands outside of the forest reserves that necessarily have timber on them, and the idea came to my mind whether this would not permit that character of exploitation?

Mr. FERRIS. Mr. Chairman, I will give the theory of the committee. Of course, what the gentleman says now touches section 2 of the bill, and what the gentleman from Illinois [Mr. MANN] was talking about was section 1.

Mr. STAFFORD. Yes; I referred to section 2.

Mr. FERRIS. The committee were of opinion that if any citizen of the United States, whether he had had lands in the States or not, was willing to go up to Alaska and amid the rigid climate there reduce any part of that Territory to a homestead and put it in cultivation he ought to have the right to do it.

Mr. STAFFORD. Mr. Speaker, I am in sympathy with that idea, that those up there should, if they wish to make a permanent home, even though they have heretofore exercised the right of homestead in the United States, be given the privilege in Alaska.

Mr. FERRIS. And let me give the gentleman another reason. There are 370,000,000 acres of unentered land in Alaska, and only two homesteads have ever gone to patent up there. There are 35,000 people, or thereabouts, in the entire Territory. Congress has seen fit to appropriate thirty-five or forty million dollars for a railroad to open that Territory up, and it seems to me the height of folly to remain rigid and binding and hold that country back when there is so much public land there waiting to be taken up by anyone.

Mr. STAFFORD. Can the gentleman inform the House why but two homestead entries have been availed of up there in the frozen north? I know the gentleman was violently opposed to the policy of extending the railroad up into those frozen regions.

Mr. FERRIS. Mr. Speaker, I did not care to go into that feature of it at all, although I think what the gentleman says is true. I thought it was appropriating too much money for such a sparsely settled country. We have such a multiplicity of needs at home. However, it is passed and it is now my duty to help all I can to make it a success.

Mr. STAFFORD. Why is it that but two homesteads have gone to patent up there?

Mr. FERRIS. I think I can tell the gentleman. A few years ago during the Ballinger-Pinchot controversy a great flare went up all over the land that made everyone think, whether rightfully or wrongfully, that they were trying to steal all of the coal mines and the copper mines in that country. The President, perhaps rightfully, withdrew the accessible areas of that land from entry for mineral purposes, not knowing where it was or what it was, and the Geological Survey did not have enough money to enable them to find out. The President by a blanket order withdrew it all, and much of it was not open to any sort of entry and people did not try to go there. If they did, they were abused like pickpockets, if they went there and tried to develop the country. Under those conditions there could not be any development or settlement, and with 370,000,000 acres waiting to be developed, with scarcely any of the land entered, I think we better let these sturdy fellows who have gone on the frontier press a little farther west and develop that territory.

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

Mr. FERRIS. Yes.

Mr. MONDELL. I think if the gentleman from Alaska [Mr. WICKERSHAM] thinks that these homesteads ought to be reduced in size in Alaska we should do it, for he is probably more familiar with the situation than anyone else. He has now given what strikes me as being a good reason for it. The second section is important, and I am entirely in harmony with it, but I want to suggest to the gentleman from Oklahoma that in view of legislation that is following the original homestead act it is not wise to put a new homestead act on the statute books if we can avoid it, and all that is necessary to do to accomplish that which is proposed by section 2 is to say at the end of section 1, "and a former homestead entry in any other State or Territory shall not be a bar to a homestead entry in Alaska." You will accomplish everything, and you avoid several questions that seem to me would be raised under the language in section 2.

Mr. FERRIS. The gentleman from Alaska will probably know better than I, but I think that is a good suggestion.

Mr. WICKERSHAM. I have no objection to that.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FERRIS. 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.

Mr. MONDELL. Mr. Speaker, I offer the following amendment, to come in at the end of section 1, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 3, by adding, after line 2, the following: "And a former homestead entry in any other State or Territory shall not be a bar to a homestead entry in Alaska."

Mr. FERRIS. Mr. Speaker, the Committee has no objection to that amendment.

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

The amendment was agreed to.

Mr. MONDELL. Mr. Speaker, I now move to strike out section 2 of the bill.

The SPEAKER. The question is on the amendment offered by the gentleman from Wyoming to strike out section 2.

The amendment was agreed to.

Mr. FERRIS. Mr. Speaker, I will ask the Clerk to report the committee amendment.

The Clerk read as follows:

Add as a new section the following:

"Sec. 3. That there shall be excepted from homestead settlement and entry under this act the lands in Annette and Pribilof Islands, the islands leased or occupied for the propagation of foxes, and such other lands as have been or may be reserved or withdrawn from settlement or entry."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the section just adopted be numbered 2 instead of 3.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

Mr. LENROOT. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 1, in line 10, strike out the word "hereof" and insert "of the act approved March 3, 1903, chapter 1012, United States Statutes at Large, page 1028."

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

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

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.

On motion of Mr. FERRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

AID TO PARIS, TEX., FIRE SUFFERERS.

The SPEAKER. The gentleman from Texas [Mr. BLACK] has a bill which the Chair thinks is an emergency matter, and, if there is no objection to it, he will recognize him to call it up.

Mr. MANN. Why does not the gentleman make a request to suspend the rules?

Mr. GARNER. If there is no objection to it—

The SPEAKER. The Chair will say to the gentleman from Illinois that this matter—

Mr. MANN. I know not what it is; but I think on unanimous-consent day, even on this matter, it is wiser to recognize him to suspend the rules.

Mr. GARNER. I understand the gentleman from Illinois [Mr. MANN] simply does not want to make a precedent of this character?

Mr. MANN. I did not say that.

Mr. GARNER. I wanted to get the gentleman to say it, if I could.

The SPEAKER. The gentleman from Texas [Mr. BLACK] moves to suspend the rules and pass the bill (H. R. 13709), with an amendment, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to supply for temporary use, under such rules and regulations as he may prescribe, a sufficient number of tents to afford shelter for the sufferers from the recent conflagration in Paris, Tex., who are in need of the same.

SEC. 2. That the sum of \$60,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in the purchase and distribution of tents, cots, and blankets to such destitute person as may require assistance in said conflagration district.

Mr. MANN. Mr. Speaker, I ask for a second.

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

Mr. MONDELL. Has the amendment been read?

The SPEAKER. No. The Clerk will read it right now.

The Clerk read as follows:

Pages 1 and 2, after the enacting clause, strike out all of the language of the bill and insert in lieu thereof the following:

"That the Secretary of War is authorized to supply for temporary use, under certain rules and regulations as he may prescribe, a sufficient number of tents to afford shelter for the sufferers from the recent conflagration in Paris, Tex., who are in need of same, and to furnish such cots, blankets, and supplies as in his judgment are necessary to relieve the destitute persons who may require assistance in such conflagration district."

The SPEAKER. Is a second demanded?

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

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

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. May I ask the gentleman whether the word "supplies" in there includes food?

Mr. BLACK. I will say to the gentleman from Illinois that I assume that matter would depend on such construction as the Secretary of War might give it.

Mr. MANN. I have no doubt of that, but I would like to ascertain in advance what the construction is.

Mr. BLACK. I do not think any rations will be necessary at all, and it is not contemplated that rations will be furnished, unless the situation requires it. I will say to the gentleman from Illinois that the people of Paris have raised locally, so I am informed, the sum of \$22,000, and the neighboring cities have raised about \$23,000, to take care of these immediate necessities for food supplies. These amounts will probably care for all the emergency needs for food.

Mr. MANN. I would like to ask the gentleman from New York [Mr. FITZGERALD], the distinguished chairman of the Committee on Appropriations, who I believe drafted the amendment, whether this is intended to cover the furnishing of rations or food?

Mr. FITZGERALD. Yes; if it is found to be necessary. I mean that the intention was that if a situation existed there in the emergency where it is thought by the War Department to be necessary to issue rations to persons in that district, they should have power to do so.

Mr. MANN. This bill, which was ordered reported and dropped in the basket on Saturday, has not yet come into my hands, and I was informed on Saturday that the Committee on Military Affairs had decided not to recommend the furnishing of food. I do not know whether that is correct or not. But that was the impression I got.

Mr. GARNER. The gentleman from Illinois is in error about that. The Committee on Military Affairs reported a bill carrying an appropriation of \$60,000 for cots, tents, and rations.

Mr. BLACK. And supplies.

Mr. MANN. I am afraid the gentleman from Texas [Mr. GARNER] is in error now.

Mr. BLACK. I will say to the gentleman that the Committee on Military Affairs in the bill that they have reported to this House, and which is the bill introduced by me on March 27, used the same language as is used by the gentleman from New York [Mr. FITZGERALD] in the amendment which he has proposed. The only difference is that his amendment eliminates the specific appropriation of \$60,000 and authorizes the Secretary of War to go ahead and give such relief as he finds necessary, and the sum expended will be covered by a deficiency appropriation later on. This is the effect of the amendment prepared by the gentleman from New York [Mr. FITZGERALD].

Mr. MANN. Was there a question raised in the Committee on Military Affairs as to whether we should furnish rations or not?

Mr. BLACK. I will say to the gentleman that the bill as originally drafted did use the word "food."

Mr. MANN. Did not the committee cut that out?

Mr. BLACK. They did; and used the same language as used here by the gentleman from New York [Mr. FITZGERALD] in his amendment which he drafted, which eliminates the word "food" and substitutes in lieu thereof the words "and such supplies as in the judgment of the War Department are necessary."

Mr. FITZGERALD. This amendment contains the language from the bill as reported from the Committee on Military Affairs and simply rearranges it some. I was under the impression from statements that have been made to me that there might be a condition where it would be highly desirable, if not important, to issue rations and supplies for temporary use. Therefore such provision was left in the bill, at the request of the gentleman from Texas [Mr. BLACK].

Mr. MANN. Oh, I appreciate that; but I thought that the Committee on Military Affairs had decided that they would not recommend the furnishing of food, and I did not desire then, through the inadvertence of the gentleman from New York [Mr. FITZGERALD] in drafting an amendment to cover it, to let it go without anybody knowing it. I supposed the gentleman from New York was informed.

Mr. FITZGERALD. The wording of the amendment as now proposed is no broader than the bill as reported. It contains no additional wording and no additional language.

Mr. MANN. Very well.

Mr. FITZGERALD. The word "ration" or "food" is not mentioned, but in order to avoid a specific appropriation it

could only be done by combining the two separate sections of the bill in one section to have it read with anything like consistency.

Mr. MANN. In my recollection we passed a joint resolution not long ago to furnish supplies to people on the Mississippi River, and the War Department raised a question about it—about there being no appropriation.

Mr. DAVIS of Texas. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. In a moment.

Mr. FITZGERALD. In that case this was the situation, if I recall correctly: The department had no plantation rations, which were different from the Army rations, and it wanted authority to be able to obtain supplies to issue the plantation rations in case it was necessary. The department would prefer a specific appropriation to be made, but there will be a deficit in these appropriations, anyway, and, because of the number of resolutions of this character that continuously come before Congress, it is believed better to clothe the department with the power to do what is necessary under these emergencies and let Congress provide the money subsequently.

Mr. MANN. I have no objection. I yield to the gentleman from Texas.

Mr. DAVIS of Texas. Mr. Speaker, I wish to say to the gentleman from Illinois [Mr. MANN] that I represent the State of Texas at large and, besides, that is one of my neighboring cities. It was one of the most disastrous fires that ever occurred in the United States. About the fourth building that was burned was the power house, leaving the town helpless, with no power to throw water, and the flames swept through in front of a vast gale, which, I understand, left 240 acres practically bare, making hundreds of families homeless. We do not want to let anything go by default, and we want the House to know exactly what we are asking. But we ask that something be done speedily and without hesitation.

The SPEAKER. The question is on suspending the rules and passing this bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

RELIEF OF SETTLERS WITHIN LIMITS OF GRANT TO NEW ORLEANS, BATON ROUGE & VICKSBURG RAILROAD CO.

Mr. ASWELL rose.

The SPEAKER. The gentleman from Louisiana [Mr. ASWELL] is recognized.

Mr. ASWELL. Mr. Speaker, I move that the rules be suspended and that the bill H. R. 540 as amended be passed.

The SPEAKER. Is the amendment in the bill?

Mr. ASWELL. Yes.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 540) for the relief of settlers within the limits of the grant to New Orleans, Baton Rouge & Vicksburg Railroad Co.

Mr. CRAMTON rose.

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

Mr. CRAMTON. To make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. The Chair will count. [After counting.] Evidently there is no quorum present.

Mr. CRAMTON. Mr. Speaker, I withdraw the point.

Mr. MANN. It is too late, Mr. Speaker.

The SPEAKER. It is too late.

Mr. CRISP. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Abercrombie	Carlin	Davenport	Flynn
Adair	Carter, Mass.	Dempsey	Gallagher
Bacharach	Cary	Dent	Gallivan
Barchfeld	Casey	Dewalt	Gardner
Beales	Charles	Dill	Garrett
Borland	Coleman	Dooling	Glass
Browning	Cooper, Ohio	Doremus	Godwin, N. C.
Bruckner	Costello	Dowell	Graham
Buchanan, Ill.	Crago	Drukker	Gray, N. J.
Burnett	Crosser	Dunn	Griest
Butler	Curry	Edwards	Guernsey
Callaway	Dale, N. Y.	Fairchild	Hamill
Cantrill	Dallinger	Finley	Hamilton, N. Y.
Carew	Darrow	Flood	Haskell

Hay	London	Nichols, Mich.	Scully
Hayes	Longworth	North	Sells
Henry	Loud	Oakey	Shackleford
Hill	McAndrews	Olney	Siegel
Hillard	McCracken	Overmyer	Slayden
Houston	McCulloch	Padgett	Slemp
Humphreys, Miss.	McDermott	Parker, N. J.	Smith, Minn.
Husted	McFadden	Patten	Smith, N. Y.
Hutchinson	McKellar	Peters	Snyder
Jones	McKenzie	Platt	Stedman
Kearns	Maher	Pou	Sutherland
Keating	Martin	Powers	Swift
Keister	Mecker	Price	Tilson
Kennedy, Iowa	Miller, Del.	Ragsdale	Tinkham
Kennedy, R. I.	Montague	Reavis	Vare
Kless, Pa.	Mooney	Riordan	Walker
Kreider	Moore, Pa.	Roberts, Mass.	Wason
Lafean	Moore, Ind.	Rodenberg	Watkins
Leshner	Morin	Rowe	Watson, Pa.
Lewis	Morrison	Rowland	Williams, Wm. E.
Lebel	Mott	Rubey	Wingo
Lloyd	Neely	Sabath	Wood, Ind.
Loft	Nicholls, S. C.	Scott, Pa.	Young, Tex.

The SPEAKER. On this vote 285 Members, a quorum, have answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from North Carolina moves to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors, and the Clerk will report the bill.

The bill (H. R. 540) for the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railroad was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to immediately take up and resume the adjustment and adjudication of all rights and privileges relinquished, granted, conveyed and confirmed to the New Orleans Pacific Railway Co., as the assignee of the New Orleans, Baton Rouge & Vicksburg Railroad Co., by the act of Congress approved February 8, 1887, and entitled "An act to declare a forfeiture of lands granted to the New Orleans, Baton Rouge & Vicksburg Railroad Co., to confirm title to certain lands, and for other purposes," subject to all the provisions and conditions therein contained for the protection of actual settlers, their heirs, and assigns.

SEC. 2. That on the application of persons to make entry in accordance with the provisions of the act aforesaid, the rights only of those who were actual settlers at the date of definite location, their heirs, or other persons to whom they may have assigned their possessory rights prior to December 1, 1913, shall be given consideration as against the outstanding patent or patents to the New Orleans Pacific Railway Co.

SEC. 3. That in determining rights asserted by or on behalf of actual settlers, their heirs or assigns, proof showing actual settlement at the date of definite location and the existence of such settlement and occupancy at the present time shall be deemed prima facie evidence of the continuity of the settlement claim.

SEC. 4. That all claims adverse to the New Orleans Pacific Railway Co., or its successors in interest, which are not asserted as herein provided within the period of two years from the passage and approval of this act shall be deemed and considered forever barred.

The SPEAKER. Is a second demanded?

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

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

The SPEAKER. The gentleman from Louisiana asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Louisiana [Mr. ASWELL] has 20 minutes and the gentleman from Michigan [Mr. CRAMTON] 20 minutes.

Mr. ASWELL. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. FERRIS], chairman of the Committee on the Public Lands.

Mr. FERRIS. Mr. Speaker, in 1871 the New Orleans, Baton Rouge & Vicksburg Railroad Co. received a land grant, a part of which was in the district represented by the gentleman from Louisiana [Mr. ASWELL]. He has introduced a bill providing that certain settlers may have their rights adjudicated before the Interior Department. To pass such a bill is but scant and tardy justice. The bill was drafted by the Interior Department. Two drafts were made, draft No. 1 and draft No. 2. The department was of the opinion that draft No. 2 was the best one. Draft No. 2 was brought out as a substitute for the original bill. Draft No. 2 last year, as well as this year, received the favorable report of the committee and passed the House last Congress with little or no opposition. In fact, I think it passed by unanimous consent last year. The railroad grant was for approximately 3,000,000 acres of land to the New Orleans, Baton Rouge & Vicksburg Railroad Co., upon condition that they build certain lines of railroad. They did not build the railroad, or at least built only a small part of it, and the grant failed. Later, some 8 or 10 years afterwards, I think in 1885, the grantee railroad company, by deed, transferred what rights they had to another railroad company. It developed that they had no

rights to convey, and the new railroad company came to Congress and asked it to pass an act giving them the right to build the railroad and further to confirm the grant. On their application an act was passed in 1887 confirming the title of the railroad to certain of the lands where the railroad had built the line and forfeiting that part where the railroad had not constructed the line.

Section 2 and section 6 of that act both provided that, in so far as any of the lands contained within the grant had settlers residing upon them, the title should not pass. However, the grantees under the railroad company later came to Washington and received patents to their lands, notwithstanding the fact that settlers were actually living on the lands. But all of the patents presented to us in the hearings—and I therefore assume they all contained it—specifically provided that the grant of title should not and did not pass, except under a certain reservation which was set up in the patent.

The timber companies who now own most of these lands say they should not be disturbed, because they bought from the railroad, which held a Government patent. They did buy from the railroad, which had obtained a patent, but it was a limited patent, having in it the express condition that the grant was subject to the reservation in the act of 1887.

The issuance of these patents ignoring the settler was erroneous, and the Interior Department now wants to be given authority to reinvestigate this erroneous issuance of patents, and adjust and, in all things, adjudicate the controversy.

This is not too much to ask. This violates no vested rights. This only affords a day in court those who had their rights patented away without any such day in court.

We will be told these lumber people purchasing this land are innocent purchasers, for value, and so forth. This, we think, could not be, as the patents and the law all put purchasers on full notice of the limited title that could be acquired.

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

Mr. FERRIS. I have only a moment, but I yield to the gentleman.

Mr. CHIPERFIELD. Have the committee a copy of the language used in the reservation in the patent?

Mr. FERRIS. We have the entire patent in the hearings.

Mr. CHIPERFIELD. I wish the gentleman would give that language to us.

Mr. FERRIS. I have not the time to do it, but it appears in the hearing, and the provision is very specific. The gentleman from Louisiana will have a little more time, and perhaps he can give it to the gentleman. It is here on the desk.

Now, it has been said here that this act ought not to pass, on the theory that to pass it would be to take away vested rights. We do no such thing, and the bill does not even attempt it. It merely authorizes the Interior Department to do plain justice in readjudicating the relative rights. We repeal no law; we upset no vested rights. The report of the Interior Department is very full and complete. The hearings are quite complete. There should be but very few votes against this bill. It ought to pass by unanimous consent. Under the procedure to-day two-thirds of those voting must vote "yea" to suspend the rules.

This is but scant and tardy justice to these old settlers. They have been denied their titles for almost 50 years now.

The SPEAKER. The time of the gentleman from Oklahoma has expired. Does the gentleman from Michigan want to use any of his time?

Mr. CRAMTON. I yield 10 minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Speaker, the lands affected by this bill were withdrawn for the purpose of aiding in the construction of a railroad through Louisiana in 1871. The definite line of location of the road was established in 1881 and 1882. Two-thirds of the lands in this grant were patented prior to 1885, and the Government reserved to the actual settlers upon the land at the time of the definite location of the line of the road all the rights of those settlers.

There have been acts of Congress and agreements entered into. Later on a Member of Congress and one or both Senators from Louisiana, representing these claimants, entered into an agreement with representatives of the railroad company that the actual settlers upon the land at the time the definite line of location of the road was fixed were to have two years within which to come in and settle and obtain title to their lands. A great many did come in and obtain title.

There are two questions involved in this matter, gentlemen. On March 2, 1896, Congress passed an act which provides that the holder of any patent erroneously issued by the Government shall become possessed of a good title unless the Government

within five years proceeds to cancel the same. That act further provided that patents issued in the future should be unassailable by the Government after having been in existence six years; that is to say, that the statute of limitations should run in favor of that patent, and the Government be barred from proceeding to cancel it after six years.

None of the lands in question are owned to-day by the railroad company that earned them or any other railroad company. They are in the hands of bona fide purchasers. For years those lands were absolutely worthless. Homesteaders did not want them because they could not utilize the timberlands for farming purposes until the country was opened up by the railroads and the sawmills established in the country, whereby the timber became valuable. As an illustration, in 1890, on the 10th of April, 147,000 acres of these lands were sold at public auction at 13.56 cents per acre, or \$20,000 for the whole 147,000 acres.

Mr. ASWELL. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. ASWELL. Will the gentleman state who sold and who purchased the land?

Mr. FORDNEY. It does not make any difference who sold or who bought the lands; they were bid in for 13.56 cents per acre.

Mr. ASWELL. The same man that sold it bought it, did he not?

Mr. FORDNEY. The same man that brought suit to have them sold; but is it not true that the bidding was open to the whole public to bid on the land? Now, a fact that the gentleman perhaps will not tell you is that these cases now are in the courts of the United States, and last week on the 29th and 30th days of March in the Court of Appeals in the State of Louisiana five of these cases as test cases were argued and have been submitted and are now awaiting decision. And yet the gentleman would come in and ask that the right be taken away from the court to settle the disputed question between the bona fide purchasers of these lands and these would-be claimants. I believe that I am safe in saying to the gentleman from Louisiana that there is not a single claimant now claiming these lands that was a settler upon the land at the time the railroad company's rights attached to the land.

Mr. ASWELL. Will the gentleman yield. I will ask the gentleman if he says that not a single claimant was an original settler—

Mr. FORDNEY. I think I am safe in saying that there is not a single claimant to-day that was a settler on the land at the time the rights of the railroad attached in 1881 and 1882.

Mr. ASWELL. If that be true, how does it happen that at the first hearing before the Public Lands Committee of the House the heirs of Jay Gould came before the Department of Justice and paid 38 of these settlers, and I have a sworn statement—

Mr. FORDNEY. Will the gentleman yield me some of his time if he is going to take up mine? The bill provides that you are going to adjust the claims of the settlers, their heirs and assignees. I was present at the hearing before the Committee on the Public Lands two years ago when the first bill was being considered, which you introduced, it was there stated that a man came in and claimed to be the assignee of an original settler.

Let me show you what an assignee can do. Here was a case where a man settled upon the land down here, and by courtesy permitted his brother to move onto the same land which he claimed, and the brother cleared a little patch of land and lived there. The original settler sold his right and moved away, and so did the brother. Later on the brother comes in and claims to be the original settler on the land and assigns his claim. A settler upon 40 acres in the center of a section, either one of these four center forties can assign 600 acres, 15 contiguous forties, one to the other. Many assignments can be made by the same man where he had settled on 40 acres. If I only had the time, I could explain this more clearly. But the objection to this bill is that the people who now claim to be the bona fide purchasers of these lands, holding title under a Government patent, two-thirds of which was patented prior to 1885, and in face of the fact that there is a law on the statute books that bars the Government by statute of limitations to begin a suit to cancel a patent after it has been in existence six years.

The SPEAKER. The time of the gentleman has expired.

Mr. CRAMTON. I yield to the gentleman two minutes more.

Mr. FORDNEY. This bill now proposes to put the power in the Secretary of the Interior to take the title away from these people that have purchased and paid a valuable consideration for the land and paid taxes on the land all these years. Not a single one of these men whose claims are now pending as-

served any rights to these lands until after the lands had become valuable for the timber thereon.

Gentlemen, let me say that in 1893 I was in the State of Louisiana looking at lands on even sections right where these lands are located, and the choicest locations of fine timber at that time were offered to me for \$2.50 an acre. Nobody wanted timber in Louisiana, for timber then had but little value. I say the 147,000 acres that were sold at 13½ cents are just as good farming lands and better than these timber lands, because the timber lands can not be used for cultivation until the timber has been cut off.

The real "nigger in the fence" is the fact that the bill provides that the assignees of the old original claimants are the men that can get these lands, and the bill ingeniously states that if he has presented his claim or settled on the land prior to 1913.

You and I know that an unscrupulous man can purchase an assignment from another unscrupulous man and put in any date he sees fit to. There are in suit 16 of these cases to be decided by the court within the next 30 or 60 days—five test cases. These gentlemen want to take the right away from the courts to settle this great and important question on so much valuable land and place it in the hands of the Secretary of the Interior. I say, gentlemen, it is absolutely wrong and cruel and beyond the rights of Congress to do a thing of that kind, and you will bring these people into court and cause extraordinary expense in litigation if you pass this bill.

The SPEAKER. The time of the gentleman from Michigan has again expired.

Mr. ASWELL. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, the gentleman from Michigan [Mr. FORDNEY] has made two points that would be well taken if they were applicable to this bill. He says, first, that we propose in this bill to take away from the courts the jurisdiction to decide the questions involved, and, in the second place, that we propose to give to the Secretary of the Interior the right to take title of these lands from the purchasers. We do neither of these things by the pending bill. As has been stated, in 1871 a land grant was given to the New Orleans & Pacific Railway. They failed to fulfill the terms of the grant, and they assigned to the New Orleans, Baton Rouge & Vicksburg Railway Co. such rights as they had in the grant. On February 8, 1887, Congress forfeited a certain portion of that grant and confirmed a certain other portion to the New Orleans, Baton Rouge & Vicksburg Railway Co., but in making that grant there was a proviso that reads as follows:

Provided, That all said lands occupied by actual settlers at the date of the definite location of said road and still remaining in their possession, or in possession of their heirs or assigns, shall be held and deemed excepted from said grant and shall be subject to entry under the public-land laws of the United States.

Mr. Speaker, the pending bill relates only to lands that had actual settlers upon them at the time referred to, and as to those lands there never was a grant to the railroad at all under the express provisions of the grant. Further on in the bill it is provided that where the lands have been patented those lands shall also be deemed subject to the rights of the settlers. This was February 8, 1887.

On March 3, 1887, a little less than a month later, Congress passed a general act providing for the general adjustment of all land grants, and these purchasers claim, because that act had an innocent purchaser's clause in it, that they are entitled to the benefits of that act, but this act of February 8, 1887, especially provided that the New Orleans, Baton Rouge & Vicksburg Railway Co., before they were entitled to the benefits of the act, should accept it in all its terms, and in April, a month after the passage of the general act, in March, the railroad filed its acceptance with the Secretary of the Interior, getting the benefits and assuming the burdens of the grant. Then in March, 1896, the general statute of limitations act was passed applying to all land grants in general, by which it was provided that the Government should be barred after five years after the passage of the act from bringing any action on any patent erroneously issued, and as to all future patents erroneously issued action should be brought within six years or they should be forever barred.

This railroad company did sell, as has been stated, to various purchasers, and it was admitted before our committee that unless the acts of March 3, 1887, or the general act of 1896 protected them because they were innocent purchasers, they had no title to these lands and the settlers were entitled to make homestead entries. And so, Mr. Speaker, the only question is a question of law. The question is whether or not these people are entitled to the benefit of the statute of limitations of the two acts

to which I have referred. The reason this comes before Congress is that a number of years ago the Department of the Interior held that the act of 1896 and the act of 1887 did apply to this particular grant, notwithstanding its acceptance by the railroad company, and notwithstanding the specific provisions contained in it. The department now is of opinion that those decisions were erroneous, and has stated that if it was open as an original question it would reverse the decisions made many years ago in relation to this grant.

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

Mr. LENROOT. Can I have two minutes more?

Mr. ASWELL. I grant the gentleman two minutes more.

Mr. LENROOT. But in view of that line of decisions that shut out all these settlers the department has said that they did not feel warranted in opening this matter up unless they had a legislative direction from Congress to do so, and that is what this bill does and nothing more. It directs the Secretary of the Interior to reopen this matter and adjust this grant, leaving the act of 1896 to apply if it ought to apply, leaving the act of 1887 to apply if it ought to apply. It does not deprive one of these purchasers of a single right that he has. If the Secretary of the Interior shall find that the act of 1896 does not apply, or the act of 1887, he will presumably allow entries of these settlers for homestead entries, but if he does that every one of these purchasers will have his remedy in court to get a decision on the questions involved, because that is purely a question of law that is not binding upon these purchasers in any degree. It gives these settlers an opportunity to get an adjudication of their rights. It deprives these purchasers of timberlands of no legal rights that they possess.

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

Mr. LENROOT. Yes.

Mr. FORDNEY. Have not practically all of the cases that have been decided by the court been decided in favor of the bona fide purchasers?

Mr. LENROOT. I hold in my hand a letter from the Government counsel. Some of the cases are now pending in the United States Circuit Court of Appeals, and the Government counsel asserts that in his opinion there is no question but that these timber purchasers will not succeed in the court of appeals but—

Mr. MAPES. They did succeed in the court below.

Mr. LENROOT. If the court of appeals does decide this in their favor, does decide that the act of 1896 applies, then the Secretary of the Interior in readjusting this grant will, of course, follow the law as laid down by the circuit court of appeals.

The SPEAKER. The time of the gentleman from Wisconsin has again expired.

Mr. CRAMTON. I yield three minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I think wherever there is a case in court in process of adjudication it ought not to be legislated out of court; that the final adjudication of the matter should be left to the court. There is no reason why this body should assume jurisdiction while the case is under consideration by the courts of the land. There can be no doubt but that a right conclusion will be reached by the court if the matter is allowed to go to a conclusion. And it is because of my belief that never under any circumstances should this body assume jurisdiction of a case that is in litigation—

Mr. ASWELL. Will the gentleman yield?

The SPEAKER. Will the gentleman from Illinois yield to the gentleman from Louisiana?

Mr. MADDEN. No; I have but a minute or two.

So my opposition is based entirely on the fact that the questions involved in this case are in process of litigation, and because of that fact this House ought to move slowly. I am told that the case is likely to reach a conclusion in the not far-distant future—not to exceed 30 or 60 days—and if that be true this body can well afford to wait. And if after the courts have reached a conclusion there is any legislation necessary, this House will still have jurisdiction. Now, why hurry the case? Why run pell-mell into the enactment of a law to take away from the courts of the land the consideration of a question as important as this? I recall, not long since, another bill of this character, where on the face of the bill itself there was no evidence whatever that an attempt was being made by the House to legislate the case out of court, but during the consideration of the bill questions were asked, and the answers disclosed that if the bill became a law the question would be taken away from the courts. And so the House very wisely decided that ought not to be the case. Although I believe the House was almost unanimously in favor of the bill to begin with, when

the facts were disclosed they refused to pass the bill. And I hope they will do that in this case.

The SPEAKER. The time of the gentleman has expired.

Mr. CRAMTON. Mr. Speaker, have I four minutes remaining?

The SPEAKER. Yes.

Mr. CRAMTON. Mr. Speaker, the act was passed in 1871, which provided the first grant. That was assigned to a second company, which built the road which called for the lands in question. In 1887 an act was passed confirming the title of the second company as to all the lands in question. The settlers at that time were taken care of by two provisions—first, a provision that any lands actually occupied at the time of the location of the road by settlers should be thrown open to homestead entry; so these settlers could have homesteaded the land. And, second, settlers in possession of the land at a certain time could purchase the land of the company at \$2 an acre, one-third down—about 66 cents—and the balance in four annual payments—an annual payment of 33 cents a year. Those were the terms provided, and practically no one availed himself of them. Practically none of them were homesteaders. They were simply squatters, hunters, who were hung up there temporarily, with no desire to buy. Now the lands have gone into the hands of the fifth and sixth purchasers, and have gone up in price, and they desire to overturn the act of 1896, which was to quiet title within a period of five or six year. Within that period of six years a suit was brought by the United States. The district attorney carried over the whole area and dug out all the cases he could find that gave any promise of merit—some 150. Those were embraced in a suit brought by the Government. That suit not being pushed, eventually he selected from those 150 a smaller number, which claims were embraced in another suit, and that is now in the courts, was argued last week, and a decision will soon be reached.

So it is apparent to anyone here that has had the time to examine the records that the act of 1896 does apply and ought to apply. Can you imagine the difficulty of defending the title against these squatters down there in their own neighborhood who can under this act establish title if they can once prove that they have had possession in the remote past? They are not required to prove they have had continuous possession. The bill only requires proof that they were in possession in 1887 and that they are in possession now. The period in between is not covered by this act, and these people, these men, largely from the North, who have gone down there and invested their money in good faith, fifth or sixth in the chain of title, are asked to surrender their title on any evidence that can be trumped up.

They tell us that the United States Court of Appeals is going to do so-and-so. What have the courts done? There have been 26 law cases and 9 equity cases involving these lands, and in every one the settlers have been defeated. There have been five of those equity cases appealed, and they are now pending. Why not wait and see what are done in those cases? There are two cases in Louisiana State courts in which the settlers were defeated. Why not let the law take its course, instead of Congress in 40 minutes trying to pass on litigation 40 years old?

Mr. ASWELL. Mr. Speaker, the statement made by the gentlemen who have preceded me are erroneous in many respects. In the first place, the arguments made by the gentleman from Michigan [Mr. FORDNEY] have been made five times before the various committees of the House and Senate during the past three years. Even those very maps were brought before those committees and presented, practically the same maps, without any effect, because committees understood the absurdity of the proposition presented at that time and now.

The gentleman from Michigan, for whom I have the profoundest respect, made a speech on the floor of this House in the Sixtieth Congress, in 1908, in opposition to the Senate joint resolution authorizing the Attorney General of the United States to punish violators of the Oregon land grant. The contest was waged here for three hours, led by the gentleman from Wyoming [Mr. MONDELL], and opposed by the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Will the gentleman yield?

Mr. ASWELL. Let me finish my statement. And after three hours of debate this House voted 247 in favor of that Oregon resolution, and exactly 7 voted with the gentleman from Michigan [Mr. FORDNEY].

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

Mr. ASWELL. Yes.

Mr. FORDNEY. The gentleman is in error. I have opposed that bill so far as the bona fide purchasers were concerned, and their titles have been confirmed by the Government, sir.

Mr. ASWELL. And this same measure, Mr. Speaker, that was passed by the House the Supreme Court has confirmed.

A bill is now favorably before the Public Lands Committee for \$50,000,000 to be returned to the Government.

It has been stated that these settlers have not tried to be heard. Mr. Speaker, for 30 years and more those settlers, who have not had the money to come to Washington or to prosecute their cases before the courts, have been trying to be heard. It was only during the last Congress that they were ever given any recognition, and the settlers came to this city and presented their case in person. The efforts of the opposition all the way has been and is for delay. As to the old settler who testified before the committee and to whom the gentleman referred as having purchased his home at a very small price, strange it is that he was in such wrong that the guilty Jay Gould heirs at the close of that hearing took him out and gave him \$300 in money and a deed to his home. If he had no claim, why did the Jay Gould heirs pay him for his timber and deed him his home?

Mr. FORDNEY. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman from Louisiana yield to the gentleman from Michigan?

Mr. ASWELL. Yes.

Mr. FORDNEY. Is it not true that these settlers made a perfect title, so that title could be passed?

Mr. ASWELL. This bill is intended to permit the Land Office to adjudicate the title so that all men can know to whom the lands belong. And let me say to the gentleman from Michigan [Mr. FORDNEY] that when it comes to a contest between the Lumber Trust or any other trust and the average citizen of this Republic you will always know where to find me.

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

Mr. ASWELL. I decline to yield further.

Mr. FORDNEY. I yielded to the gentleman.

Mr. ALLEN rose.

Mr. ASWELL. I yielded to the gentleman twice. I now yield to the gentleman from Ohio [Mr. ALLEN].

Mr. MANN. The gentleman will not make anything by that.

Mr. ALLEN. About two weeks ago I received a letter from former Gov. Harmon, of Ohio, stating that a good many years ago he purchased for cash, at a good price, some timberlands in Louisiana that are affected by this bill and stating that they are within the St. Landry and Calcasieu Parishes. Now, the gentleman from Louisiana was good enough to write me a statement, which I forwarded to Gov. Harmon last week, but, unfortunately, he has had illness and death in his family, and I have not had time to receive an answer from him. But I would like to inquire of the gentleman—

Mr. ASWELL. I will say to the gentleman from Ohio that this land grant is not near those two counties or parishes. The governor's land holdings are not in this grant. I took the pains since I discussed the matter with the gentleman from Ohio to have the court records searched, and Gov. Harmon's lands, I find, are not in this grant.

Mr. ALLEN. Those lands would not be affected?

Mr. ASWELL. Those lands would not be affected. And I will say, further, at this point that the gentlemen who are interested in opposition to this bill have gone to the greatest extremes in the last few weeks. They have tried to enlist the influence of gentlemen like the gentleman to whom my friend from Ohio refers, they brought a lobby to this Capitol, and some of them are in the galleries of this House now. One is hiding now behind his hat.

Beyond that they have gone to the State of Arkansas and employed a gentleman to come here as a legal attorney probably because he served in the House with two Members of the Senate. And, Mr. Speaker, they have gone beyond that and have appealed in the magic name of "conservation," trying to make it appear that this little bill, merely putting up to the Land Office the right to adjudicate some of these cases in the eighth district of Louisiana, would affect the great question of conservation in the United States and in all the world. They tried to fool the senior Senator from Georgia on this point.

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

The SPEAKER. Does the gentleman from Louisiana yield again to the gentleman from Michigan?

Mr. FORDNEY. I will ask to have the gentleman's time extended.

Mr. ASWELL. I yield, but you can not extend my time.

Mr. FORDNEY. Is it not true that under the laws of the State of Louisiana a peaceable possession for 10 years under color of title passes title?

Mr. ASWELL. It is not true.

Mr. FORDNEY. And 30 years are required?

Mr. ASWELL. Thirty years are required.

Mr. FORDNEY. Therefore these men do not need 30 years.
Mr. ASWELL. The statute of limitations does not operate against the Government, but some of these settlers have waited 50 years without a decent hearing.

Mr. FORDNEY. It is the statute of limitations you are attacking.

Mr. ASWELL. I would like to read this patent issued to the railroad company, providing that "where the same shall have not been sold, reserved, or otherwise disposed of" shall go to the railroad company. I call the attention of this House to section 2, to which the gentleman from Wisconsin [Mr. LANNOR] referred. Section 2 provides in this confirmatory act that these lands actually occupied by settlers in 1882 should be excepted from this grant and reserved to the actual settlers. The patents provide that where the land shall have been reserved or otherwise disposed of by the United States, and to which a preemption or homestead claim shall not have attached at the time the said road was definitely fixed—which was in 1881 or 1882—the title shall not vest in the railroad. So that, Mr. Speaker, this patent on the face of it reserves to these settlers the right to occupy their homes. They have lived there all these years. There are not more than 350 of them in my opinion who will ever be considered by the Land Office, and this bill merely directs that they have the right to have their cases adjudicated by the department. You say the cases are in the courts and we should wait. The settlers know they have waited for 15 years on the courts. Delay has been your scheme until you get the timber from the lands. You mention the Blanchard-Robinson compromise. Why should the settlers pay \$2 an acre for their homes when section 2 of the act of February 8, 1887, provided they should have their homes free? The Land Office says this act is all the law there is or ever was on the subject. This bill does not affect or change that law.

The SPEAKER. The gentleman's time has expired. All time has expired. The question is on suspending the rules and passing the bill.

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

Mr. CRAMTON. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 198, nays 75, answered "present" 6, not voting 154, as follows:

YEAS—198.

- | | | | |
|----------------|------------------|-----------------|-----------------|
| Adair | Doughton | Johnson, Ky. | Rucker |
| Adamson | Dupré | Kettner | Russell, Ohio |
| Aiken | Eagan | Key, Ohio | Saunders |
| Alexander | Eagle | Kincheloe | Sears |
| Allen | Elston | Kinkaid | Shallenberger |
| Almon | Esch | Kitchin | Sims |
| Anderson | Estopinal | Konop | Sinnott |
| Ashbrook | Evans | La Follette | Sisson |
| Aswell | Ferris | Lazaro | Sloan |
| Ayres | Fields | Lee | Small |
| Bailey | Flood | Lenroot | Smith, Idaho |
| Barkley | Focht | Lever | Smith, Minn. |
| Barnhart | Foster | Lieb | Smith, Tex. |
| Beakes | Freeman | Lindbergh | Sparkman |
| Bell | Gandy | Littlepage | Stegall |
| Blackmon | Gard | Lloyd | Steele, Iowa |
| Booher | Gardner | Lobeck | Steele, Pa. |
| Borland | Garner | London | Stephens, Cal. |
| Britt | Glynn | McClintic | Stephens, Miss. |
| Brown | Goodwin, Ark. | McGillcuddy | Stephens, Nebr. |
| Brumbaugh | Gordon | McKellar | Stephens, Tex. |
| Buchanan, Tex. | Gray, Ala. | McLemore | Sterling |
| Burgess | Gray, Ind. | Mann | Stone |
| Byrnes, S. C. | Greene, Vt. | Martin | Stout |
| Byrnes, Tenn. | Gregg | Mays | Sumners |
| Caldwell | Griffin | Mondell | Taggart |
| Candler, Miss. | Hadley | Montague | Tague |
| Cantrill | Hamlin | Moon | Talbott |
| Caraway | Hardy | Morgan, La. | Tavener |
| Carlin | Harrison | Moss, Ind. | Taylor, Ark. |
| Carter, Okla. | Hastings | Murray | Taylor, Colo. |
| Church | Hayden | Nelson | Thomas |
| Clark, Fla. | Heffin | Nicholls, S. C. | Thompson |
| Coady | Helgesen | Nolan | Tillman |
| Collier | Helm | Norton | Timberlake |
| Conry | Helvering | Oldfield | Tribble |
| Cooper, Wis. | Hensley | Oliver | Van Dyke |
| Cox | Hernandez | O'Shaunessy | Venable |
| Crisp | Hicks | Page, N. C. | Vinson |
| Cullop | Holland | Park | Walsh |
| Dale, Vt. | Hollingsworth | Phelan | Watson, Va. |
| Davis, Minn. | Hood | Quin | Webb |
| Davis, Tex. | Howard | Rainey | Whaley |
| Decker | Huddleston | Raker | Wheeler |
| Dickinson | Hughes | Ramsayer | Williams, T. S. |
| Dies | Hulbert | Randall | Wilson, Fla. |
| Dill | Hull, Tenn. | Rauch | Wilson, La. |
| Dillon | Humphreys, Miss. | Rayburn | Wise |
| Dixon | Igoe | Reilly | |
| Doolittle | Jacoway | Rouse | |

NAYS—75.

- | | | | |
|----------|----------------|----------|-----------|
| Bennet | Capstick | Cramton | Dunn |
| Butler | Cherfield | Danforth | Dyer |
| Campbell | Cooper, W. Va. | Dowell | Edmonds |
| Cannon | Copley | Driscoll | Ellsworth |

- | | | | |
|-----------------|----------------|---------------|----------------|
| Emerson | Hopwood | Matthews | Stafford |
| Fess | Howell | Miller, Minn. | Sulloway |
| Fordney | Hull, Iowa | Morgan, Okla. | Sweet |
| Foss | Husted | Mudd | Switzer |
| Frear | James | Paige, Mass. | Temple |
| Fulfer | Johnson, Wash. | Parker, N. Y. | Towner |
| Gariand | Kahn | Porter | Treadway |
| Good | Kearns | Pratt | Volstead |
| Gould | King | Ricketts | Ward |
| Greene, Mass. | Lehlbach | Rogers | Williams, Ohio |
| Hamilton, Mich. | McArthur | Sanford | Wilson, Ill. |
| Hamilton, N. Y. | McKinley | Scott, Mich. | Winslow |
| Haugen | McLaughlin | Smith, Mich. | Woods, Iowa |
| Heaton | Madden | Smith, N. Y. | Young, N. Dak. |
| Hinds | Mapes | Snell | |

ANSWERED "PRESENT"—6.

- | | | | |
|----------|-------------|-----------------|--------|
| Britten | Green, Iowa | Humphrey, Wash. | Schall |
| Browning | Hawley | | |

NOT VOTING—154.

- | | | | |
|-----------------|------------------|----------------|-----------------|
| Abercrombie | Farley | Liebel | Reavis |
| Anthony | Farr | Linthicum | Riordan |
| Austin | Finley | Loft | Roberts, Mass. |
| Bacharach | Fitzgerald | Longworth | Roberts, Nev. |
| Barchfeld | Flynn | Loud | Rodenberg |
| Beales | Gallagher | McAndrews | Rowe |
| Black | Gallivan | McCracken | Rowland |
| Bruckner | Garrett | McCulloch | Rubey |
| Buchanan, Ill. | Gillett | McDermott | Russell, Mo. |
| Burke | Glass | McFadden | Sabath |
| Burnett | Godwin, N. C. | McKenzie | Scott, Pa. |
| Callaway | Graham | Magee | Scully |
| Carew | Gray, N. J. | Maher | Sells |
| Carter, Mass. | Griest | Meeker | Shackelford |
| Cary | Guernsey | Miller, Del. | Sherley |
| Casey | Hamill | Miller, Pa. | Sherwood |
| Chandler, N. Y. | Hart | Mooney | Shouse |
| Charles | Haskell | Moore, Pa. | Siegel |
| Cline | Hay | Moore, Ind. | Slayden |
| Colman | Hayes | Morin | Slemp |
| Connelly | Henry | Morrison | Snyder |
| Cooper, Ohio | Hill | Moss, W. Va. | Stedman |
| Costello | Hilliard | Mott | Steenerson |
| Crago | Houston | Neely | Stines |
| Crosser | Hutchinson | Nichols, Mich. | Sutherland |
| Curry | Johnson, S. Dak. | North | Swift |
| Dale, N. Y. | Jones | Oakey | Tilson |
| Dallinger | Keating | Oglesby | Tinkham |
| Darrow | Keister | Olney | Vare |
| Dayenport | Kelley | Overmyer | Walker |
| Dempsey | Kennedy, Iowa | Padgett | Watson |
| Denison | Kennedy, R. I. | Parker, N. J. | Watkins |
| Dent | Kent | Patten | Watson, Pa. |
| Dewalt | Kiess, Pa. | Peters | Williams, W. E. |
| Dooling | Kreider | Platt | Wingo |
| Doremus | Lafean | Pou | Wood, Ind. |
| Drukker | Langley | Powers | Young, Tex. |
| Edwards | Leshner | Price | |
| Fairchild | Lewis | Ragsdale | |

So, two-thirds voting in the affirmative, the rules were suspended and the bill passed.

The Clerk announced the following pairs:

For the session:

Mr. LIEBEL with Mr. ROWLAND.

Mr. DEWALT with Mr. MCFADDEN.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. PRICE with Mr. SELLS.

Mr. POU with Mr. SCOTT of Pennsylvania.

Mr. PADGETT with Mr. MCKENZIE.

Mr. OVERMYER with Mr. MCCRACKEN.

Mr. OLNEY with Mr. LONGWORTH.

Mr. NEELY with Mr. LANGLEY.

Mr. MCDERMOTT with Mr. LAFEAN.

Mr. LOFT with Mr. KREIDER.

Mr. LINTHICUM with Mr. KIESS of Pennsylvania.

Mr. KEATING with Mr. KENNEDY of Rhode Island.

Mr. JONES with Mr. KELLEY.

Mr. HILLIARD with Mr. JOHNSON of South Dakota.

Mr. HENRY with Mr. HAYES.

Mr. HAY with Mr. GRAY of New Jersey.

Mr. HART with Mr. HASKELL.

Mr. HAMILL with Mr. GRAHAM.

Mr. SHERLEY with Mr. GILLETT.

Mr. DALE of New York with Mr. HUTCHINSON.

Mr. MCANDREWS with Mr. HILL.

Mr. PATTEN with Mr. FAIRCHILD.

Mr. GALLAGHER with Mr. SNYDER.

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. WM. ELZA WILLIAMS with Mr. GRIEST.

Mr. DENT with Mr. KENNEDY of Iowa.

Mr. ABERCROMBIE with Mr. TINKHAM.

Mr. MAHER with Mr. AUSTIN.

Mr. DOREMUS with Mr. OAKEY.

Mr. LEWIS with Mr. STINES.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. FLYNN with Mr. MCCULLOCH.

Mr. GLASS with Mr. SLEMP.

Mr. RAGSDALE with Mr. SUTHERLAND.

Mr. RIORDAN with Mr. SWIFT.

Mr. BLACK with Mr. ANTHONY.
 Mr. BRUCKNER with Mr. BACHEARACH.
 Mr. BUCHANAN of Illinois with Mr. BARCHFELD.
 Mr. BURKE with Mr. CARTER of Massachusetts.
 Mr. BURNETT with Mr. CHARLES.
 Mr. CALLAWAY with Mr. COLEMAN.
 Mr. CAREW with Mr. COOPER of Ohio.
 Mr. CASEY with Mr. CRAGO.
 Mr. CLINE with Mr. DALLINGER.
 Mr. CONNELLY with Mr. DARROW.
 Mr. CROSSER with Mr. DEMPSEY.
 Mr. DAVENPORT with Mr. DRUKKER.
 Mr. DOOLING with Mr. TILSON.
 Mr. EDWARDS with Mr. WASON.
 Mr. FINLEY with Mr. WATSON of Pennsylvania.
 Mr. FITZGERALD with Mr. WOOD of Indiana.
 Mr. RUBEY with Mr. MAGEE.
 Mr. RUSSELL of Missouri with Mr. MEEKER.
 Mr. SHACKLEFORD with Mr. MILLER of Delaware.
 Mr. SHERWOOD with Mr. MOONEY.
 Mr. SHOUSE with Mr. MOORE of Pennsylvania.
 Mr. SLAYDEN with Mr. MORIN.
 Mr. STEDMAN with Mr. MOTT.
 Mr. WALKER with Mr. NICHOLS of Michigan.
 Mr. WATKINS with Mr. PARKER of New Jersey.
 Mr. WINGO with Mr. PETERS.
 Mr. YOUNG of Texas with Mr. PLATT.
 Mr. FARLEY with Mr. REAVIS.
 Mr. LESHER with Mr. ROBERTS of Nevada.
 Mr. OGLESBY with Mr. ROBERTS of Massachusetts.
 Mr. GALLIVAN with Mr. RODENBERG.
 Mr. GARRETT with Mr. BRITTEN.
 Mr. GODWIN of North Carolina with Mr. CHANDLER of New York.

For two weeks:

Mr. SABATH with Mr. NORTH.
 Mr. BROWNING. Mr. Speaker, I voted "no," but I have a general pair with the gentleman from New Jersey, Mr. SCULLY. I desire to withdraw that vote and answer "present."
 Mr. BROWNING answered "Present," as above recorded.
 Mr. BURKE. Mr. Speaker, I want to vote "yea."
 The SPEAKER. Was the gentleman in the Hall listening when his name should have been called?
 Mr. BURKE. I was not.
 The SPEAKER. The gentleman does not bring himself within the rule.
 The result of the vote was then announced, as above recorded.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2, Rule XXIV, House bill with Senate amendments was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

H. R. 10385. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917; to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MOONEY, for one week, on account of death in his family.

To Mr. LOBECK, indefinitely, on account of important business.

To Mr. RUBEY, for two days, on account of illness.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. CARLIN. Reserving the right to object, I want to ask if the gentleman from North Carolina understands that the committees of the House meet at 10.30, and this early meeting makes it almost impossible for us to do any work at all?

Mr. KITCHIN. Yes; I understand.

Mr. MANN. The gentleman from North Carolina will recall that we have an evening session to-morrow night until 11 o'clock. Does not he think that 12 hours is a little too long?

Mr. KITCHIN. I think we ought to work 12 hours one day in the month.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair will appoint the gentleman from Missouri [Mr. IOOE] to preside to-morrow evening.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Tuesday, April 4, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of Ouachita River, Ark and La. (H. Doc. No. 979); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Lorain Harbor, Ohio, with a view to preventing erosion of banks, if any, caused by the extension of the Government breakwater on either side of the harbor (H. Doc. No. 980); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of Tennessee River, Tenn., Ala., and Ky. (H. Doc. No. 981); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 11472) to reserve certain lands and make them a part of the Pike National Forest, reported the same without amendment, accompanied by a report (No. 469); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DILL, from the Committee on Indian Affairs, to which was referred the bill (H. R. 1776) for the relief of the Wisconsin Band of Pottawatomie Indians, and for other purposes, reported the same with amendment, accompanied by a report (No. 470); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 12798) for the relief of the estate of Abram M. Matthews, reported the same with amendment, accompanied by a report (No. 471), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 5501) for the relief of the estate of Isaac Ivy, reported the same with amendment, accompanied by a report (No. 472), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 5502) for the relief of the heirs of R. F. Jarrell, reported the same with amendment, accompanied by a report (No. 473), which said bill and report were referred to the Private Calendar.

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 8141) for the relief of the dependent widow of Patrick Curran, civilian employee of the Government, who was killed while in the discharge of his duties at the United States naval magazine at Iona Island, N. Y., reported the same with amendment, accompanied by a report (No. 474), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 9181) for the relief of the heirs of James R. Tolbert, reported the same with amendment, accompanied by a report (No. 475), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 8310) for the relief of George T. Hamilton, reported the same with amendment, accompanied by a report (No. 476), which said bill and report were referred to the Private Calendar.

Mr. **POU**, from the Committee on Claims, to which was referred the bill (H. R. 11150) for the relief of mail contractors, reported the same with amendment, accompanied by a report (No. 477), which said bill and report were referred to the Private Calendar.

Mr. **YOUNG** of North Dakota, from the Committee on Claims, to which was referred the bill (H. R. 2540) for the relief of Lena Garagnon, reported the same with amendment, accompanied by a report (No. 478), which said bill and report were referred to the Private Calendar.

Mr. **CAPSTICK**, from the Committee on Claims, to which was referred the bill (H. R. 9288) providing for the refund of certain duties illegally levied and collected on acetate of lime, reported the same without amendment, accompanied by a report (No. 479), which said bill and report were referred to the Private Calendar.

Mr. **EDMONDS**, from the Committee on Claims, to which was referred the bill (H. R. 11679) for the relief of Samuel D. Kingsbury, reported the same without amendment, accompanied by a report (No. 480), which said bill and report were referred to the Private Calendar.

Mr. **FOSTER**, from the Committee on Claims, to which was referred the bill (H. R. 10546) for the relief of the Illinois Central Railroad Co., and for other purposes, reported the same without amendment, accompanied by a report (No. 481), which said bill and report were referred to the Private Calendar.

Mr. **STEPHENS** of Mississippi, from the Committee on Claims, to which was referred the bill (S. 585) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Sisseton and Wahpeton Bands of Sioux Indians against the United States, reported the same without amendment, accompanied by a report (No. 482), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 1326) for the relief of Vilhelm TorKildsen, reported the same without amendment, accompanied by a report (No. 483), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1161) to pay Cowden & Cowden, of Amory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture, reported the same without amendment, accompanied by a report (No. 484), which said bill and report were referred to the Private Calendar.

Mr. **YOUNG** of North Dakota, from the Committee on Claims, to which was referred the bill (H. R. 2538) for the relief of Ethel Fredrickson and daughter Ethel, reported the same without amendment, accompanied by a report (No. 485), which said bill and report were referred to the Private Calendar.

Mr. **STEPHENS** of Mississippi, from the Committee on Claims, to which was referred the bill (S. 3436) for the relief of John Alexander Besonen, reported the same without amendment, accompanied by a report (No. 486), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. **CAPSTICK**, from the Committee on Claims, to which was referred the bill (H. R. 11800) for the relief of John F. Joy, reported the same adversely, accompanied by a report (No. 487), which said bill and report were laid on the table.

Mr. **FOSTER**, from the Committee on Claims, to which was referred the bill (H. R. 6208) for the relief of William E. Campbell, reported the same adversely, accompanied by a report (No. 488), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 6336) granting an increase of pension to Matthew J. McKeon; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. **HULL** of Tennessee: A bill (H. R. 14117) making appropriation for the construction and equipment of a Weather Bureau observatory on Crab Orchard Mountain, Cumberland County, Tenn.; to the Committee on Agriculture.

Also, a bill (H. R. 14118) to establish a fish hatchery and biological station in the fourth congressional district of the State of Tennessee; to the Committee on the Merchant Marine and Fisheries.

By Mr. **HULBERT**: A bill (H. R. 14119) to create two additional judges in the District Court of the United States for the Southern District of New York; to the Committee on the Judiciary.

By Mr. **DALE** of New York: A bill (H. R. 14120) to establish fish hatching and fish cultural stations in the States of Alabama, Arizona, Colorado, Florida, Indiana, Illinois, Maryland, New York, North Carolina, Oregon, Oklahoma, Texas, South Carolina, Massachusetts, and Washington; to the Committee on the Merchant Marine and Fisheries.

By Mr. **MILLER** of Delaware: A bill (H. R. 14121) for the erection of a public building at Newark, Del.; to the Committee on Public Buildings and Grounds.

By Mr. **CARLIN** (by request): A bill (H. R. 14122) to authorize certain late physicians and surgeons of the United States Volunteer Army in the War with Spain to practice their respective professions in any Territory, District, dependency, or possession of the United States under the constitutional jurisdiction of Congress upon the presentation and proof of certain facts; to the Committee on Military Affairs.

By Mr. **HOWELL**: A bill (H. R. 14123) giving the right to an additional homestead to all persons who have exhausted or who shall exhaust their original right of entry through the purchase of Uintah Indian Reservation lands; to the Committee on the Public Lands.

Also, a bill (H. R. 14124) to add certain lands to the Ashley National Forest, Utah, and for other purposes; to the Committee on the Public Lands.

By Mr. **FOSS**: A bill (H. R. 14125) to authorize the acquisition of a site and the erection of a Federal building at Lake Forest, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. **BAILEY**: A bill (H. R. 14126) to authorize and empower the Secretary of the Interior immediately to develop oil-producing lands belonging to the public domain, to make an appropriation therefor, and for other purposes; to the Committee on Appropriations.

By Mr. **OVERMYER** (by request): A bill (H. R. 14127) to authorize the adoption of "Uncle Sam's Power" as the national anthem of the United States of America; to the Committee on the Library.

By Mr. **AIKEN**: A bill (H. R. 14128) for the erection of a public building at Easley, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14129) for the erection of a public building at Seneca, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. **KONOP**: A bill (H. R. 14130) for the relief of the Wisconsin Band of Pottawatomie Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. **JACOWAY**: A bill (H. R. 14131) providing for a survey of Arkansas River, Ark., with the view to making same navigable; to the Committee on Rivers and Harbors.

By Mr. **KEY** of Ohio: A bill (H. R. 14132) to provide for the erection of a monument to soldiers of the War of 1812 at Fort McArthur, Hardin County, Ohio; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. **AIKEN**: A bill (H. R. 14133) granting a pension to Henrietta Abney; to the Committee on Pensions.

Also, a bill (H. R. 14134) granting a pension to Medicus F. Day; to the Committee on Pensions.

By Mr. **BARNHART**: A bill (H. R. 14135) granting an increase of pension to Harmon Kaylor; to the Committee on Invalid Pensions.

By Mr. **BYRNES** of South Carolina: A bill (H. R. 14136) for the relief of Lewis Claxton; to the Committee on Claims.

Also, a bill (H. R. 14137) for the relief of the estate of T. J. Counts; to the Committee on Claims.

By Mr. **CANNON**: A bill (H. R. 14138) granting an increase of pension to John Jay Ingersoll; to the Committee on Invalid Pensions.

By Mr. **CLARK** of Missouri: A bill (H. R. 14139) granting an increase of pension to Ann E. Quinn; to the Committee on Invalid Pensions.

By Mr. **CLINE**: A bill (H. R. 14140) granting a pension to William G. Kennedy (Spanish-American War); to the Committee on Pensions.

By Mr. **CRAMTON**: A bill (H. R. 14141) granting an increase of pension to Benjamin Harrison; to the Committee on Pensions.

By Mr. **DIXON**: A bill (H. R. 14142) granting a pension to Nancy Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14143) granting an increase of pension to Jacob Eppelsheimer; to the Committee on Pensions.

Also, a bill (H. R. 14144) granting an increase of pension to John M. Hoefling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14145) granting an increase of pension to Benjamin F. Hedrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14146) granting an increase of pension to Charles M. Gaumer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14147) granting an increase of pension to James W. Boyl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14148) granting an increase of pension to Samuel Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14149) granting an increase of pension to Margaret J. Cornett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14150) granting an increase of pension to John S. Kephart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14151) granting an increase of pension to Peter M. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14152) granting an increase of pension to George S. Dickey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14153) granting an increase of pension to Dalton Hinchman, alias Samuel McBurson; to the Committee on Invalid Pensions.

By Mr. EAGLE: A bill (H. R. 14154) for the relief of the estate of Francis Busch, deceased; to the Committee on Claims.

By Mr. GARNER: A bill (H. R. 14155) for the relief of the widow of Albert Champion; to the Committee on Claims.

By Mr. HASTINGS: A bill (H. R. 14156) granting an increase of pension to Lenora N. Hoyt; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 14157) granting an increase of pension to Louisa H. Highley; to the Committee on Pensions.

By Mr. HOWELL: A bill (H. R. 14158) to reinstate Edward Eugene Conroy as a midshipman in the United States Navy; to the Committee on Naval Affairs.

By Mr. HULBERT: A bill (H. R. 14159) granting a pension to Anna M. Callahan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14160) granting an honorable discharge to James Neal; to the Committee on Military Affairs.

By Mr. HULL of Tennessee: A bill (H. R. 14161) granting an increase of pension to Ade Hayes Garrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14162) granting an increase of pension to Joseph Hurt; to the Committee on Pensions.

Also, a bill (H. R. 14163) for the relief of James W. Turner; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota: A bill (H. R. 14164) granting a pension to James O'Heron; to the Committee on Pensions.

By Mr. KEY of Ohio: A bill (H. R. 14165) granting an increase of pension to Milton B. Smith; to the Committee on Invalid Pensions.

By Mr. LIEBEL: A bill (H. R. 14166) granting a pension to Charles A. Smith; to the Committee on Pensions.

Also, a bill (H. R. 14167) granting a pension to Harry F. Douglas; to the Committee on Pensions.

Also, a bill (H. R. 14168) granting a pension to Margaret Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14169) granting an increase of pension to Charles S. Hohman; to the Committee on Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 14170) granting an increase of pension to Martha L. Lloyd; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 14171) granting an increase of pension to Hiram Shartleff; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 14172) to correct the military record of George W. Parker; to the Committee on Military Affairs.

By Mr. NORTH: A bill (H. R. 14173) granting an increase of pension to Benevell Haugh; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 14174) granting an increase of pension to Elizabeth Weiss; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 14175) granting an increase of pension to Washington M. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14176) granting a pension to George Brewer; to the Committee on Pensions.

Also, a bill (H. R. 14177) granting a pension to John Ferman; to the Committee on Pensions.

By Mr. RANDALL: A bill (H. R. 14178) to remove the charge of desertion from the record of Joseph Willett; to the Committee on Military Affairs.

By Mr. RUSSELL of Missouri: A bill (H. R. 14179) granting an increase of pension to Henry Sinnard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14180) granting an increase of pension to Samuel B. Scism; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14181) granting a pension to Annie Eggers; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 14182) granting a pension to Sallie Blevins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14183) granting an increase of pension to James Minor; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 14184) granting a pension to Isaac D. Caldwell; to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 14185) granting an increase of pension to Amaziah Shaeffer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of board of governors of India House; to the Committee on Military Affairs.

By Mr. ANTHONY: Petition of C. A. Cascool and other citizens of the District of Columbia, against bills to amend postal laws; to the Committee on the Post Office and Post Roads.

By Mr. BAILEY: Petition of National Grange, Oakland, Cal., relative to postalizing the wires; to the Committee on the Post Office and Post Roads.

Also, petition of National Grange at Oakland, Cal., against preparedness; to the Committee on Military Affairs.

Also, protest of W. C. Crawford, J. E. Hesketh, G. H. Rice, John C. Bauerle, B. H. Saks, J. F. Mugridge, Royce V. Clemence, W. F. Henker, A. S. Rice, Evan Townsend, Thomas Clifford, C. G. Evans, J. A. Dunsmore, L. Kishbaugh, I. J. Gochour, R. C. Sackett, W. E. Saunders, and C. A. Stineman, all of South Fork, Pa., members of Pride of the Valley Commandery, Knights of Malta, against the passage of House bills 491 and 6468, denying the use of the mails to certain publications; to the Committee on the Post Office and Post Roads.

Also, protest of John A. James, Ambrose Berkebile, J. T. Gardner, C. W. Thomas, Dr. C. A. Reber, O. W. Manges, F. S. Smith, Elmer Mitchell, Thomas Rudge, D. W. Dietz, Charles Kaufman, James T. Berkey, B. F. Ream, George R. Cook, G. B. Botts, J. G. Hock, Rollin Holsopple, Elmer Bittner, D. F. Wingard, J. B. Holsinger, George J. Holsinger, Harry T. Stetler, C. O. Bowman, W. R. Hartman, W. B. Miles, H. M. Stull, S. L. Cohen, and William R. Berkebile, all of Johnstown, Pa., against the passage of House bills 491 and 6468, denying the use of the mails to certain publications; to the Committee on the Post Office and Post Roads.

Also, protest of Frederick J. Baily, Harvey F. Fry, Thomas S. Brewer, Charles Gusky, W. C. Crawford, H. H. Nicodemus, S. S. Paul, B. H. Saks, John F. Hices, C. G. Evans, H. A. Dettry, M. L. Nissley, J. L. George, John H. Stoner, Robert E. Albright, C. E. Tyson, Hershel Roberts, J. A. Dunsmore, M. F. Closson, A. S. Rice, Joseph Hill, and Samuel S. Penrod, all of South Fork, Pa., against the passage of House bills 491 and 6468, denying the use of the mails to certain publications; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of the International Council for Patriotic Service, relative to polygamy in Utah; to the Committee on the Judiciary.

Also, memorial of Jamaica Bay Improvement Association, relative to delay in improvement of bay; to the Committee on Rivers and Harbors.

Also, petition of Moran Towing & Transportation Co., of New York, protesting against House bill 8036, relative to eight-hour basis; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Board of Governors of India House, of New York, favoring preparedness; to the Committee on Military Affairs.

By Mr. DAVIS of Texas: Petition of sundry citizens against preparedness; to the Committee on Military Affairs.

Also, memorial of Order of Railway Conductors of America, Railway Conductors' Division No. 434, indorsing the Burnett immigration bill, and Herzl Lodge, No. 608, Independent Order B'nai B'rith, opposing passage of said bill; to the Committee on Immigration and Naturalization.

Also, petition of the American Temperance Board, in favor of the Sheppard-Barkley bill; to the Committee on the District of Columbia.

Also, petition of sundry citizens in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of Texas Drug Co., of Dallas, Tex., indorsing House bill 12421; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Chalk Mountain, Tex., opposing the Fitzgerald, Gallivan, and Siegel bills; to the Committee on the Post Office and Post Roads.

By Mr. ELSTON: Petition of Mrs. B. Winter and others, of Berkeley, favoring Government manufacture of munitions, etc.; to the Committee on the Judiciary.

By Mr. FLYNN: Petition of the International Council for Patriotic Service, relative to polygamy in the United States; to the Committee on the Judiciary.

Also, petition of McAllister Towing Line, of New York, against House bill 8036, relative to eight-hour basis; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Jamaica Bay Improvement Association, relative to delay in improvements of bay; to the Committee on Rivers and Harbors.

Also, memorial of F. N. Greene Chapter, Daughters of American Revolution, Brooklyn, N. Y., favoring preparedness; to the Committee on Military Affairs.

By Mr. FULLER: Petition of Robert Larson and 148 other citizens of Rockford, Ill., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. HASTINGS: Petition of Epworth League of Braggs, Methodist Episcopal Church South of Braggs, Methodist Episcopal Sunday School of Webbers Falls, and Methodist Episcopal Sunday School of Braggs, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of St. Urban (Wash.) Booster Club, favoring the passage of Senate bill 2986, Federal farm-loan bill; to the Committee on Banking and Currency.

Also, petition of sundry citizens of Anacortes, Wash., against Sunday closing in District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens of Seattle, Wash., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of South Dakota: Petition of Baptist Mission Circle of Watertown and Presbyterian Ladies' Aid of 42 people, of Watertown, and 28 people of Watertown, S. Dak., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KIESS of Pennsylvania: Petitions of sundry citizens, the Baptist Church of Warrensville, and sundry citizens of Tioga County, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LIEBEL: Papers to accompany House bill granting a pension to Harry F. Douglas; to the Committee on Pensions.

Also, papers to accompany bill granting a pension to Margaret Butler; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting pension to Charles S. Hohman; to the Committee on Pensions.

Also, papers to accompany bill granting pension to Charles A. Smith; to the Committee on Pensions.

By Mr. LONDON: Petition from 112 citizens of Hamilton, Ohio, opposing increase in Regular Army; to the Committee on Military Affairs.

By Mr. LOUD: Petition of Mount Vernon Grange, No. 992, Clare County, Mich., protesting against the Madden rider to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. MATTHEWS: Evidence in support of House bill 14015, to grant a pension to Nancy A. Welch; to the Committee on Invalid Pensions.

Also, petitions of 59 citizens of Liberty Center, Henry County; 21 citizens of Liberty Center, Henry County; 80 citizens of Mark Center, Defiance County; and 82 citizens of Elgin and Venedocia, Van Wert County, all in the State of Ohio, protesting against the passage of House bill 6468, to amend the postal laws, and House bill 491, same title; to the Committee on the Post Office and Post Roads.

Also, petitions of 21 citizens of Liberty Center, Henry County; 54 citizens of Liberty Center, Henry County; and 25 citizens of Elgin and Venedocia, Van Wert County, all in the State of Ohio, against the passage of House bill 652, compulsory Sunday observance bill; to the Committee on the District of Columbia.

Also, protests against the Madden rider to the Post Office appropriation bill by the masters of the following granges: Paulding Grange, No. 332, Paulding County; Pomona Grange, No. 77, Paulding County; Emerald Grange, No. 1896, Paulding County; Fort Defiance Grange, No. 267, Defiance County; Fulton Grange, No. 217, Fulton County; Ottokee Grange, No. 273, Fulton

County; Aetna Grange, No. 310, Fulton County; and Northwest Grange, No. 413, Williams County, all in the State of Ohio; to the Committee on the Post Office and Post Roads.

Also, evidence in support of House bill 14054, to increase the pension of Spencer H. Lighthill; to the Committee on Invalid Pensions.

By Mr. MILLER of Pennsylvania: Petitions of 80 citizens of Franklin, 24 citizens of Stoneman, and 80 members of the Woman's Christian Temperance Union of Clarendon, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 80 citizens of Oil City, Pa., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petitions of Harry L. Gealt, John C. Trautwine, H. J. Seman, and M. Skolone, of Philadelphia, Pa., against preparedness; to the Committee on Military Affairs.

Also, memorial of India House, of New York City, favoring preparedness; to the Committee on Military Affairs.

Also, memorial of Board of Governors of Commercial Club of Nashville, Tenn., against Rainey flour bill; to the Committee on Ways and Means.

By Mr. NEELY: Petition of sundry citizens and Roneys Point United Presbyterian Church, of Ohio County, W. Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of Los Angeles (Cal.) Chamber of Commerce, favoring building an automobile road to Mount Whitney; to the Committee on Roads.

Also, memorial of Stereotypers and Electrotypers' Union, No. 29, of San Francisco, Cal., relative to printing of report of Industrial Relations Commission; to the Committee on Printing.

Also, memorial of Fortuna (Cal.) Woman's Civic Club and Chamber of Commerce of northern San Joaquin County, Lodi and Corona Club, San Francisco, Cal., favoring passage of bill for national park service, etc.; to the Committee on the Public Lands.

Also, memorial of Corona Club and Labor Council, of San Francisco, Cal., favoring inspection of dairy products; to the Committee on Agriculture.

Also, memorial of Humboldt Chamber of Commerce, Eureka, Cal., and Oneonta Park Chapter, Daughters of American Revolution, South Pasadena, Cal., favoring national defense; to the Committee on Military Affairs.

Also, memorial of Los Angeles (Cal.) Chamber of Commerce, favoring House bill 5806, to provide for the construction of the San Juan Railway in Colorado and New Mexico; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Humboldt Chamber of Commerce, of Eureka, Cal., indorsing amendment to Senate bill 2739; to the Committee on Rivers and Harbors.

Also, petition of San Diego (Cal.) Society for the Study and Prevention of Tuberculosis, favoring House bill 8352, relative to Government aid in care of indigent consumptives in Southwest; to the Committee on Interstate and Foreign Commerce.

Also, petition of Guggenlime & Co., San Francisco, Cal., favoring passage of bill providing for the maintenance of the Indian warehouse at San Francisco, Cal.; to the Committee on Indian Affairs.

By Mr. OLNEY: Petition of citizens of Norwood, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. OVERMYER: Petition of Woman's Christian Temperance Union of Berlin Heights, Ohio, favoring prohibition for the Island of Porto Rico; to the Committee on the Territories.

Also, petition of the Tuesday Club, of Berlin Heights, Ohio, asking for the amendment of the pure food and drug law; to the Committee on Agriculture.

By Mr. RAKER: Petition of Contra Costa Fruit Growers' Association, protesting against the embargo by Great Britain on fruits, etc.; to the Committee on Foreign Affairs.

Also, petition of Frank Burt, of Seal Beach, Cal., protesting against war tax on theaters; to the Committee on Ways and Means.

By Mr. ROWE: Petition of G. E. Palmer, of New York, indorsing House bill 10845; to the Committee on Military Affairs.

Also, petition of H. G. Diefendorf, of Detroit, Mich., protesting against House bill 9411; to the Committee on the Merchant Marine and Fisheries.

Also, petition of H. M. Bickford, of New York, favoring appropriation for construction of Norfolk-Beaufort Inlet waterway; to the Committee on Rivers and Harbors.

By Mr. RUSSELL of Ohio: Petition of Presbyterian Sabbath School of Bradford and citizens of Bradford, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEELE of Pennsylvania: Petition of 25 citizens and Beecher Bible Class, English Congregational Church, of Lans-

ford, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Matamoras, Pa., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Arkansas: Petition of S. S. Hood and others, of Dalark, Ark., favoring rural-credits bill; to the Committee on Banking and Currency.

By Mr. TIMBERLAKE: Memorial of East Side Woman's Christian Temperance Union, Colorado Springs, Colo., urging suffrage amendment; to the Committee on the Judiciary.

Also, petition of citizens of Longmont, and T. E. Moore and other citizens, of Prairie, Colo., against Sunday closing legislation in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of the Aid Society, First Presbyterian Church, Gipron Ladies' Social Club, and Woman's Christian Temperance Union, of Greeley, Colo., against practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. TOWNER: Petition of Jacob Shively and others against the passage of the bills to amend the postal laws, House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Jacob Shivel and others against the passage of the compulsory Sunday observance bill, House bill 652; to the Committee on the District of Columbia.

By Mr. WINSLOW: Petition of citizens of Worcester, Mass., against proposed legislation to bar certain publications from the use of the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Swedish Christian Temperance Federation of Worcester, Mass., favoring national prohibition; to the Committee on the Judiciary.

SENATE.

TUESDAY, April 4, 1916.

(Legislative day of Thursday, March 30, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Hitchcock	Nelson	Sterling
Beckham	Hollis	Norris	Sutherland
Borah	Husting	Overman	Swanson
Brady	James	Page	Taggart
Broussard	Johnson, Me.	Pomerene	Thomas
Burleigh	Johnson, S. Dak.	Ransdell	Townsend
Catron	Jones	Reed	Underwood
Chamberlain	Kenyon	Robinson	Vardaman
Chilton	Lane	Shafroth	Wadsworth
Clark, Wyo.	Lee, Md.	Sheppard	Warren
Culberson	Lodge	Sherman	Weeks
Cummins	McCumber	Simmons	Williams
Curtis	McLean	Smith, Ga.	Works
du Pont	Martin, Va.	Smith, S. C.	
Gallinger	Martine, N. J.	Smoot	
Hardwick	Myers		

Mr. CHILTON. I wish to announce the necessary absence of the Senator from Indiana [Mr. KERN], and also the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present.

Mr. BORAH obtained the floor.

Mr. SUTHERLAND. Will the Senator from Idaho permit me to offer an amendment to the pending bill?

Mr. BORAH. I yield for that purpose.

Mr. SUTHERLAND. I offer an amendment to the pending bill, which I ask may be printed and lie on the table.

NATIONAL DEFENSE IN CALIFORNIA (S. DOC. NO. 388).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 27th ultimo, a tabulated statement setting forth the military forces of the United States now in the State of California. The communication and accompanying papers will be printed in the RECORD and referred to the Committee on Military Affairs.

The communication is as follows:

WAR DEPARTMENT,
Washington, March 31, 1916.

THE PRESIDENT OF THE UNITED STATES SENATE.

SIR: In compliance with the Senate resolution of March 27, 1916, I have the honor to inclose herewith a tabulated statement setting

forth the military forces of the United States now in the State of California, together with information showing to what branch or arm of the service they belong, the strength of each, the places in the State where they are stationed, and the force of men at each place.

There is also inclosed herewith another tabulated statement showing the coast defenses in the State of California, how they are manned, and the number and kind of guns in each fort.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

Statement showing the station and strength of troops in California.

	Staff Corps.		Line	
	Off-icers.	En-listed men.	Off-icers.	En-listed men.
Coast defenses of Fort Winfield Scott, including Forts Baker, Barry, Miley, and Winfield Scott: Third Band, Thirteenth, Twenty-fifth, Twenty-seventh, Twenty-ninth, Thirty-second, Thirty-eighth, Fifty-seventh, Sixtieth, Sixty-first, Sixty-fourth, Sixty-fifth, Sixty-sixth, Sixty-seventh, One hundred and forty-seventh, One hundred and forty-eighth, One hundred and fifty-eighth, and One hundred and sixty-first Companies Coast Artillery.....	4	123	47	1,817
Coast defenses of San Diego, Fort Rosecrans, Cal.: Twenty-eighth and One hundred and fiftieth Companies Coast Artillery.....	2	14	10	233
Benicia Arsenal: Ordnance detachment.....	3	47		
Calixico: Troops B and M, First Cavalry.....	1	8	3	150
El Centro: Third Battalion, Twenty-first Infantry.....	1	9	11	285
McDowell, Fort: Recruit depot.....	7	94	11	761
Mason, Fort: Company M, Signal Corps.....	2	38		
Presidio of Monterey, Cal.: Staff department.....	11	158		
Presidio of San Francisco: Staff department.....	23	265		
San Diego: Companies A, B, and D, Twenty-first Infantry.....			10	243
San Francisco: Headquarters Western Department.....	7	5	15	
Alcatraz: Disciplinary Barracks.....	3	48	8	168
Total.....	64	809	115	3,657

THE ADJUTANT GENERAL'S OFFICE, March 31, 1916.

Seacoast fortification, State of California.

Coast defense and fort.	Number and caliber of guns.	Manned by—
San Diego:	Two 3-inch (15-pounder) guns.....	Twenty-eighth Company, Coast Artillery Corps.
Rosecrans.....	Two 5-inch guns..... Four 10-inch guns.....	One hundred and fiftieth Company, Coast Artillery Corps.
Pio Pied.....	Two 3-inch (15-pounder) guns.....	
San Francisco:	Two 5-inch guns.....	
Miley.....	Three 12-inch guns..... Sixteen 12-inch mortars.....	Thirteenth and Twenty-fifth Companies, Coast Artillery Corps.
Barry.....	Four 3-inch (15-pounder) guns..... Eight 6-inch guns..... Two 12-inch guns.....	One hundred and sixty-first Company, Coast Artillery Corps.
	Eight 12-inch mortars.....	Sixty-sixth Company, Coast Artillery Corps.
	Six 3-inch (15-pounder) guns..... Two 5-inch guns.....	One hundred and forty-eighth Company, Coast Artillery Corps.
Baker.....	Two 8-inch guns..... Five 12-inch guns.....	Thirty-second and Sixty-first Companies, Coast Artillery Corps.
	Two 2.4-inch (6-pounder) guns..... Six 3-inch (15-pounder) guns..... Five 5-inch guns.....	Fifty-seventh Company, Coast Artillery Corps.
	Six 6-inch guns.....	Sixtieth and One hundred and forty-seventh Companies, Coast Artillery Corps.
Winfield Scott.	Three 8-inch guns..... Five 10-inch guns.....	Sixty-fourth and One hundred and fifty-eighth Companies, Coast Artillery Corps.
	Eight 12-inch guns.....	Twenty-seventh, Twenty-ninth, and Sixty-seventh Companies, Coast Artillery Corps.
	Thirty-two 12-inch mortars.....	Thirty-eighth and Sixty-fifth Companies, Coast Artillery Corps.
Los Angeles:		
McDowell.....	Two 8-inch guns.....	
McArthur.....	Four 3-inch (15-pounder) guns ¹ Four 14-inch guns ¹ Eight 12-inch mortars ¹	

¹ Appropriated for, but not completed.

OFFICE CHIEF OF ORDNANCE, March 30, 1916.