

The PRESIDENT pro tempore. Objection is made.
 Mr. GORE. I ask unanimous consent—
 Mr. SWANSON. I understood the Senator from Delaware expected to move to take up the joint resolution, and not to ask that it be considered by unanimous consent.
 The PRESIDENT pro tempore. The Senator asked that it be taken up by unanimous consent. The Senator did not make a motion to the effect stated by the Senator from Virginia.
 Mr. SWANSON. I should like to be recognized after the Senator from Oklahoma [Mr. GORE] has concluded, in order that I may make that motion.

APACHE INDIANS, FORT SILL MILITARY RESERVATION, OKLA.
 Mr. GORE. I ask unanimous consent for the present consideration of Senate bill 6776.

Mr. LODGE. I thought a motion had been made to take up the joint resolution.
 The PRESIDENT pro tempore. The Chair did not so understand. The Chair did not hear such a motion.

Mr. SWANSON. I simply gave notice to that effect.
 The PRESIDENT pro tempore. The Senator from Oklahoma asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 6776) for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation, in Oklahoma, and for other purposes.

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

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

Mr. HEYBURN. I think I shall have to interpose an objection, because I want the report read when the bill comes up, and that will take up more time to-night than I care to consume. I hope the Senator from Oklahoma will not be inclined to press the bill to-night.

The PRESIDENT pro tempore. The Senator from Idaho objects.

RETRIAL OF MILITARY ACADEMY CADETS.

Mr. SWANSON. I move that the Senate proceed to the consideration of Senate joint resolution 99, unanimous consent for the consideration of which was asked by the Senator from Delaware [Mr. DU PONT].

The PRESIDENT pro tempore. The Senator from Virginia moves that the Senate proceed to the consideration of the joint resolution named by him notwithstanding the objection.

Mr. SWANSON. We should dispose of the matter one way or the other because if it does not pass soon it will be too late to do anything at all.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Virginia. [Putting the question.] By the sound the "noes" appear to have it.

Mr. SWANSON. I ask for division.

Mr. GALLINGER. Mr. President, we had better have the yeas and nays if we are going to have anything. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the Senator from Nevada [Mr. NEWLANDS]. Not knowing how he would vote on this question if present, I withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As I am not aware as to how he would vote on this question, I withhold my vote. If I were permitted to vote I should vote "yea."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the Senator from Kentucky [Mr. PAYNTER]. I therefore withhold my vote.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD], and therefore withhold my vote.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence I will refrain from voting. If he were here, and I were at liberty to vote, I should vote "nay."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Maryland [Mr. RAYNER], but I transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

The roll call was concluded.

Mr. BOURNE. I should like to announce that my colleague, the Senator from Oregon [Mr. CHAMBERLAIN], is unavoidably detained. He has a general pair with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. CRAWFORD (after having voted in the negative). I voted through inadvertence and I wish to withdraw my vote, as I have a pair with the senior Senator from Arkansas [Mr. CLARKE], and I do not know how he would vote if present.

Mr. ASHURST. I desire to announce that my colleague [Mr. SMITH of Arizona] is unavoidably detained from the Chamber. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. SMITH of South Carolina. I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the junior Senator from Louisiana [Mr. THORNTON] and will vote. I vote "yea."

Mr. SHIVELY. My colleague [Mr. KERN] is detained from the Senate Chamber on important business. He is paired with the junior Senator from Tennessee [Mr. SANDERS].

Mr. DU PONT. As I have already stated, I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I am informed that if he were present he would vote "yea" on this question, and I therefore will vote. I vote "yea."

Mr. GORE. I desire to announce that my colleague [Mr. OWEN] is necessarily absent from the Senate. He has a general pair with the Senator from South Dakota [Mr. GAMBLE].

The result was announced—yeas 17, nays 16, as follows:

YEAS—17.			
Ashurst	Martin, Va.	Shively	Tillman
Bryan	Martine, N. J.	Smith, Ga.	Watson
Catron	Myers	Smith, Md.	
du Pont	Overman	Smith, S. C.	
Fletcher	Perkins	Swanson	
. NAYS—16.			
Bourne	Burton	Gore	Stephenson
Briggs	Cummins	McCumber	Sutherland
Bristow	Dillingham	Page	Townsend
Burnham	Gallinger	Smoot	Wetmore
NOT VOTING—61.			
Bacon	Curtis	La Follette	Rayner
Bailey	Davis	Lea	Reed
Bankhead	Dixon	Lippitt	Richardson
Borah	Fall	Lodge	Root
Bradley	Foster	Lorimer	Sanders
Brandeggio	Gamble	McLean	Simmons
Brown	Gardner	Nelson	Smith, Ariz.
Chamberlain	Gronna	Newlands	Smith, Mich.
Chilton	Guggenheim	O'Gorman	Stone
Clapp	Heyburn	Oliver	Thornton
Clark, Wyo.	Hitchcock	Owen	Warren
Clarke, Ark.	Johnson, Me.	Paynter	Williams
Crane	Johnston, Ala.	Penrose	Works
Crawford	Jones	Percy	
Culberson	Kenyon	Poindexter	
Cullom	Kern	Pomerene	

The PRESIDENT pro tempore. No quorum has voted.
 Mr. SMOOT. I move that the Senate adjourn.
 The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 14, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 13, 1912.

The House met at 11 o'clock a. m.
 The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee that the way is always open for the betterment of the conditions of life and its far-reaching purposes. Possess us, we beseech Thee, with Thy spirit, that we may see clearly the way, and walk fearlessly in consonance with the highest dictates of conscience in all that pertains to the duties of the hour, that Thy will may be done in us, to the glory and honor of Thy holy name. For Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

IMPEACHMENT OF CORNELIUS H. HANFORD.

Mr. CLAYTON. Mr. Speaker, I present to the House a privileged report on a resolution referred to the Committee on the Judiciary a few days ago.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] presents a privileged report, which the Clerk will report. The Clerk read as follows:

[House Report No. 880. Sixty-second Congress, second session.]
 RELATIVE TO THE ALLEGED OFFICIAL MISCONDUCT OF CORNELIUS H. HANFORD.

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report, to accompany House resolution 576:

The Committee on the Judiciary, having had under consideration House resolution 576, report the same back to the House with the following amendment and recommend that the amendment be agreed to and that as amended the resolution do pass:

Page 1, line 1, strike out all after the word "Resolved" and insert in lieu of the language so stricken out the following:

"That the Committee on the Judiciary be directed to inquire and report whether the action of this House is requisite concerning the

official misconduct of Cornelius H. Hanford, United States judge for the western district of the State of Washington, and say whether said judge has been in a drunken condition while presiding in court; whether said judge has been guilty of corrupt conduct in office; whether the administration of said judge has resulted in injury and wrong to litigants in his court and others affected by his decisions; and whether said judge has been guilty of any misbehavior for which he should be impeached.

"And in reference to this investigation the said committee is hereby authorized to send for persons and papers, administer oaths, take testimony, employ a clerk and stenographer, if necessary, and to appoint and send a subcommittee whenever and wherever it may be necessary to take testimony for the use of said committee. The said subcommittee while so employed shall have the same powers in respect to obtaining testimony as are herein given to said Committee on the Judiciary, with a sergeant at arms, by himself or deputy, who shall serve the process of said committee and the process and orders of said subcommittee and shall attend the sitting of the same as ordered and as directed thereby, and that the expense of such investigation shall be paid out of the contingent fund of the House."

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. CLAYTON. Certainly.

Mr. MANN. Does this resolution as reported follow the precedents in cases of this kind in the past?

Mr. CLAYTON. Yes, I may answer the gentleman. I have before me a copy of the report of the 10th day of December, 1903, in the House of Representatives—a report made by Mr. Henry W. Palmer, of Pennsylvania, from the Committee on the Judiciary—on what was known as the Judge Charles Swayne case; and in drawing the amendment to the original resolution I have followed as nearly as practicable the language in that resolution of the 10th day of December, 1903, in the Swayne case.

Mr. MANN. Is it a unanimous report?

Mr. CLAYTON. It is a unanimous report.

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

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

The SPEAKER. The question is on agreeing to the resolution as amended.

The question was taken, and the resolution as amended was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5176. An act granting a pension to Elizabeth B. Preston.

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

H. J. Res. 299. Joint resolution proposing an international maritime conference.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5176. An act granting a pension to Elizabeth B. Preston; to the Committee on Pensions.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I call up the report of the conference committee on the Army appropriation bill. I will state that the report has already been read.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

An act (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER. When the House adjourned on Tuesday the matter rested on points of order made by the gentleman from Illinois [Mr. PRINCE]. If anybody desires to be heard on either side on the points of order, the Chair will be glad to hear him.

Mr. PRINCE. Mr. Speaker, on June 11, 1912, I made points of order, as will appear from the CONGRESSIONAL RECORD, on page 7980, against the conference report. At the same time I specified certain points of order that I would call to the attention of the Chair.

The SPEAKER. The Chair can not hear the gentleman.

Mr. PRINCE. I will speak a little louder. I say that on that date I made points of order against the conference report. I submitted to the Speaker, upon his request, the following points of order against the conference report:

That the conferees have discussed and proposed amendments which have not been committed to them by either of the Houses and therein have exceeded their jurisdiction, and which amendments, agreed to and reported by the conference committee, are not germane to the amendments of the Senate or to the original bill, specifically calling attention to amendments Nos. 40, 42, and 73.

In looking over the conference report, I have found one or two other points of order that I thought would lie against this conference report. This morning I called the attention of the parliamentary clerk of the Speaker to these two points. I had fortified myself with the right to object to the entire conference report, as appears from the RECORD on that day, and the Speaker very nicely put it in, saying—

The gentleman from Illinois reserves all points of order.

I make these preliminary remarks, so that I shall not appear to be unfair in my presentation of the points of order.

At the earliest moment I had I gave notice to the parliamentary clerk as to some of the points I would mention. I desire to call the Speaker's attention to this amendment. It will be found on page 20 of the bill and is No. 23. The trouble with the copy of the bill I have is that there is a top number and a bottom number. The top number of the bill is 20 and the bottom number is 21. The amendment to which I wish to call the Chair's attention is No. 23. The House made a provision for a traveling allowance of enlisted men on discharge, \$900,000, and then there was a proviso that the Senate amended by providing that hereafter when the enlisted man who is enlisted on or after July 1, 1912, is discharged from service his pay shall be reduced. The conferees amended that amendment by making the provision apply to all men in the Army.

The SPEAKER. Where did they make that change?

Mr. PRINCE. The Senate amended it by striking out all after the word "provided," in line 12, and inserting that hereafter when an enlisted man who is enlisted on or after July 1, 1912, is discharged from the service, he shall receive 2 cents a mile. And the conferees changed the pay of all enlisted men so far as travel and pay is concerned. Under the law as it now is he gets 4 cents a mile. The Senate wanted it to apply to men hereafter discharged, beginning on the 1st of July, 1912. The conferees set aside the hereafter and made it applicable to between 75,000 and 80,000 enlisted men who are under contract with the Government to receive pay of 4 cents a mile, cutting squarely in two the travel pay and allowance of the present enlisted force. Now, the only point in dispute between the two Houses was whether it should apply to July 1, 1912. The conferees made a provision which was not a question in difference between the two Houses, and made a provision which is violative of the contract entered into by the enlisted man when he entered the Government service, because it cuts the travel and pay of the enlisted man in two.

The SPEAKER. Is that the end of that objection?

Mr. PRINCE. Yes. Does the Chair desire me to take up these points one after another, or will the Chair dispose of them as we go along?

The SPEAKER. The Chair will dispose of them all at one time, but the Chair would like to have the gentleman complete his argument on each point as he goes along.

Mr. PRINCE. I claim, Mr. Speaker, that the conferees exceeded their jurisdiction. The difference between the two Houses was whether the deduction should begin with men who enlisted after the 1st of July, 1912, or not.

The SPEAKER. What change does the gentleman claim the conferees made which exceeded their jurisdiction?

Mr. PRINCE. They exceeded their authority in making it applicable to all men in the Army, when the purpose of the amendment was in dispute as to the men who enlisted hereafter in the Army. I claim that in doing that the conferees have changed legislation now in existence—have made legislation which is violative of the contract which the soldier entered into with the Government.

The SPEAKER. The Chair will ask the gentleman whether that is parliamentary law for the Speaker to decide or a matter of contract for the decision of the courts.

Mr. PRINCE. I think, Mr. Speaker, that it is a question which the Speaker should take into consideration as to whether the conferees shall go outside of the difference between the two Houses.

The SPEAKER. The question involved is whether they did go outside. What does the gentleman claim the provision agreed upon by the conferees does?

Mr. PRINCE. It affects the enlisted man that is discharged to-day, while the purpose of the amendment of the Senate was to affect the enlisted man who enlisted after the 1st of July, 1912. The point in dispute between the Houses was whether we should have it apply or not to soldiers hereafter entering the service.

The SPEAKER. The intention of the House amendment was simply a proviso to limit—

Mr. PRINCE. I beg the Chair's pardon, but the House made no amendment; it made the ordinary allowance for travel and pay.

The SPEAKER. The Chair intended to say the Senate amendment.

Mr. PRINCE. That applied to men who enlisted on or after July 1, 1912.

The SPEAKER. What was the subject matter of the controversy between the two Houses?

Mr. PRINCE. The subject matter was the travel allowance of enlisted men.

The SPEAKER. That is all there was to it?

Mr. PRINCE. That is the subject matter, but the point of difference between the two Houses was whether it should begin at a certain time or not. If the Speaker takes the position that the travel allowance was there, then they could legislate with reference to every kind of travel allowance to men of any kind.

The SPEAKER. Is not that precisely the thing that was in controversy, and the whole thing?

Mr. PRINCE. The only thing in controversy, as I take it, was whether it should begin to apply before July 1, 1912.

The SPEAKER. This was the House proposition:

For travel allowance to enlisted men on discharge, \$900,000.

Mr. PRINCE. And that is all.

The SPEAKER. And the travel allowance was the only conceivable question involved.

Mr. PRINCE. Yes.

The SPEAKER. The Senate put a proviso in, and all that the conferees do is to strike out about 9 or 10 words of one proposition of the Senate proviso. Were they not empowered to discuss it?

Mr. PRINCE. Yes; but, Mr. Speaker, the lines of decision are these, as I understand them: The conferees must determine the point of difference. If you open the question of the subject matter, the Army is the subject matter of this whole bill.

The SPEAKER. True; but we go by sections and paragraphs. The general proposition about it is that all of the Speakers have held in the last 15 or 20 years, so far as the Chair knows, that the conferees can not take up brand new subject matter and inject it into a bill.

Mr. PRINCE. That is true.

The SPEAKER. But if the subject is treated in either the House proposition or the Senate proposition, then the conferees have a pretty wide latitude as to what they will do with it.

Mr. PRINCE. If it is germane to the original bill or amendments, and that is the question I am making. There is no doubt about its being germane to the subject matter. I grant that. But the point of difference is as I limit it there, and the conferees have exceeded the point of difference and gone beyond it, so as to apply to all men now in the service as well as those hereafter.

The SPEAKER. The Chair will hear the gentleman on the next proposition.

Mr. PRINCE. Take up amendment 48, page 45. On page 45 the subject matter is water and sewers at military posts, and I call the attention of the Speaker to the subject matter.

The SPEAKER. The Chair will ask the gentleman to read that proposition.

Mr. PRINCE. It is as follows:

Water and sewers at military posts: For procuring and introducing water to buildings and premises at such military posts and stations as from their situation require it to be brought from a distance; for the installation and extension of plumbing within buildings where the same is not specifically provided for in other appropriations; for the purchase and repair of fire apparatus, including fire-alarm systems; for the disposal of sewage; for repairs to water and sewer systems and plumbing within buildings; and for extra-duty pay of enlisted men and hire of employees, \$1,702,595.

That was the bill as presented to the committee by the Committee on Military Affairs. The Committee of the Whole added the following proviso to that original bill when it was presented to them:

Provided, That no part of this appropriation shall be expended for permanent improvements at any of the following-named Army posts: Fort Apache, Boise Barracks, Fort Brady, Fort Clark, Fort George Wright, Fort Jay, Fort Lincoln, Fort Logan H. Root, Fort McIntosh, Fort McKenzie, Madison Barracks, Fort Meade, Fort Niagara, Fort Ontario, Fort Wayne, Whipple Barracks, Fort William Henry Harrison, Fort Yellowstone, Fort Ethan Allen, Plattsburg Barracks, Fort Robinson, Fort Missoula, Fort Logan, Fort Douglas, and Fort D. A. Russell.

When the bill as amended went to the Senate, the Senate struck out the proviso and made no counterproposition of any kind. The conferees agreed upon the following:

In lieu of the matter proposed in said amendment insert the following: "*Provided*, That not exceeding \$1,000 of the sum herein appropriated, together with the unexpended balance, which is hereby reappropriated, of the appropriation in the Army appropriation act approved March 3, 1911, for the improvement of the Crow Creek or Fort D. A. Russell target and maneuver reservation, Wyoming, may be expended by the Secretary of War, in his discretion, in the acquire-

ment by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes lying within the limits of the aforesaid reservation."

That is clearly new matter, not germane in any shape, form, or manner. There is no possible way by which it can be made germane. Here is a proposition for water and sewers at military posts. It is for procuring and introducing water for buildings and premises at such military posts and stations, and so forth, for the installation of plumbing, for the purchase and repair of fire apparatus, for the disposal of sewage and for repairs to water and sewer systems and plumbing within buildings and for extra-duty pay of enlisted men and hire of employees; and there is not a syllable, not a word, not a hook upon which this can hang, not a single scintilla, not a word or expression that can be strained by the most extreme possible way into part of a water and sewer provision for military posts.

Mr. CRUMPACKER. Mr. Speaker, will the gentleman allow a question?

Mr. PRINCE. Certainly.

Mr. CRUMPACKER. The matter reported by the conferees is an amendment to that part of the text that was agreed to by both Houses, is it not?

Mr. PRINCE. Yes.

Mr. CRUMPACKER. That is to say a certain portion of the paragraph was permitted to remain as it was?

Mr. PRINCE. Yes.

Mr. CRUMPACKER. And the proviso was stricken out?

Mr. PRINCE. Yes.

Mr. CRUMPACKER. And the conferees now attach an amendment to that part of the text which was agreed to by the House and the Senate and was not, and is not, in dispute. Is not that the fact?

Mr. PRINCE. That is true.

The SPEAKER. The Chair would like to ask the gentleman from Indiana a question. The gentleman from Indiana only states one-half of it. What the Senate did was to strike out the proviso.

Mr. PRINCE. That is it, and that is all.

The SPEAKER. But the proviso that was stricken out by the Senate went to conference as a matter in controversy, did it not?

Mr. CRUMPACKER. That is the only matter in controversy, and the question of substituting something for the proviso must relate to the dispute or disagreement upon the proviso, must be upon the same subject matter, and of course must be germane thereto.

The SPEAKER. The Chair knows—the Chair did not ask the gentleman from Indiana as to that, but because the statement of the gentleman left out the gist of the matter by not referring to the part that the Senate struck out of the House bill.

Mr. CRUMPACKER. I assume, Mr. Speaker, that the matter reported by the conference committee had no sort of relation to the matter stricken out by the Senate—to the matter which was really in dispute. There is no kind of relation between the matter reported by the conference committee and the matter that was stricken out by the Senate—the only thing in dispute—and they left the matter out that the Senate struck out and attached another and independent amendment to the text that was agreed to by both Houses.

The SPEAKER. Now, the trouble is, passing on one point and not on the whole thing, they struck out one proviso and put in another—

Mr. MANN. They did not put in another.

The SPEAKER. Well, the conferees put it in.

Mr. CRUMPACKER. The conferees put in one that had no relation to the proviso which was stricken out—an entirely different subject and not at all germane to the proviso which was stricken out.

The SPEAKER. The Chair did not ask the gentleman about that; he was asking about the other.

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

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

Mr. PRINCE. I would like to finish up this point.

Mr. MONDELL. It is right on the point that has been raised by the gentleman from Indiana.

Mr. PRINCE. Very well; I yield.

Mr. MONDELL. The gentleman from Indiana suggests the conferees exceeded their authority, following the suggestion or contention of the gentleman from Illinois. The fact is that the House put in a proviso that had to do with permanent improvements at military posts. The Senate struck it out, and the conferees put in a proviso which also has to do with permanent improvements at military posts. In other words, what was in-

serted in conference was entirely germane, because it related directly to the same sort of improvements that were prohibited by the House provision.

The SPEAKER. What is the subject matter of this whole paragraph?

Mr. MONDELL. The subject matter is permanent improvements at military posts, including Fort D. A. Russell.

The SPEAKER. Where does the gentleman get his authority to make that statement?

Mr. KAHN. It is under the heading of water and sewers.

Mr. MONDELL. The amendment is amendment 48, as I understand it. The language is—

No part of this appropriation shall be expended for permanent improvements at any of the following-named Army posts.

Here is a provision in lieu of that which has to do with permanent improvements at a certain Army post. It would have been impossible for the conferees to have adopted a provision more directly in line with the provision stricken out; furthermore, if I may be permitted to say so, it does seem to me that the gentleman from Illinois is making a good deal of stir about a thousand-dollar appropriation in a bill carrying over a hundred million dollars.

Mr. PRINCE. There is more than that. That does not make any difference.

Mr. CRUMPACKER. Will the gentleman permit me to ask the gentleman from Wyoming [Mr. MONDELL] a question?

Mr. PRINCE. I will consent to one question, but I would like to address myself to the Speaker and get this out of the way.

The SPEAKER. The gentleman from Illinois [Mr. PRINCE] declines to yield.

Mr. PRINCE. Now, Mr. Speaker, to get over this question, this is a section of the bill which has to do with water and sewers at military posts and nothing else.

The SPEAKER. The main section had to do with that. There is no question about it.

Mr. PRINCE. Now, then, turning back to page 37 of the bill, you will find where it has to do with barracks and quarters. Looking down to line 10, it reads as follows:

Of barracks or authorized allowance of quarters for noncommissioned officers and enlisted men on duty where public quarters are not available.

The SPEAKER. Where is the gentleman reading?

Mr. PRINCE. On page 37, line 12.

The SPEAKER. Does the gentleman go by the top numbers or the bottom numbers.

Mr. PRINCE. By the top numbers here.

Mr. MONDELL. Will the gentleman from Illinois [Mr. PRINCE] yield to one further suggestion?

Mr. PRINCE. Yes; I will yield to one.

Mr. MONDELL. I understand the gentleman contends the language stricken out had to do exclusively with matters of water supply. I do not so understand it, but admitting, for the sake of the argument, that to be true, the lands proposed to be purchased are a part of the watershed of Fort Russell. They are essentially a part of Fort D. A. Russell and its water supply. The gentleman insists that no amendment would be in order in conference excepting one relating to water supply. Then his argument has no force against this amendment, because it is one that affects the water supply of Fort D. A. Russell and provides for a permanent improvement of the same.

Mr. CANNON. Will the gentleman yield?

Mr. PRINCE. I will yield to my colleague [Mr. CANNON].

Mr. CANNON. As I understand the contention of the gentleman from Illinois [Mr. PRINCE], there is an amendment by the Senate which relates to water and sewers at military posts. Then the proviso is:

That no part of this appropriation will be expended for permanent improvements at any of the following-named Army posts.

Now, that was the matter in conference. If the Speaker will turn just across, on page 45 of this document which I hold in my hand, in lieu of the matter proposed in said amendment it says to insert the following.

What is the following? Down in the middle it says:

For the improvement of the Crow Creek, on Fort D. A. Russell target and maneuver reservation—

And not a word about the matter that was in controversy or was submitted—

may be expended by the Secretary of War, in his discretion—

For what?—

In the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes, lying within the limits of the aforesaid reservation.

It seems to me that that was not in conference either by the House provision or by the Senate amendment.

Mr. MONDELL. Will the gentleman from Illinois yield there for a suggestion?

The SPEAKER. The Chair would like to ask the gentleman from Illinois a question before he sits down. What is the subject matter of the proviso the House put onto that bill?

Mr. CANNON. The subject matter is in the proviso—

that no part of the appropriation shall be expended for permanent improvements at any of the following-named Army posts.

Now, the House disagrees to the Senate amendment, and upon that disagreement the conferees get their jurisdiction. And there is nothing either by a liberal construction, and, it seems to me, a forced construction, that would allow the conferees to purchase the land which the agreement covers. For what? Not for water, not for sewers, or military posts; but for a matter independent of either the House provision or the Senate amendment.

Mr. MANN. Mr. Speaker, will my colleague, in passing, yield to me for a moment?

Mr. PRINCE. Yes.

Mr. MANN. Mr. Speaker, the original proposition in the House bill was an appropriation for certain purposes—water, sewers, and so forth. If enacted in that way, simply as an appropriation, that money could not be expended for any other purpose than the purposes named in the bill. But it could be expended at any Army post, because the appropriation was, generally speaking, for sewers and water supply at the Army posts. Thereupon the House inserted a limitation upon that appropriation, which reads:

No part of this appropriation shall be expended for permanent improvements at any of the following-named Army posts.

Now, the appropriation could not have been used, regardless of this limitation, for any purpose in the way of permanent improvements except water supply, sewerage, and so forth—that is, without the limitation. The purpose of putting that limitation upon the appropriation was to prevent this money being used for water supply and sewerage at these Army posts. The purpose was not to prevent the money being used for the purchase of land or for the construction of buildings or other permanent improvements, because the appropriation could not have been used for those purposes if the limitation had not been put upon the appropriation. It is true that the wording of the limitation is "expended for permanent improvements," and the words "permanent improvements" have a very wide latitude. But the Senate having stricken out the limitation, and the House having agreed to the amendment, the point of difference between the House and the Senate was whether any portion of this appropriation for sewer and water purposes could be used at any of the named Army posts.

The point of difference was not whether this money could be used for the construction of buildings, because it could not have been used for that purpose if there were no limitation on the appropriation. The general law is a limitation itself upon the expenditure for any purpose except the one named in the appropriation.

Now, that being the point of difference between the two Houses, whether this money appropriated for sewer and water purposes could be used for those purposes at those Army posts, the conferees leave that without settling it and bring in a provision providing that a portion of this money can be used for the purchase of maneuvering grounds. Maneuvering grounds have nothing to do with water supply and sewerage, and although the gentleman has suggested that they may aid in water supply, that is purely ephemeral and imaginary. There is nothing in the bill to show that the purpose of the new appropriation is the conservation of the water supply, nor is it confined to the purchase of land for the post. The conference report is for the purchase of maneuvering grounds, regardless of the expenditure in connection with the posts. The language is—

For target and maneuver reservations; and the power of condemnation is granted.

How can it be claimed that a limitation upon an appropriation for water supply, providing that that money shall not be expended for a particular purpose, brings into controversy between the two Houses the question of using that money for the purchase of maneuver grounds? Because, unless that is in controversy and difference, the conferees could not bring in a report upon that. The question of the purchase of maneuver grounds out of this money appropriated for sewerage and water supply was not in difference between the two Houses.

The SPEAKER. The Chair will ask the gentleman a question. What is the subject matter of the proviso?

Mr. MANN. The expenditure of the appropriation at these posts for water supply and sewerage purposes.

The SPEAKER. The Chair will ask the gentleman if this is not true, that the subject matter of that proviso, "that no part of this appropriation shall be expended for permanent improvements," and so on, was permanent improvements or not?

Mr. MANN. Permanent improvements in the way of water supply and sewerage only.

The SPEAKER. But it does not say that.

Mr. MANN. It does not say that in so many words, but that is plainly what it means. It is not to be supposed that they would insert in the bill a provision which means nothing. This money could not have been expended at these posts for any other purpose, regardless of the limitation, and the purpose of the limitation was to limit the expenditure to provide that it could not be expended at these posts for the purpose named in the bill.

The SPEAKER. The contention of the gentleman, then, is that this section was the subject matter and that the subject matter of the section was water and sewers at military posts, and that the proviso does not change the subject matter?

Mr. MANN. It does not, in my opinion.

The SPEAKER. And that the matter which the conferees undertook to insert treats of an entirely different subject?

Mr. MANN. An entirely different subject.

Mr. PRINCE. Mr. Speaker, one further suggestion. On page 37 of the bill, at the top of the page, you will find the question of barracks and quarters. Beginning at line 12, you will find these words:

Of grounds for cantonments, camp sites, and other military purposes.

There was the place for this amendment, if it was germane, because this deals with camp sites, and does not deal at all with water and sewers.

Now, as I said before, the point of difference is in the question of water and sewers, and that no part of this money shall be expended on these particular posts for the purpose of improving the water supply or the sewerage, and the place for the other is at another point in the bill, for barracks and quarters. It is the subject that this would treat of, if it was proper at all, and it is here foreign, and has nothing to do with it, and is outside, and I can not see how it can be called germane to a subject matter to which it is not pertinent, when it is germane to another subject matter that is not in dispute.

Mr. COOPER. Mr. Speaker, will the gentleman permit a question?

Mr. PRINCE. Yes.

Mr. COOPER. Is it the contention of those who oppose the gentleman from Illinois that under the language "permanent improvements" the Senate amendment is germane which provides for the purchase of new land?

Mr. PRINCE. I presume that is the contention.

Mr. COOPER. Then the question amounts to this, if the gentleman will permit an interruption: The Government of the United States having certain land, can it be held that the purchase of other land is an improvement upon the land which it now holds? If a man has a piece of property and puts permanent improvements upon it, the words "permanent improvements" have a definite meaning, and the purchase of new land is in no sense an improvement of existing property.

Mr. PRINCE. I think that is all I care to say about that.

Mr. MONDELL. Mr. Speaker, the contention is—

Mr. PRINCE. Mr. Speaker, I thought I had the floor.

The SPEAKER. The gentleman did have the floor, but the Chair thought he yielded it to the gentleman from Wyoming.

Mr. PRINCE. No; I said I was through with that section.

The SPEAKER. The gentleman from Wyoming can get an opportunity to express his views on the other side later, if the gentleman from Illinois [Mr. PRINCE], who has the floor, objects to yielding now.

Mr. PRINCE. I will yield five minutes to the gentleman from Wyoming now.

Mr. MONDELL. I do not care to have the gentleman yield to me at all.

Mr. PRINCE. I am perfectly willing to yield. It is no purpose of mine to foreclose discussion.

Mr. MONDELL. The gentleman evidently did not want the other side heard.

Mr. PRINCE. I am perfectly willing to have any side heard. The gentleman can go on.

The SPEAKER. The Chair prefers to hear the gentleman from Illinois make a statement of all these points, and then if the Chair has any doubt in his mind about any of them he will suggest that to the House.

Mr. PRINCE. The next is amendment No. 40, on page 38. I call attention to that because perhaps it may be well to con-

sider it in discussing amendment No. 42. Amendment No. 40 provides:

Provided further, That no part of this appropriation shall be expended at any Army post which the Secretary of War has decided or may decide to abandon in the interest of the service.

Then it enumerates a number of Army posts.

The SPEAKER. The Senate struck that out.

Mr. PRINCE. The Senate struck that out. As to amendment No. 40 I make no contention.

The SPEAKER. What is it that the gentleman is making a point about?

Mr. PRINCE. I am reading amendment No. 40, because I think, in fairness to the Speaker, it should be considered.

The SPEAKER. What is the gentleman's contention?

Mr. PRINCE. My contention is that the conferees have gone outside of their right and have introduced into this conference report matter that is not germane and proper to be considered.

The SPEAKER. What is the matter that the gentleman thinks is not germane?

Mr. PRINCE. On page 39, amendment No. 42, is another proviso that was in the House bill that was stricken out by the Senate:

Provided further, That no part of the sum appropriated by this act shall be used to convert a mobile army post of less grade or size than a regimental post into a regimental post or a regimental post into a brigade post.

Now, in lieu of these two—No. 40 and No. 42—the Senate having disagreed to them, the conferees put in amendment 42, which is found on page 39. It is as follows:

No. 42. In lieu of the amendment, insert: *Provided*, That a commission, to consist of Lieut. Gens. Samuel B. M. Young and Arthur MacArthur, retired, and Maj. Gens. George M. Randall, Jesse M. Lee, and Charles F. Humphrey, retired, and two members of the Committee on Military Affairs of the Senate, who shall be designated by the President of the Senate, and two members of the Committee on Military Affairs of the House of Representatives, who shall be designated by the Speaker of the House of Representatives, is hereby created to consider and report to the Senate and House of Representatives on or before the 1st day of January, 1913, upon the location and distribution of military posts which are required within the continental limits of the United States for the proper accommodation, instruction, and training of the Army, but not including Coast Artillery posts and troops. The commission shall make recommendations, giving reasons in detail therefor, as to which of the existing posts shall be retained or abandoned, and of those recommended to be retained which, if any, shall be enlarged, and to what extent. In all of its recommendations the commission shall have due regard for the proper distribution of the different arms of the service as determined by strategic, sanitary, and economical considerations, and by the relations which should be maintained by the Regular Army with the Organized Militia and the public at large, and taking into consideration the number of troops which may be stationed in Hawaii and the Canal Zone. The commission shall meet upon the call of the chairman, who shall be the senior lieutenant general on the commission, at the earliest practicable date, and proceed to the execution of the work of the commission in such manner as the commission may determine. Prior to the rendition of the report hereinbefore required it shall be the duty of the Secretary of War to authorize the commencement of no new posts within the continental limits of the United States and to preserve and maintain in the same manner as at the time of the passage of this act all posts now in existence which are liable to enlargement or retention, according to the terms of this act. Actual and necessary expenses of the commission shall be paid out of the contingent funds of the Senate and House of Representatives, respectively and equally.

Now, what is the point at issue? There are in the United States, not including Alaska, 168 posts. Of these 141 are at present garrisoned. The original bill provided that no part of the appropriation should be expended at any of the 25 posts named therein. Here is an appropriation that no part of which shall be expended upon 25 posts named in the bill. The Senate disagrees to that proposition and a commission is appointed; for what? Now, the question in dispute was, shall any part of this appropriation go to these posts? What posts? Twenty-five specifically named in the bill. The Senate disagrees to that, and the conferees now come in and agree that a commission shall be appointed to consider all the Army posts, 168, of which 141 are at present garrisoned.

Mr. HAY. Mr. Speaker, the gentleman from Illinois does not want to mislead the Chair. There are not 168 mobile army posts in the country. A large number of the 168 are Coast Artillery posts, as the gentleman knows.

Mr. PRINCE. Will the gentleman from Virginia state how many at present are garrisoned that are not coast-artillery posts?

Mr. HAY. About 55 or 60; not over 60.

The SPEAKER. The Chair will ask the gentleman from Illinois to read the first proviso on page 38—the words struck out by the Senate. What does the gentleman say is the subject matter of that?

Mr. PRINCE. The subject matter is that no part of this appropriation shall be expended at any of the following-named Army posts.

The SPEAKER. That is not the whole statement:

Provided further, That no part of this appropriation shall be expended at any Army post which the Secretary of War has decided or may decide to abandon in the interest of the service—

and then it goes on to enumerate a lot of posts. What is the subject matter of those lines?

Mr. PRINCE. The abandonment of Army posts.

The SPEAKER. That is it.

Mr. PRINCE. Now, let me answer. The House—and this is supposed to be a part of the Record—the House, on December 18, 1911, passed a resolution asking the Secretary of War to give information as to what Army posts he had abandoned or contemplated abandoning. On January 25, 1912, the Secretary of War answered the House upon that question that the number was 25, and these are the 25 mentioned in this provision. Here are the Record proceedings of the House asking what the Speaker has asked me, that no part of this appropriation shall be expended at any Army post which the Secretary of War has decided or is going to decide to abandon. He was asked a question by resolution, and replied on January 25. These are the 25 that are mentioned. The chairman of the committee puts it at 60 posts in all, and therefore there are 35 here that were not in dispute at all before the conferees.

Mr. HAY. Will the gentleman yield?

Mr. PRINCE. Certainly.

Mr. HAY. I understand the gentleman is making a point of order to amendment 42. Now, amendment 42 provides that no part of the sum appropriated by this act shall be used to convert a mobile army post of less grade or size than a regimental post into a regimental post, or a regimental post into a brigade post. That includes every mobile army post in the whole country, and therefore all of the posts are included under this amendment 42.

Mr. PRINCE. Let us understand ourselves, so that we will not present anything to the Speaker that is not in controversy. The gentleman contends that the forty-second amendment, on page 39, is to the proviso on page 39?

Mr. HAY. Yes.

Mr. PRINCE. And it stands or falls on that and not anything prior thereto. Let us see. I want to be fair about it, so that the Speaker will get all the information. I want to be fair with the Speaker, and I do not want to be unfair with the House in any way.

Mr. HAY. Mr. Speaker, I simply state that amendment 42 includes all the posts—that no money shall be expended in any of these posts.

The SPEAKER. But the contention of the gentleman from Illinois is that amendment 42 as recommended by the conferees covers amendment 40, which strikes out the proviso beginning on line 12 of page 38, and also amendment 42, on page 39. The whole thing in issue is the abandonment of Army posts.

Mr. HAY. That is the point.

The SPEAKER. That is the subject matter of that controversy.

Mr. PRINCE. Very well. Then, Mr. Speaker, if the question at issue is the abandonment of Army posts, the question of whether a post shall be enlarged or reduced is not at issue.

The SPEAKER. That is one of the conditions on which they abandon Army posts—that is an incident of the discussion.

Mr. PRINCE. The proviso says that no part of the sum appropriated by this act shall be used to convert a mobile army post of less grade or size than a regimental post into a regimental post, or a regimental post into a brigade post.

The SPEAKER. The Chair will ask the gentleman a question. Undoubtedly the whole controversy at this particular time is the abandonment of Army posts. The Chair has to decide as to whether this amendment suggested by the conferees is germane to that subject. What has the gentleman to say about that?

Mr. PRINCE. My answer to that is this: That if it was confined to the question of the abandonment of Army posts, pure and simple, it might be germane, but here is an Army board or commission created—

To consider and report to the Senate and House of Representatives on or before the 1st day of January, 1913, upon the location and distribution of military posts which are required within the continental limits of the United States for the proper accommodation, instruction, and training of the Army, but not including Coast Artillery posts and troops. The commission shall make recommendations, giving reasons in detail therefor, as to which of the existing posts shall be retained or abandoned, and of those recommended to be retained which, if any, shall be enlarged, and to what extent. In all of its recommendations the commission shall have due regard for the proper distribution of the different arms of the service as determined by strategic, sanitary, and economical considerations, and by the relations which should be maintained by the Regular Army with the Organized Militia and the public at large, and taking into consideration the number of troops which may be stationed in Hawaii and the Canal Zone.

As I understand it, the House has asked how many posts do you expect to abandon, and the answer is 25. The House then puts in its bill the 25 and they are in dispute and none other. If there was a commission appointed to determine what to do with those 25, very well.

The SPEAKER. But the gentleman does not state the whole of the proposition. Amendment No. 40 strikes out this proviso:

Provided further, That no part of this appropriation shall be expended in any Army post which the Secretary of War has decided or may decide to abandon in the interest of the service.

I will ask the gentleman if that is not an unlimited extension to abandon any Army post or to refuse this appropriation to any Army posts that the Secretary of War may hereafter determine to abandon. Suppose we were to pass this bill to-day and leave in the 25 Army posts, if that is the number which the Secretary of War has already determined to abandon, and suppose after the bill goes into effect on the 1st of July, on the 2d of that month, for some reason or other, the Secretary of War makes up his mind that there ought to be one or more of these other posts abandoned. Does not this limitation then apply to those he names?

Mr. PRINCE. It might. We will now go on to the next, Mr. Speaker. On page 67, line 1, the House had a provision to abolish The Adjutant General's Office and the Inspector General's Office, and consolidate them with the Chief of Staff.

Mr. FOSTER. What is the number of the amendment?

Mr. PRINCE. Amendment No. 73. The House sought to consolidate the establishment of The Adjutant General and the Inspector General and the Chief of Staff. The Senate rejected the proposition. The conferees offered in lieu of that an amendment as follows:

SEC. 5. That hereafter, except in time of war or when war is imminent, no officer who shall have served four years as Chief of Staff shall be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army, neither shall any officer, after the 5th day of March, 1913, be detailed nor be permitted to serve as Chief of Staff unless he shall have served at least 10 years as a commissioned officer of the line of the Army in grades below that of brigadier general, and the General Staff Corps shall hereafter consist of 2 general officers, 1 of whom shall be Chief of Staff, 3 colonels, 4 lieutenant colonels, 8 majors, and 10 captains or first lieutenants, all of whom shall be detailed from the Army at large in the manner and for the periods provided by law, and hereafter details to the General Staff Corps, excepting the 2 general officers, shall be subject to the provisions of section 27 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States." All officers of the line of the Army now detailed for service in any Staff Corps, or department or in the General Staff Corps shall be relieved from duty in said corps at the expiration of their present periods of detail, or sooner if the President shall so direct, and all officers hereafter detailed for service in the Staff Corps, departments, and General Staff Corps shall be relieved therefrom at the expiration of four years of such service, or sooner if the President shall so direct, and no officer who shall have served for four years under detail in any Staff Corps, or department, or the General Staff Corps shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army in which commissioned, except in time of war or when war is imminent: *Provided*, That hereafter when any officer shall, under the provisions of section 26 of the act of Congress approved February 2, 1901, be appointed to an office with rank above that of colonel, his appointment to said office and his acceptance of the appointment shall create a vacancy in the arm, Staff Corps, or staff department from which he shall be appointed, and said vacancy shall be filled in the manner prescribed by existing law, but he shall retain in said arm, Staff Corps, or staff department the same relative position that he would have held if he had not been appointed to said office, and he shall return to said relative position upon the expiration of his appointment to said office, unless he shall be reappointed thereto. If under the operation of this proviso the number of officers of any particular grade in any arm, Staff Corps, or staff department shall at any time exceed the number authorized by law, no vacancy occurring in said grade shall be filled until after the total number of officers therein shall have been reduced to the number authorized by law.

At the bottom of the first page of that amendment will be found the following words:

All officers of the line of the Army now detailed for service in any Staff Corps or department or in the General Staff Corps shall be relieved from duty in said corps at the expiration of their present periods of detail.

I object to the words "in any Staff Corps or department" as being new words. The purpose of this legislation is to consolidate The Adjutant General, the Inspector General, and the Chief of Staff. The provision does not consolidate The Adjutant General and the Inspector General with the Chief of Staff. It makes a provision with reference to a detail of officers in the Staff Corps or department. There are 10 Staff Corps or departments in the service, and if this provision of detail applies, it applies to 7 corps not mentioned in this paragraph and that are no part of this section.

The provision in the conference report, lines 5 to 10, that "no officer who shall have served for four years under detail in any Staff Corps or department or the General Staff Corps shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army

in which commissioned, except in time of war or when war is imminent," is new matter so far as the provision is applicable to Staff Corps and departments other than The Adjutant General's and the Inspector General's departments and, of course, the General Staff Corps. See the corresponding provision as passed by the House and rejected by the Senate. The conference report thus makes the provision applicable to the following-named Staff Corps and departments not affected by the provision as passed by the House and rejected by the Senate:

Judge Advocate General's Department, 3 officers (acting judge advocates); Quartermaster Corps, 144 officers; Ordnance Department, 57 officers; Signal Corps, 26 officers; Bureau of Insular Affairs, 2 officers.

Now, the House passed a provision consolidating the Inspector General, The Adjutant General, and the Chief of Staff. The Senate rejected that. They brought back this other provision for a Chief of Staff. They brought back a provision affecting officers of the General Staff which the House never passed upon, which the Senate never passed upon, which was never in conference at all. The question they had before them was section 6, page 67, "That the office establishments of The Adjutant General, the Inspector General, and the Chief of Staff of the Army are hereby consolidated."

The SPEAKER. Where is that language?

Mr. PRINCE. It is at the bottom of page 67 (continued 1):

All officers of the line of the Army now detailed in the service in any Staff Corps or department or in General Staff Corps shall be relieved from duty in said corps at the expiration of their present periods of detail, or sooner if the President shall so direct, and all officers hereafter detailed for service in the Staff Corps, departments, and General Staff Corps shall be relieved therefrom at the expiration of four years of such service, or sooner if the President shall so direct, and no officer who shall have served for four years under detail in any Staff Corps or department or the General Staff Corps shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army in which commissioned, except in time of war or when war is imminent.

Now, what was the question of difference? Consolidation of the Adjutant General's Office. There is the other section consolidating the Quartermaster's Department, the Subsistence Department, and the Paymaster's Department, but that is another section. Here is a provision to consolidate the Inspector General, The Adjutant General, and the Chief of Staff Corps. Now, the Senate rejected that proposition and the conferees did not insist upon it, and there is nothing in the provision consolidating these two with the Chief of Staff, but the conferees bring in another matter for the detail of officers which affects not only these departments which they had jurisdiction of, if you please, or the subject matter, but it traveled outside and affected the other departments of the service that I have read about, the Judge Advocate General's Department, the Ordnance Department, Signal Corps, and Bureau of Insular Affairs. There they have gone outside of their right in that and it is new matter, foreign to the question in dispute; new matter, foreign to the subject matter which was the consolidation of The Adjutant General's Office and the Inspector General's Office. Now, further, that is the end of that part. Now, the question in dispute was not in regard to qualifications. There was no dispute as to the qualifications of the Chief of Staff. There was a dispute as to the tenure of office when he got into the office. That was the question of difference, tenure not qualifications. The conferees passed upon the question of qualifications of the Chief of Staff. The law fixes the qualifications of the Chief of Staff.

Mr. CRUMPACKER. Will the gentleman allow me a question?

Mr. PRINCE. Yes.

Mr. CRUMPACKER. In relation to the matter of tenure, was there any different tenure provided in the original section 6 from what is already in the law?

Mr. PRINCE. I think not.

Mr. CRUMPACKER. Section 6, you know.

Mr. PRINCE. It is a repetition of it.

Mr. CRUMPACKER. It is simply a declaration as to tenure, so there is no difference of opinion about that. The matter of tenure was repeated in section 6.

Mr. PRINCE. I was going to say that it does not change the law at all. It is simply reenacting the law.

The SPEAKER. Reenacting a law that already exists is not an unparliamentary thing; it is possibly surplusage.

Mr. PRINCE. I want to read the law. Section 3 of the law is as follows:

Sec. 3. That the General Staff Corps shall consist of one Chief of Staff and two general officers, all to be detailed by the President from officers of the Army at large not below the grade of brigadier general. * * * All officers detailed in the General Staff Corps shall be detailed therein for periods of four years unless sooner relieved, * * * and no officer shall be eligible for further detail in the General Staff Corps unless he shall have served two years with the branch of the Army in which commissioned, except in case of emergency or in time of war.

I say to the Speaker that the question of the qualification or the tenure of the Chief of Staff, unless the intention of the law puts it in dispute, was in dispute between the two Houses. The House mentions him and the Senate mentions him not at all, but they come back with a new provision as to the question of his qualifications, changing existing law when the question was not in dispute at all, like a proposition that was not in dispute. Now, let us see if it was in dispute. On page 68 of the bill, beginning with line 20, it says:

The Adjutant General's and Inspector General's departments by the terms of this act.

Now, that is the subject matter—the consolidation of it—that is all. It says further:

And nothing in said sections or in this act shall be held or construed so as to nullify or change any of the provisions of existing law as to the detail of officers for duty as Chief of Staff, or as to the period for which officers so detailed may serve; and no officer who shall have served four years as Chief of Staff shall, except in case of emergency or in time of war, be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army or on such other duty not pertaining to the General Staff Corps as the President may direct.

Now, there was no dispute about the qualification; no dispute, as I can find and understand, about the tenure. Then, if it is not in dispute, why attach any qualification. If you do so, is it not new matter? Is it not subject matter in dispute? Now, what have they done? They have said here, by bringing in new matter—

That hereafter, except in time of war or when war is imminent, no officer who shall have served four years as Chief of Staff shall be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army.

The House bill simply said there was no intention or disposition to change the qualifications of the detail. It was not in dispute. The conferees therefore decided to put in new matter and fix an eligibility that was not in dispute between the two Houses.

I think that is all, Mr. Speaker, that I desire to say. If there are any other suggestions, I will ask the indulgence of the Speaker to present it if anything new should present itself.

Mr. CRUMPACKER. Mr. Speaker, on this amendment I would like to submit some views and a few authorities.

The SPEAKER. Which one is it?

Mr. CRUMPACKER. Seventy-three—the one the gentleman from Illinois has just finished discussing. And in the meantime I shall be very glad if the confusion in the House would abate just a little. It is very difficult to talk on a question of this kind when there is a buzz of conversation all around on the floor of the House.

In the first place, Mr. Speaker, section 6 contained in the House bill was stricken out by the Senate and nothing substituted in its stead. That section provided for the merging of the Adjutant General's Department and the Inspector General's Department with the General Staff Corps. That is the purpose of section 6, and it is the only purpose. It is a long section and everything contained in it belonged essentially to the consolidation of the three departments, and the detail provisions went largely to locate and to fix the status of the offices and officers of the two departments merged into the General Staff Corps. The section expressly declared that nothing in the bill should be construed as affecting in any way the offices or officers of the General Staff Corps. Those officers, including the Chief of Staff, should remain as they are under existing law. It declared further that the provision in relation to the tours of service, the tenure of service, should not be affected, and that those detailed into the General Staff Corps should serve four years and then they should serve an interim of two years in the line somewhere else before they could again be detailed to the Staff Corps. The act of February 14, 1903, defines and fixes the qualifications for the position of the Chief of Staff. That law declares that the Chief of Staff shall be selected from the Army at large among those whose grade is above that of colonel. It includes simply general officers of the Army—Lieutenant generals, major generals, and brigadier generals, who are all eligible to detail to the position of Chief of Staff. There is absolutely nothing in the text of the bill relating to the question of qualifications; absolutely nothing in the text of the bill to change, either directly or by implication, the provisions of section 3 of the act of February 14, 1903. Section 6 of the House bill was struck out by the Senate altogether, and the conferees report an amendment as a substitute that has nothing to do with the consolidation of the departments.

That was the only purpose of the original section. Everything else contained in it was but incidental detail necessary to complete and perfect the consolidation. One can not read the section critically without reaching that conclusion. It affected staff officers in no other department, and did not purport to

affect them in any other department. That section was stricken out altogether, and the conferees reported a proposition in its stead to reorganize in a way the entire staff of the Army, without any provision whatever for the consolidation of the departments.

The conferees reported a provision amending section 3 of the act of February 14, 1903, fixing qualifications for those who are eligible to detail as Chief of Staff, and declaring that no person shall be eligible to detail to that important position unless he shall have served at least 10 years in the line of the Army below the rank of or the grade of a brigadier general. That is an amendment of a section of existing law that was not involved, that was not in dispute.

I repeat—and I want to emphasize it, Mr. Speaker—that the question of the authorization of Army officers to be detailed as Chief of Staff was not in disagreement between the two Houses and was not in the original text. It was not put in dispute by the Senate striking out the entire original text. It is substitutive legislation upon a new proposition.

Even the policy of the amendment does not follow the subject matter of the original section—a subject matter that looked toward the consolidation of three departments in the Army, with a view to, perhaps, a better organization and with the avowed object of saving expense to the Government. That was one of its avowed purposes.

Now, in the desire of the committee to emphasize its purpose to allow or require the General Staff Corps to remain as it was it not only embodied in the section a declaration that nothing in the act should change its status, but it went on to recite in substance that the details should be four years, and two years off, declarative of part of the act of 1903.

It is true that if an existing law is reenacted it is subject to amendment, but only the portions that are reenacted. There was not a single word in the original text about the qualifications of officers for detail, not a single word about the question of eligibility.

Now, Mr. Speaker, the general proposition is that the purpose, and the only purpose, of original section 6 was to consolidate the three departments, and the only purpose of the proposed amendment is to change the qualifications of the Chief of Staff which was not touched upon in the bill or any amendment thereto.

The SPEAKER. The Chair would like to ask the gentleman a question. Take section 6 in its entirety, and does not that bring forth to the conferees the entire subject of the staff and these other parts?

Mr. CRUMPACKER. Only to the extent, Mr. Speaker, that it is involved in the section in dispute. The Speaker, of course, has in mind the fact that the power of the conferees is always strictly construed. Here is an instance now of reporting new legislation, legislation that never was considered in the House and that never was considered in the Senate; legislation of great importance; legislation that will result in excluding from the important position of Chief of Staff a large number of distinguished Army officers.

The SPEAKER. The Chair can not take into consideration the motive which prompted anybody, either in the House or the Senate, upon the conference.

Mr. CRUMPACKER. I am discussing now only the question of policy in the construction of the rule. Adding to what I have already said, there is no opportunity to amend a proposition when it comes up in this manner, and matter to be under the jurisdiction of the conferees must not only be in dispute, but it must be germane. It must not only be germane to the text or to an amendment, but it must be in dispute between the Houses. The House might have offered amendments to section 6, but it did not. The Senate might have offered amendments to section 6. But section 6 was stricken out by the Senate.

Is the Speaker ready to decide that the conferees have the same broad scope of amending provisions originally, with even germane amendments, that the House would have or that the Senate would have? The amendments, I repeat, must not only be germane, but they must be subject matters of dispute. This proposition, however, was agreed upon in a sense by both Houses.

The SPEAKER. The Chair would like to ask the gentleman a question. How can the gentleman make that contention, that they agreed upon it, when the Senate struck out section 6?

Mr. CRUMPACKER. I mean the qualifications of the Chief of Staff. The House declared that the law should stand as it is. The Senate struck out the whole section, leaving the law as it is. Can it be said in any proper sense, under those circumstances, that the question of the qualification of the Chief of Staff was a matter of dispute between the two Houses?

The SPEAKER. Now, is not this the truth, that part of that section simply reenacts an existing statute?

Mr. CRUMPACKER. It does not. It is declaratory of some things that are in an existing statute; but I want—

The SPEAKER. The Chair wants to get at the facts. Practically it reenacts an existing statute, and the Senate goes to work and strikes out that section, including this existing statute.

Mr. CRUMPACKER. My contention is that there is no part of the existing statute reenacted; but it declares things that are already the law, and that only the part that is reenacted is subject to amendment or open to question. It did not reenact the statute in relation to the qualifications of the Chief of Staff. That subject is not mentioned in the section at all, and therefore it was not subject to amendment. The House did not declare that the qualifications should remain as they were. Absolutely nothing is said in relation to the qualifications fixed by the act of February 14, 1903.

Now, there is another proposition I want to submit. This matter would not have been germane if it had been offered on the floor of the House.

The SPEAKER. The gentleman does not contend, does he, that the Chair must rule this thing out of order, or any part of it, simply because it could have been ruled out originally in the House on a point of order?

Mr. CRUMPACKER. Most certainly it must be germane.

The SPEAKER. Of course it must be germane. There is no dispute about that.

Mr. CRUMPACKER. And if it is germane it could have been offered in the House.

The SPEAKER. Somebody gets up and offers a proposition, or the committee itself brings in a proposition, that is subject to a point of order—a legislative proposition—and everybody sits here and lets it go through, and it goes over to the Senate, and the Senate does something or other to it, and then it goes to conference. The gentleman does not contend that we can go back now, here in the House, and take cognizance of the point of order that might have been raised against the provision at the right time, does he?

Mr. CRUMPACKER. No, indeed, Mr. Speaker. This is the situation: The House enacted section 6—

The SPEAKER. Yes.

Mr. CRUMPACKER. And the Senate struck out section 6 without substituting anything for it, and therefore the question now is as to whether this is germane to section 6. That is the proposition, and that is the point I want to discuss.

The SPEAKER. That is undoubtedly the proposition that ought to be discussed.

Mr. CRUMPACKER. I made the assertion that if this amendment had been proposed in the House it would have been ruled out on a point of order, because it is not germane to anything in the section.

Suppose a bill is brought up in the House changing the term of service of the Commissioners of the District of Columbia from four years to six years. That would affect the tenure of their service. Would it be in order to propose an amendment that no man shall be qualified for appointment originally to that office unless he be 40 years of age, has lived in the District of Columbia for 10 years, and is a taxpayer? Surely not. The subject of the tenure of office, the length of the term, and the subject of qualifications are altogether different propositions. I want to impress upon the mind of the Speaker the importance of reading analytically and critically the provisions of section 6, so as to know exactly what it contains. Then read along with it the proposition reported by the conferees. I feel an abiding confidence that the Speaker can not reach any other conclusion than that an amendment offered on the floor of the House or reported by the conferees changing the qualifications of the officer who may be detailed as Chief of Staff would not be germane. I said a moment ago that the two Houses had agreed upon that proposition.

But an amendment must not only be germane, but it must be in dispute. The House Manual and Digest, on page 279, paragraph 539, sums up the situation as follows:

The managers of a conference must confine themselves to the differences committed to them and may not include subjects not within the disagreements, even though germane to a question in issue.

They must be more than germane to the question in issue. They must be matters in dispute, matters in relation to which, in one form or another, one House or the other has taken some action. Of course, when a proposition has been disagreed to and submitted to the conferees they may report a substitute, but it must be confined to the subject matter in dispute. But when, as in this case, the entire text is struck out in the Senate, the conferees have a broad latitude in arranging matters of detail; but they can not report anything except that which pertains to

the subject matter of the original text which was put in dispute by the Senate striking it out.

I repeat that the change of qualifications is a new and substantive proposition. It has no relation to the consolidation of the departments; it has no connection with it, no bearing upon the mere matter of tenure.

A case I want to refer the Speaker to is in volume 5, Hinds' Precedents, page 727, paragraph 6419. That case arose on an omnibus war-claims bill. An omnibus bill went through the House covering a number of war claims and went to the Senate. The Senate struck out all after the enacting clause and substituted an omnibus bill of its own. That amendment was disagreed to by the House, and the subject matter went to conference; and the conferees reported, among other things, three claims that were not in the Senate bill or the House bill. It was admitted on both sides that they were germane to the bill. It was an omnibus war-claims bill, and they were the same class of claims as those embodied in it. They would have been admissible as germane amendments on the floor of the House or in the Senate. Speaker Henderson sustained the point of order to the report of the conferees, because those claims were not in dispute.

Now, on page 720, paragraph 6410, of Hinds' Precedents, at the bottom of the page, is a ruling by Speaker Reed, in which he says:

The Chair dislikes to pass upon such matters as this, but it is a well-established principle that no conference committee can introduce a new subject, one that was not in dispute between the two Houses.

The subject of qualification of an officer to be detailed as Chief of Staff is entirely a new substantive proposition. It bears no relation to the purpose of section 6; it is a new subject, one that is not in dispute between the two Houses and could not have been.

Speaker Reed continued:

And it is evident that everybody in the House realizes that this amendment which has been presented is really beyond the power of the committee of conference. That being so, and the point being made, there is no other course but to sustain the point of order, which the Chair accordingly does.

In that same paragraph is another case where a bill went through the House granting certain privileges to a railroad company, and the Senate amended it by adding two more railroad companies to enjoy the same privilege.

The House disagreed to the Senate amendment and it went to conference. The conferees agreed by striking all of them out, and a point of order was made against the report of the conferees.

Speaker Reed sustained the point of order because the subject matter of the railroad that had already enjoyed and was enjoying the privilege had been agreed to by both Houses, and it was not a subject matter in dispute. They were all connected together, the Senate agreed to leave that one in on condition that the two others should go with it. The conferees, being unable to agree, struck them all out, and Speaker Reed said that the one railroad was not in dispute. It was entirely germane to move to strike it out in the House or in the Senate. Speaker Reed said:

If we were to adopt the idea that when once the subject matter that was to control, and not the difference between the two bodies, we should be likely to enlarge the powers of the committee of conference rather beyond what was intended by the House. To the Chair it seems the point of order is well taken, and therefore the Chair sustains it.

Mr. MONDELL. Will the gentleman yield for a suggestion?

Mr. CRUMPACKER. I will.

Mr. MONDELL. Does the suggestion the gentleman refers to have any application to a case like this, where the entire subject matter agreed to by the House was stricken out and therefore everything embraced within that subject matter was before the conferees?

Mr. CRUMPACKER. Yes.

Mr. MONDELL. In the case the gentleman cites, both Houses agreed as to one matter; they had agreed to give one railway certain privileges, so there was one matter agreed upon. Clearly the conferees could not strike that out.

Mr. CRUMPACKER. There is where the gentleman is mistaken. The House put one railroad in the bill and the Senate left it in on condition that two others go with it. How were the conferees going to get together? The Senate did not propose to give up the privilege going to the two railroads if the one railroad should enjoy it, and that could only be done by striking out all the railroads. I do insist that they were connected; they were tied together. The Senate agreement to the one railroad was on condition that two others should enjoy the same privilege.

Mr. MONDELL. But no such decision could apply to a case where all the subject matter was stricken out and there was an agreement upon nothing—a complete disagreement.

Mr. CRUMPACKER. Mr. Speaker, I am using this case to illustrate the fact that even germane amendments can not be

put in a measure by conferees unless the subject matter of the amendments is in dispute. There are a number of decisions in Hinds' Precedents on the pages preceding and following the one that I have cited, but what I desire to emphasize in conclusion is the fact that the purpose and object of section 6 was to merge The Adjutant General's staff and the Inspector General's staff in the General Staff Corps, without changing the status or qualification or tenure of the General Staff Corps. That was its purpose, and the conferees reported a measure that is altogether foreign to any purpose of that kind. It does not embody it all. It departs entirely from that purpose. Every provision in section 6 originally is incidental to the purpose of merger or consolidation, and the conferees abandoned that purpose altogether and reported a new substantive proposition that had no relation to it, and one which I think I have perhaps demonstrated to the Chair was not even germane to anything in section 6. I have no doubt about it. I feel that the conferees went beyond their parliamentary power.

The SPEAKER. The Chair is ready to rule on three of these propositions. He will give gentlemen a chance to be heard on the fourth one.

Mr. KAHN. Mr. Speaker, is the Chair ready to rule on amendment 48?

The SPEAKER. The Chair is ready to rule on all of them except the one relating to water and sewers.

Mr. KAHN. That is the one I would like to be heard upon.
Mr. MONDELL. Before the Chair rules I should like to be heard briefly on the amendment just discussed by the gentleman from Indiana.

The SPEAKER. The Chair will state to the gentleman that it is superfluous.

Mr. MONDELL. I should like to be heard also on the water and sewer amendment, No. 48.

The SPEAKER. That is the one the Chair reserved and invited further argument upon. As soon as the Chair rules on the three propositions he has in mind he will hear any gentleman who desires to take one side or the other upon amendment No. 48.

On page 20 of the bill, in line 11, the House inserted a provision:

For travel allowance to enlisted men on discharge, \$900,000.

The Senate added a proviso:

Provided, That hereafter when an enlisted man who is enlisted on or before July 1, 1912, is discharged from the service, except by way of punishment for an offense, he shall be entitled to transportation in kind, etc.

All that the conferees did to that Senate amendment was, in line 1 of the amendment, after the word "man," to strike out all down to and including the comma after the word "twelve"; and those words are:

Who is enlisted on or after July 1, 1912.

All that that does is simply to broaden it, and it is not a parliamentary question. It is a question for the court to decide whether those men are entitled to the pay they otherwise would have received. The Chair therefore overrules the point of order.

On page 38 of the bill the House inserted a proviso, beginning on line 12, as follows:

Provided further, That no part of this appropriation shall be expended at any Army post which the Secretary of War has decided or may decide to abandon in the interest of the service.

The Senate struck that out. The conferees then inserted a proviso on the same subject, appointing a commission to inquire into and advise the Secretary of War, or anybody seeking information upon that subject, what Army posts should be abandoned; and the rest of the proviso is simply detail thereof. It has been repeatedly held—I do not know by how many Speakers, but by more than one—that in a case like that, where there is no departure from the subject matter—and the subject matter in this case is the abandonment of Army posts, and the reciting of 25 Army posts was simply a detail—a commission might be appointed. The Chair calls attention to one case where a bill was brought in providing for the construction of a public road. The conferees changed that so as to appoint a commission for a survey of the public road. That was held to be in order. The subject matter of this amendment or proposition is the abandonment of Army posts. The matter that the conferees put into it is simply a detailed arrangement of how to get at abandoning the Army posts.

The Chair therefore overrules that point of order.

The next point of order is the one made to section 6, which treats of the consolidation of the establishments of The Adjutant General, the Inspector General, and the Chief of Staff. It is a very long section. It fixes the term, among other things, of the Chief of Staff. It fixes the length of recess, if the Chair

may be permitted to use that term, that any man who holds that position shall take from that office.

It may be that it is simply the reenactment of an existing statute; if it is not, it is very close to it. Now, it treats of the subject of the General Staff and the Chief of Staff. The Chair has nothing to do, as the Chair stated to the gentleman from Indiana [Mr. CRUMPACKER], with the motives or quarrels that have been going on in the War Department about the Chief of Staff and several other things. It does not make any difference how it got in, and it does not make any difference, so far as the parliamentary situation is concerned, as to the effect of it on individuals. The only question is whether this matter, inserted by the conference committee, is germane to the proposition touching the Chief of Staff. The Chair thinks it is, and the point of order is overruled.

Now, the Chair will hear any gentleman who believes that the matter which the conference committee inserted in lieu of amendment 48 is germane and ought to stay in the bill, but does not care to hear anybody else on the other side unless in rebuttal.

Mr. MONDELL. Mr. Speaker, the paragraph to which the proviso stricken out as amendment No. 48 is attached provides for procuring and introducing water to buildings and premises at such military posts and stations as from their situation require it to be brought from a distance; for the disposal of sewage, and so on and so forth. Now, the proviso which was stricken out, in lieu of which the language in controversy was inserted, provides that no part of this appropriation shall be expended for permanent improvements at, among other posts, Fort D. A. Russell. The subject matter therefore of the language stricken out is permanent improvements at Fort D. A. Russell, and therefore in striking out that provision prohibiting the expenditure of any money for permanent improvements the conferees were within their authority when they inserted a provision for the purpose, after condemnation if necessary, of purchasing certain tracts of land for maneuvering of troops and other military purposes. It has been suggested that purchase of land does not constitute a permanent improvement, but I think it is hardly necessary to argue that matter with the Chair.

The SPEAKER. The Chair will ask the gentleman this question: Suppose the gentleman owned 15 feet of land down here somewhere on some street, and he wanted to build a house that would cover 20 feet. Does the gentleman believe that buying a strip 5 feet wide could be construed as an improvement of that 15 feet?

Mr. MONDELL. I think so. It certainly would improve the property, for anything that is done that tends to its improvement is an improvement of the property. The purchase of an additional strip might be necessary to make possible any permanent improvement. If the Government owned a tract of land in the center of which was some privately-owned property, it might very well be that the Government would hesitate to proceed with the permanent improvement of that property by the erection of buildings or otherwise until it had acquired title to the land which it did not own. It might be an entirely necessary and essential thing to be done in connection with the permanent improvement of the property.

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

Mr. MONDELL. I will be glad to do so.

Mr. LONGWORTH. Will the gentleman make this distinction. Suppose the proviso instead of saying "this appropriation" had said "of the appropriation for the above-named purposes," would the gentleman draw the distinction whether that could be said to be a permanent improvement?

Mr. MONDELL. If the Chair will permit further discussion along the line of the question asked by the gentleman from Ohio I will be glad to answer, but assuming now for the sake of argument the subject matter of the provision stricken out is "expenditures for permanent improvements at Fort Russell," the question is raised as to whether the purchase of land is a permanent improvement. I think unquestionably so. In this particular case the Government has a very large reservation, between six and eight thousand acres of the original reservation and some 50,000 or 60,000 acres of the adjacent reservation from which the post receives its water supply, and it is essential in the improvement of this post and its water supply that the Government acquire all privately owned lands within the boundaries.

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

Mr. MONDELL. I will be glad to do so.

Mr. KAHN. The gentleman will note the language of the proviso says:

That no part of this appropriation shall be expended for permanent improvements at any of the following-named posts.

Now, does not the language "permanent improvements" refer back to the heading of the item "water and sewers at military posts"?

Mr. MONDELL. If the gentleman will allow me—

Mr. KAHN. Is not that the question?

Mr. MONDELL. I propose to discuss that, if the Chair will allow me, a little later; but for the present my argument is that the subject matter of the language stricken out is permanent improvements at this and other military posts and no other, and therefore the committee was within its rights when it provided for permanent improvements, to wit, purchase of some land necessary for the enjoyment by the Government of its property and necessary to its enjoyment of the water system on which it has expended several hundred thousands of dollars.

The acquisition of the remaining small tracts is an essential part of the permanent improvement of the Government's property. So much for that.

Now, it has been contended that inasmuch as the section to which this proviso was attached relates to certain specific expenditures or expenditures for specific purposes, the improvements must be improvements in line with the provisions of the section. Taking that view of it, the conferees were still within their authority, and I call the Chair's attention, as having an important bearing on this subject, to the Army appropriation bill of last year, in which this same section, containing the same language, also contains a provision almost identical with this and for the same purpose.

The section down to the proviso is in the identical language of the section now under consideration, and is in part as follows:

That not to exceed \$100,000 of this sum may be used for the improvement and protection of the water supply and for the improvement of the grounds of the Fort D. A. Russell Target and Maneuver Reservation, Wyo., and that from the sum hereby appropriated the Secretary of War is authorized, in his discretion, to acquire, by purchase or condemnation proceedings, certain tracts of land required for the maneuvering of troops and other military purposes.

Following that language is another proviso to the same section providing for the purchase under this appropriation of a quarter section of land located on Dead Mans Creek, S. Dak., adjacent, I presume, to Fort Meade, S. Dak. So, in the same section of the Army bill of last year, written in the identical language that we have now before us is the proviso for the expenditure of \$100,000 for this same purpose and for the purchase of land on Dead Mans Creek. The practice, therefore, has been to make the sort of purchases provided by the conference report under this section.

Mr. KAHN. Will the gentleman yield? Was there any point of order against that language last year?

Mr. MONDELL. I do not know as to that. But let me say further, Mr. Speaker, that while the language added by the conferees does not refer to the tract of land proposed to be purchased as land necessary for water supply, the fact is, and I assume that fact was known by the conferees, that the land proposed to be purchased is necessary to the water supply of Fort D. A. Russell, because it is a part of the watershed of Fort D. A. Russell. It refers to the same areas the purchase of which was provided for in last year's bill. So, if we place the narrowest construction on this proviso, to wit, that it must be expended for the purposes of water supply at posts where it is necessary to bring the water from a distance—that is the language, and it applies to Fort D. A. Russell—then the provision inserted by the conferees is in order because it provides for the purchase of a tract necessary for the protection of the water supply of Fort D. A. Russell. That must have been understood by the conferees, because a similar provision was carried in the bill last year under the same heading and for the same purpose. It is true that the words "for maneuvering" are used, but the words "for other military purposes" are also used, and "other military purposes" may well include and do include a water supply. By a necessary implication in this connection they must mean water supply else the provision would not have been inserted by the conferees. The tracts proposed to be purchased are on the watershed of Fort D. A. Russell. It is a part of the land from which the fort receives its supply of water through its extensive water system. There is no other place in the bill where this provision would be germane or, if there be any such place, there is no other part of the bill in which this amendment would be as clearly in line with the purposes of the appropriation, following as it does past precedents and following the provisions contained in the bill of last year. So, from whatever standpoint you view it, whether the subject matter under consideration by the conferees had to do with permanent improvements, in which case this clearly comes within the

rule, or whether you view it from the narrower construction that it must be an improvement, having to do with water supply, in either event the conferees were within their right and acted within their authority in bringing in a provision of this sort.

Mr. SAUNDERS and Mr. UNDERWOOD rose.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] is recognized.

Mr. UNDERWOOD. Mr. Speaker, the question that is presented to the Chair of course is a parliamentary proposition. The Chair must decide according to the rules and precedents of the House. I would not occupy the time of the Chair if I did not feel that it was of some great importance that this bill should not go back to conference unnecessarily if it could be prevented, as the fiscal year is approaching when this money must be available for the use of the Army.

The question involved is whether the conferees have exceeded their authority or not. That can be the only question that the Chair has to pass upon. The House in this appropriation added a proviso to the provision that had been carried in the bill for many years, providing that no part of this appropriation shall be expended for permanent improvements at certain forts, and, among others, at Fort D. A. Russell. Now, the question is, and I think, Mr. Speaker, the whole question hinges upon it. What was meant by the words "for permanent improvements"—whether the House intended to use the words "for permanent improvements" in order to limit them to permanent improvements in the paragraph preceding, or any other permanent improvements?

The SPEAKER. The gentleman can dismiss one part of the contention from his mind. The Chair does not believe that the words "permanent improvements" in the proviso are intended to limit the preceding part of that paragraph.

Mr. UNDERWOOD. The position I intended to take is the position which the Chair has just announced. That being the case, Mr. Speaker, it brings the question down to a very simple proposition. The words "permanent improvements" not applying to the preceding paragraph, the language of the proviso simply states that none of the money available in the paragraph above shall be available in the permanent improvements at Fort D. A. Russell. It prohibits the use of it. Now, when the Senate knocked that out, so far as this proviso is concerned, it left that money available for any improvement at Fort D. A. Russell, so far as the proviso is concerned. Then the conferees, that being the issue between them—whether there should be a prohibition against using this money for permanent improvements, or whether there should be no limitation, as provided by the Senate amendment—the conferees agreed upon a provision which, leaving out the surplus words, reads as follows:

That not exceeding \$1,000 of the sum herein appropriated * * * may be expended * * * in the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes at Fort D. A. Russell.

Now, what is the effect? The House put an absolute limitation upon the expenditure of this money not only at Fort D. A. Russell, but also at a number of other forts. The Senate struck out any limitation as to the expenditure of the money. The conferees agree that there shall be a limitation at Fort D. A. Russell; that only \$1,000 may be expended for certain purposes, leaving no limitation as to the other forts.

Therefore I say that that being the case, the words "permanent improvements" not being limited by the preceding portion of the section, it leaves the question as to whether there shall be any limitation or no limitation; and between those points it was within the power of the conferees to fix a specific limitation at Fort D. A. Russell and leave it without limitation at the other forts. That clearly comes within the terms of the power of the conferees.

Mr. MANN and Mr. KAHN rose.

The SPEAKER. To whom does the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Suppose the Senate amendment should be disagreed to entirely and not go into the bill. Could this money be expended for the purpose named in the conference report?

Mr. UNDERWOOD. I did not go into that argument, because I agreed with the Speaker when the Speaker announced that this language is independent of the language of the preceding section.

Mr. MANN. I take it that the point of difference between the two Houses must be on account of the Senate amendments, and that the conference must come within the difference.

The SPEAKER. The Chair would like the gentleman to state the first proposition again.

Mr. MANN. The point of difference must be on account of the Senate amendments. The conference authority must come within the points of difference. Suppose the Senate amendment is entirely disagreed to and goes out, so that there is no point of difference. Could this money have been expended for the purpose named in the conference report? That is the final test.

Mr. UNDERWOOD. No; I do not think the gentleman is right about that; because—suppose the House had written into this bill a new proviso. The gentleman says "the Senate amendment." The Chair presumes he refers to the House proviso.

Mr. MANN. I refer to the Senate amendment striking out the House proviso.

The SPEAKER. The Senate amended it by striking it out.

Mr. UNDERWOOD. There was no affirmative legislation, of course, in the Senate amendment.

Mr. MANN. But the point of difference between the two Houses is based upon the action of the Senate striking out a limitation. Now, supposing the Senate amendment were entirely disagreed to, could this money have been expended for the purpose named in the conference report?

The SPEAKER. The Chair will ask the gentleman a question: What did the House put that proviso in there for?

Mr. MANN. I went over that. They put it in there for the purpose of limiting the expenditure of the money.

The SPEAKER. Now, if they could not have done what you are inquiring of the gentleman from Alabama whether they could do or not—if that proviso had not been put in by the House—what was the sense in putting in the proviso?

Mr. MANN. Of course, if the proviso had not been put in, it is perfectly plain that the unexpended balance of an appropriation not referred to in this bill at all could not have been expended for this purpose or any other purpose. That could not have been in controversy or a matter of difference between the two Houses.

The SPEAKER. Then what did the House put that proviso in for?

Mr. MANN. For the purpose of preventing the money appropriated in this bill being expended for permanent improvements, or, as I think, for permanent improvements in relation to water and sewers at this post.

Mr. KAHN. At these posts.

Mr. MANN. It certainly did not relate to any other appropriation.

Mr. KAHN. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. KAHN. The War Department had sent to the House the names of a number of forts that it proposed to abandon, and the House, as I understand it, decided that none of this money for water and sewers should be expended in permanent improvements for water and sewers at any of these posts, and therefore put in that language.

Mr. UNDERWOOD. I think the gentleman is not entirely right on that question.

Mr. KAHN. I think that was the purpose of the House.

The SPEAKER. The only question in this thing is this: Within reasonable construction does this amount to an improvement?

Mr. UNDERWOOD. Mr. Speaker, the question is this as I understand it: The proposition has been pending before the House that certain forts should be abandoned. The House put in a proviso here to prohibit the expenditure of any further money in permanent improvements at those posts.

The SPEAKER. Yes; and we all understand perfectly well—that this is not a parliamentary proposition I am going to lay down—that that proviso was put into that bill as a kind of step toward abandoning a lot of what are considered by various persons to be useless posts.

Mr. UNDERWOOD. Absolutely. It was not put there for the purpose of limiting the specific appropriation above, but it was put there for the purpose of preventing any more money being expended at those posts. Now, the Senate would not agree to that.

Mr. KAHN. Will the gentleman allow me right there?

Mr. UNDERWOOD. Let me finish my sentence, please. The Senate would not agree to that. They would not agree that no more money should be spent at these posts. Now, the question before the two Houses in controversy was the issue on the one side by the House that no more money should be spent in permanent improvements at those posts—Fort D. A. Russell, among others—and by the Senate that that limitation should not be placed there. The conferees met at a common point between the two points at issue and put a limitation on the expenditure at Fort D. A. Russell.

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

Mr. UNDERWOOD. Yes.

Mr. LONGWORTH. Suppose this proviso had never been put in. Does the gentleman believe any money could have been spent at Fort D. A. Russell for any other improvement except one specifically provided?

Mr. UNDERWOOD. That is not the issue; the proviso was put in, it is in here, and it was put in clearly not for the purpose of making a limitation on this paragraph, but was put in for the purpose of preventing in the future—

Mr. LONGWORTH. But the committee says specifically, "This appropriation for water and sewers at military posts." It uses the word "this," and therefore is not a limitation generally, but a limitation on this specific appropriation. Now, then, does the gentleman from Alabama think that if that proviso was not in the bill any portion of this appropriation could be spent at Fort D. A. Russell or any other fort not specifically authorized? It seems to me that is the real point.

Mr. UNDERWOOD. That question is not in issue and is not the one I was discussing. The Speaker had already agreed to the proposition about permanent improvements—that it did not refer to the preceding paragraph. But I will say to the gentleman that this proviso above provides that the money may be spent for repairs to the water and sewer system. The provision that is put in here clearly is connected up with the water and sewer system, and it says it is for other military purposes. The fact that it says it can be used for maneuver purposes and other purposes does not disconnect it for the purpose provided in the last appropriation bill. But take the point of view of the gentleman from Ohio. If that was the point of view of the committee and the House had when it wrote this provision, it was clearly to prevent the use of the money in this bill for that specific purpose of broadening the appropriation that already exists. This is only carrying out the existing law, and that was the issue between the two Houses. The House said it should not be used to continue the work and the Senate said it should, and they agree on the point between the two questions in conference; that is, they left all the other forts out, and they provided for the specific limitation in reference to the expenditure of money at Fort D. A. Russell.

Mr. LONGWORTH. The gentleman justifies his position, then, on the theory that this was a permanent improvement for the purpose of adding to the water supply or increasing the water supply at Fort D. A. Russell, when the language says "the purchase of certain tracts of land for maneuver of troops or other military purposes"?

Mr. UNDERWOOD. There is no question but that this is a permanent improvement.

Mr. MANN. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. MANN. Does the gentleman think that under this language in the bill and the Senate amendment that the conferees would have been authorized to increase the amount of the appropriation?

Mr. UNDERWOOD. I do not think the question of increasing the amount of the appropriation was in controversy or is involved here at all.

Mr. MANN. The Senate amendment strikes out the provision that no part of this appropriation shall be expended for certain purposes. If that is to be restored by conference, would they have authority at the same time to make an additional appropriation for that purpose, because that is what they have done?

Mr. UNDERWOOD. They have merely made a limitation on the appropriation that is already to be expended, so far as the appropriation is concerned.

Mr. MANN. Oh, no; they have added to the amount of money.

Mr. HAY. The conferees did not add anything.

Mr. MANN. I beg the gentleman's pardon, the conferees have added to the amount of money.

Mr. HAY. How?

Mr. MANN. Because they say, "together with the unexpended balance heretofore appropriated."

Mr. LONGWORTH. And how much does that involve?

Mr. MANN. About \$15,000; but the amount does not make any difference. Here is the limitation on this appropriation. Can the conferees increase the amount of the appropriation?

Mr. HAY. They do not increase the amount of the appropriation.

Mr. MANN. But they do; the gentleman is mistaken. We do not differ as to the facts, but they increase the amount of the appropriation by reappropriating the unexpended balance.

Mr. HAY. We reappropriate the unexpended balance, but we do not increase the amount appropriated.

Mr. MANN. The conferees did not increase the sum carried in the bill because that was not in disagreement, but they increased the amount appropriated because they reappropriated money not available for the next fiscal year.

Mr. MONDELL. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. MONDELL. The House amendment was a prohibition against the use of the appropriation for permanent improvements at this place. That clearly put in conference the question as to whether the moneys could be used for permanent improvements at that post. There was a certain unexpended balance heretofore appropriated for permanent improvements, and having in disagreement the question of permanent improvements, it was clearly within the authority of the conferees to provide that permanent improvements could and should be made of the unexpended balance.

Mr. UNDERWOOD. Mr. Speaker, I agree with the gentleman. I think the real issue before the two Houses was as to whether permanent improvements should be continued at those forts. The House took one position and the Senate another. If the House provision had been agreed to, there could have been no continuation of permanent improvements there. Striking it out, there can be. The real issue between the conferees was the question of the continuation of permanent improvements. The balance was an incident to it. The conferees came to a compromise between the two positions and stated a limitation, that the permanent improvements could be made at Fort D. A. Russell, and it seems to me that this provision is with that limitation when you take the view of the situation from the standpoint of what the House was desiring to accomplish and what the Senate intended to negative.

Mr. COOPER. Mr. Speaker, as has been aptly said by the gentleman from Alabama [Mr. UNDERWOOD], this whole question turns upon the proper construction to be given to the words "permanent improvements" found in this bill. But I disagree entirely with the argument of the gentleman on this point.

It is a fundamental rule of statutory construction familiar to every Member of the House that in making laws legislators are supposed to use words in the sense in which they are commonly understood. Now, the gentleman contends that the words "permanent improvements" when applied to real estate include not only the making of permanent improvements on that real estate but include also the buying of other real estate. That is, if a man owns a piece of land, he makes "permanent improvements" on it when he buys another piece of land. Can it be seriously contended that that is the sense in which the words "permanent improvements" are commonly understood and used? Not at all. I undertake to say that never before in this House has such a contention been made.

If a farmer buys 160 acres of land of the Government, does he put permanent improvements upon it by simply buying an additional 40 acres? No. He enlarges the size of his purchase, but he has made no permanent improvements. That statement clearly shows the sense in which we always understand the words "permanent improvements" when referring to real estate, and that is the exact sense in which the House used these words in referring to permanent improvements at Fort Russell.

A permanent improvement upon real estate is something erected upon, or done to, that real estate itself. It is not another piece of land bought near it, and nobody ever so understood the words until the defenders of this conference report undertook here to maintain that sort of construction.

Let me put this question to gentlemen: Suppose a farmer owns 160 acres of land upon which there is a mortgage of \$2,000. He goes to the mortgagee and asks for \$2,000 more, saying that he wants it to use in making permanent improvements on his farm. The mortgagee looks at him and says, "Are you going to dig ditches?" "No." "Do you want the money to put in tiling?" "No." "Do you want it to put up a brick silo or any other kind of a silo?" "No." "Do you want it to improve your house?" "No." "Or to build a barn and corn cribs?" "No." "Or to put in electric lights or water works or to construct a sewer?" "No." "Then what permanent improvements do you propose to put on your 160 acres?" "Why, I propose to buy another 40 acres." The mortgagee looks at him and says, "Well, you may call that an improvement, but does it add to my security on the 160 acres which you say you are improving?"

This illustration absolutely refutes the construction put upon the words "permanent improvements" by the defenders of the conference report. No Member of the House, when the bill passed this body, understood the words "permanent improve-

ments" to include a possible purchase of more land at Fort Russell.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman yield for a question?

Mr. COOPER. Certainly.

Mr. UNDERWOOD. The gentleman states a case, but I would like to state another case and ask him if it does not apply equally well. Suppose the gentleman is the owner of a cotton mill, and his cotton mill covers the whole area of the land that he owns. Suppose he puts a mortgage upon it for permanent improvements in order to build a new cotton mill. Is not the buying of the land adjacent to his property an incident to the permanent improvement that he is going to put on the property?

Mr. COOPER. No; the buying of other land is not in any sense an improvement put upon my first cotton mill nor upon my first area of real estate.

Mr. UNDERWOOD. If you have a sewage system and you have to have additional grounds for the sewer pipe or a drain pipe, is it not necessary as a permanent improvement to Fort D. A. Russell to extend the ground so that you can properly take care of your sewage and buy an additional tract?

Mr. COOPER. No. It might be advisable to buy additional ground in such case, but that is not the question here. The question is whether the words "permanent improvements" when applied to land means the mere purchase of more land. No Member of the House had the slightest idea of giving those words such a meaning at the time the bill went through the House.

The preceding section of the bill, on page 44, provides that no portion of the appropriation in that section for roads, walks, walls, and drainage should be expended at any of the posts mentioned, including Fort Russell; and the next section, that no part of this appropriation for water and sewers should be expended at any of the enumerated posts, including Fort Russell. The proviso to that section provides that no permanent improvements at Fort Russell shall be paid for out of that money. Nobody on this floor understood "permanent improvements" at Fort Russell could possibly mean the buying of additional acres of land.

Mr. MONDELL. Now, will the gentleman yield for a question?

Mr. COOPER. Yes.

Mr. MONDELL. Does not the gentleman consider that it would be an improvement to that watershed, and therefore the post's water supply, to buy a small tract of privately owned lands within the land owned by the Government? That is what is proposed.

Mr. COOPER. I am saying that this language ought to be construed as the House meant it to be understood. When this bill went through the House, the House knew the object of this section and of the previous section was to get rid of these Army posts, including Fort Russell, and therefore that they should not be permanently improved. Of course, no one pretended that the Committee on Military Affairs wished to enlarge the area at Fort Russell at the very time it was advocating that the fort be done away with. Gentlemen on the other side urged we should get rid of these Army posts.

Of course, while refusing to make appropriations for sidewalks or for electric lights or waterworks or sewers or anything of a similar nature at Fort Russell, the House did not expect that any money would be used to enlarge the area there for maneuvering purposes. I understand that at Fort Russell there is abundant land for maneuvering purposes. I understood the gentlemen who argued for this House provision when it first came up here, the chairman of the committee himself, to state that he desired to get rid of Fort Russell. Nobody thought of any enlargement of the area there. I knew nothing about Fort Russell. But every man on that side of the aisle who had contended for the House provision said that this fort was not needed, that it involved a useless expenditure by the Government, and ought to be abandoned, and yet it is contended here now that by using the words "permanent improvements" the House authorized the use of money to enlarge the area of a fort which it was trying to get rid of.

Mr. KAHN. Will the gentleman permit a question?

Mr. COOPER. Certainly.

Mr. KAHN. This bill enlarges the area of that fort in another section, on page 48 of the bill, under the item "Shooting galleries and ranges," where this proviso is put in:

That of this amount the sum of \$3,450, or so much thereof as may be necessary, is made immediately available for the purchase of additional land adjoining the military reservation of Fort D. A. Russell, Wyo., for use in connection with the rifle range, \$93,366.

Now, that proviso is in its proper place—that is, for shooting galleries and ranges—but this provision that we are now considering is in here under the heading of "Sewers and water supply" and has no part in that specific appropriation.

Mr. HAY. Mr. Speaker, I call the attention of the Chair to the fact the provision just read by the gentleman from California applies to a piece of land for the purpose of target practice, and so forth, at Fort Russell, but does not apply to the water supply, whereas the matter under discussion applies to a part of the military service that has to do with this water supply.

The SPEAKER. The Chair would like to ask the gentleman from California a question in connection with the language he has read, and that is, if that is not rather contradicting and running counter to the argument of the gentleman from Wisconsin, just delivered, that the House had made up its mind that it was not going to increase the possessions of Fort D. A. Russell?

Mr. KAHN. Well, that may be; but the fact of the matter is this item for the purchase of additional land for a target range is provided for in its proper place in the bill under the caption of "Shooting galleries and ranges."

The SPEAKER. The Chair knows; but if the House had made up its mind it was not going to put any more money on Fort D. A. Russell for permanent improvements, would it have put in the clause which the gentleman is talking about?

Mr. KAHN. Well, this was done by the House and the Senate, I presume. Of course the suggestion of abolishing Fort D. A. Russell came from the War Department originally and was agreed to by the House, and the Senate never did agree to it.

The SPEAKER. The Chair will hear the gentleman from Virginia [Mr. SAUNDERS] briefly.

Mr. SAUNDERS. The Chair has indicated that he would like to hear from those gentlemen who believe that this amendment is germane and in order. Firmly believing both propositions, I wish to submit a brief argument in support of them. The substance of the rule as to conference committees, is that the managers must confine themselves to the matters in controversy submitted to them. Having this in mind, they may report new matter within the theme discussed, provided the new matter would be germane to the House bill, or Senate amendment. This is the working principle. Now for the application of the same to the proposition in hand. There are two or three grounds, Mr. Speaker, on which this amendment may be sustained. The House proviso declares that no part of an indicated appropriation shall be expended on improvements on Fort D. A. Russell. It would certainly have been germane to this proviso to have added an amendment to the same to the effect that \$1,000 of this appropriation should be expended on improvements at Fort Russell.

No point of order could have been raised against this amendment on any ground, much less on the ground that it was not germane. Suppose in addition this amendment had contained a description of what this improvement should be. The amendment would still be germane, this description not affecting the quality of germaneness. Suppose in addition the amendment provided that certain sums in addition to the \$1,000 should be included in the appropriation for improvements at Fort Russell. The amendment would still be germane. It is obvious that the objection, if any, to the amendment would be on the ground that it was new legislation in part, and not that it was not germane. But the point of order can not now be raised in the pending situation. Provided that the amendment proposed by the conferees would have been germane to the House bill, it is a matter of no consequence whether if offered in the House to the original bill, it would have been subject to some other parliamentary objection. Provided it would have been germane, the provision is now in order. Suppose we carry the illustration a little further. The recommendation of the conferees in part is as follows:

That \$1,000 of the sum herein appropriated shall be expended by the Secretary of War in his discretion for the acquirement by purchase, or through condemnation proceedings, of certain tracts required for the maneuvering of troops and other military purposes.

The question is raised whether maneuvering grounds are permanent improvements? I think it is a sound proposition that in determining what is a permanent improvement, reference must be had to the purpose for which the subject matter is to be used. Obviously the tract of land for maneuvering purposes would not be a permanent improvement of a tract used for private or high school purposes. But does this objection hold when we have in mind that the ground to be acquired is to be used for purely military purposes in connection with a fort, or

post, and is needed for that purpose. The addition of this ground for this purpose increases the utility of the post for military ends, it so effectuates, and carries out the purpose for which a post in part is created and established, that it may be fairly and properly called an improvement.

But Mr. Speaker, this is not all. As I said, if the amendment which provides for the permanent improvement should define in the body of the amendment what those permanent improvements should be, no objection could be raised on the ground that this amendment was not germane?

It may be objectionable on other parliamentary grounds, but as we have seen these objections can not be raised at this time. The sole inquiry proper to be made by the Chair, with respect to the recommendation of the conferees is, Would it have been germane, if offered to the House proviso?

May I put this matter to the Chair in another way? The House bill provides that no money should be spent on permanent improvements at Fort Russell. A germane amendment could have provided for spending money on improvements at Fort Russell. The inquiry would then have been made, What are the improvements in contemplation? And the answer would have been, any permanent improvements contemplated by the general law or the preceding language of the section. If the general law provided that land could be purchased for a maneuver ground, and considered an improvement, then undoubtedly the money appropriated for Fort Russell by the amendment would have been available for the purchase of maneuver grounds. But if there was no general law, and the amendment itself in substance, provided for maneuver grounds as a permanent improvement, it would have been germane and if not otherwise objected to, would have authorized the appropriation.

The recommendation of the conferees does in substance what the foregoing hypothetical amendment would have done, it supplies the authority that the general law would have afforded, had such a law existed, and is therefore within the authority of the conferees, and in order. Further it is stated that the ground to be acquired is as a matter of fact water-bearing ground, and on the authority of the preceding language of the paragraph, the acquisition of this land could be justified. The securing of water may be either the purchase of water rights, or water-bearing ground, that might in addition be available for maneuver and other military purposes.

Another proposition not to be forgotten in this discussion is that the thing in issue, in controversy, is the whole proviso that was eliminated by the Senate.

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

The SPEAKER. Does the gentleman yield?

Mr. SAUNDERS. No. The Chair cautioned me to be brief and I am afraid I have already exceeded that caution.

The SPEAKER. Does the gentleman yield?

Mr. SAUNDERS. No; I do not yield. I have not the time.

Another element proper for consideration, as suggested by one of the gentlemen in argument, is that the real purpose of the House proviso was not to expend any money at the posts indicated, while the recommendation of the conferees is to spend some money at one post. From this viewpoint the recommendation related to the real matter in controversy, the substance of the situation, and was intended to bring the two Houses to an agreement.

I disagree with those gentlemen who undertake to say that these conference reports must be strictly construed. On the contrary, they should be liberally construed, to the end that differences being removed, the Houses may be brought together, and legislation should be enacted. So that from various points of view, Mr. Speaker, I submit that this particular proposition is within the parliamentary precedents, and is, as I said before, germane, parliamentary, and proper to be considered by this body.

Mr. COOPER. Mr. Speaker, will the Speaker permit me a moment?

The SPEAKER. The gentleman from Wisconsin is recognized.

Mr. COOPER. In my judgment, to justify such a construction of the words "permanent improvements" as is put upon them by the gentleman from Virginia [Mr. HAY], the bill should in express terms appropriate a sum of money to construct a sewer on the Fort D. A. Russell Reservation and also to purchase such additional land as may be necessary for the completion of the sewer. But never should the mere words "permanent improvements" be construed to authorize not only the construction of a sewer on certain land, but also the purchase of additional land. Such a construction involves a plain perversion of the meaning of the words "permanent improvements."

The SPEAKER. The reason why the Chair invited argument upon this amendment is that day before yesterday, when the gentleman from Illinois [Mr. PRINCE] made his points of order, he very kindly, at the suggestion of the Chair, furnished the Chair with a copy, and the Chair had Judge Crisp, parliamentary secretary, hunt up the authorities and examine them. The Chair had formed somewhat of a general opinion, not fixed, but subject to revision, on the points of order suggested by the gentleman from Illinois [Mr. PRINCE]; but this one, the most difficult of all of them, the gentleman from Illinois had not noted before, and it came on the Chair unexpectedly.

The gentleman from Illinois [Mr. PRINCE] and Members holding his views have argued the question elaborately, and the truth is that the reason why the Chair invited gentlemen on the other side to argue it is that the Chair was very much inclined at that time to hold with the gentleman from Illinois, and did not need any more instruction from that point of view. Now the whole matter has been argued elaborately.

The paragraph over which this controversy arises is sub-headed "Water and sewers at military posts."

The proviso which the House put in is as follows:

That no part of this appropriation shall be expended for permanent improvements at any of the following-named Army posts.

Here follows a list of 25 Army posts, including Fort D. A. Russell. The Senate struck out the proviso, the gist of which is "permanent improvements." The conferees inserted the following words in lieu of the proviso:

Provided, That not exceeding \$1,000 of the sum herein appropriated, together with the unexpended balance, which is hereby reappropriated, of the appropriation in the Army appropriation act approved March 3, 1911, for the improvement of the Crow Creek or Fort D. A. Russell target and maneuver reservation, Wyoming, may be expended by the Secretary of War, in his discretion, in the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops, and other military purposes, lying within the limits of the aforesaid reservation.

There are two general rules governing conferences. The first is that conferees can not inject into a bill an absolutely new subject, and the second is that what they do inject into a bill must be germane. The view of the Chair is that in the ordinary construction of language this proviso is separated entirely from the preceding part of this section. The paragraph is headed, "Water and sewerage at military posts." It treats of that. Then comes the proviso, "That no part of this appropriation shall be expended for permanent improvements at any of the following-named Army posts."

That introduces a brand new subject, namely, permanent improvements. We have knowledge that what the House was trying to do, or preparing the way to do, was to get rid of these 25 posts. That was the view of the House. The bill went over to the Senate, and the Senate struck out that whole proviso. Some of us know, I think, how it came to be stricken out. Of course, it is not the business of the Chair to comment on the Senate or any Senator thereof, but when you consider what was put in at last, it does not require a very difficult process of reasoning to find out how it happened to be put in. The House conferees had to agree to this proposition made by the Senate conferees, otherwise there would have been no agreement in conference.

During the time that this exceedingly interesting debate has been going on, various gentlemen have suggested various things and cited various authorities. So far as the Chair has been able to ascertain, the authorities he is going to read now seem to be very nearly in point, and these authorities have largely influenced his opinion.

In the second session of the Fifty-eighth Congress (RECORD, pp. 410-411; JOURNAL, pp. 423-424) Mr. Speaker CANNON delivered a very elaborate opinion, and here is the rule which he laid down:

It is true that if the whole paragraph in the bill as it passed the House had been stricken out—

And that part of it is exactly what happened in this case—
and a substitute therefor proposed by the Senate—

That did not happen—

or if the Senate had stricken out the paragraph without proposing a substitute, and the House had agreed to the amendments of the Senate, then the conferees might have had jurisdiction touching the whole matter and might have agreed upon any provision that would have been germane.

That is the general rule, as Speaker CANNON laid it down, and it fits this case. Then in section 6422 of Hinds' Precedents—this is Speaker Carlisle's decision. On August 3, 1886, the House had under consideration the report of the committee of conference on the river and harbor bill. Mr. William M.

Springer, of Illinois, made the point of order that the conferees had included new matter in their report—the Speaker ruled:

The House passed a bill to provide for the improvement of rivers and harbors and making an appropriation for that purpose. That bill was sent to the Senate, where it was amended by striking out all after the enacting clause—

Now, that is exactly the same state of case as Mr. Speaker CANNON passed on—

and inserting a different proposition in some respects, but a proposition having the same object in view. When that came back to the House it was treated, and properly so, as one single amendment and not as a series of amendments, as was contended for by some gentlemen on the floor at the time.

It was nonconcurring in by the House, and a conference was appointed upon the disagreeing votes of the two Houses. That conference committee having met, reports back the Senate amendment as a single amendment with various amendments, and recommends that it be concurred in with the other amendments which the committee has incorporated in its report. The question, therefore, is not whether the provisions to which the gentleman from Illinois alludes are germane to the original bill as it passed the House, but whether they are germane to the Senate amendment which the House had under consideration and which was referred to the committee of conference. If germane to that amendment, the point of order can not be sustained on the ground claimed by the gentleman from Illinois. The Chair thinks they are germane to the Senate amendment, for, though different from the provisions contained in the Senate amendment, they relate to the same subject, and therefore the Chair overrules the point of order.

And in a case almost parallel to this the gentleman from Alabama [Mr. UNDERWOOD] raised the point of order that the conferees had exceeded their authority, and Mr. Speaker Henderson overruled that point of order in an elaborate decision.

During this debate it has been discovered that on the sundry civil bill approved March 3, 1911, in the closing days of the Sixty-first Congress, the House agreed to a bill in which the following language is contained:

Water and sewers at military posts: For procuring and introducing water to buildings and premises at such military posts and stations as from their situation require it to be brought from a distance.

That is the very same subject that this disputed paragraph is about—

For the purchase and repair of fire apparatus; for the disposal of sewage; for repairs to water and sewer systems and for hire of employees, \$2,250,903.27: *Provided*, That not to exceed \$100,000 of this sum may be used for the improvement and protection of the water supply and for the improvement of the grounds of the Fort D. A. Russell target and maneuver reservation, Wyoming—

Nearly the same item that is being discussed here to-day—

and that from the sum hereby appropriated the Secretary of War is authorized, in his discretion, to acquire by purchase or condemnation proceedings certain tracts of land required for the maneuvering of troops and other military purposes, lying within the limits of the aforesaid reservation.

And so on. The Chair does not remember, although he was present at the time, whether the point of order was raised against that or not; but if it was not raised against it, all of us sat here and let it go through without any objection whatever.

Mr. PRINCE. May I be permitted—

The SPEAKER. Judge Crisp informs me that this provision was put on by the Senate.

Mr. MANN. There could have been no point of order raised against it here, if it was a Senate amendment.

Mr. PRINCE. It was put on by the Senate, and we could not raise the point of order. But let me suggest this to the Speaker, that in what he has read there is a specific mention of water supply, but in the amendment under discussion there is no mention of water. This amendment that I am contending is not in order reads as follows:

In lieu of the matter proposed in said amendment insert the following: *Provided*, That not exceeding \$1,000 of the sum herein appropriated, together with the unexpended balance, which is hereby reappropriated, of the appropriation in the Army appropriation act approved March 3, 1911, for the improvement of the Crow Creek or Fort D. A. Russell target and maneuver reservation, Wyoming, may be expended by the Secretary of War, in his discretion, in the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes, lying within the limits of the aforesaid reservation.

What the Chair read did specifically mention water supplies which would be proper under water and sewer military purposes, but there is no word of water mentioned in this amendment, which I contend is not in order.

The SPEAKER. The Chair is certainly of the opinion that the first part of this paragraph, down to the proviso, contained one proposition, and the proviso contained an entirely different proposition. While it is a close question, and while it is a very liberal construction, it seems to the Chair that under all the circumstances the point of order ought to be overruled, and it is accordingly overruled.

Mr. HAY. Mr. Speaker, I would like to ask the gentleman from Illinois if he desires any time on the report.

Mr. PRINCE. Mr. Speaker, I have had a number of requests for time on this side and I do not see how I can get along with less than one hour on this side of the House. I am making it as short as I can.

Mr. HAY. Mr. Speaker, I ask unanimous consent that debate on the conference report may continue for two hours, at the end of which time the previous question shall be considered as ordered, and that one half of the time be controlled by the gentleman from Illinois [Mr. PRINCE] and the other half by myself.

The SPEAKER. The gentleman from Virginia asks unanimous consent that debate on the conference report shall be limited to two hours, one half to be controlled by himself and the other half by the gentleman from Illinois [Mr. PRINCE]; at the expiration of that time the previous question shall be considered as ordered.

Mr. PRINCE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PRINCE. If that proposition obtains, would we be permitted to have a separate vote on some of the propositions?

The SPEAKER. No; the conference report is to be voted upon as a whole.

Mr. PRINCE. That was my understanding, but several Members thought they were entitled to a separate vote.

The SPEAKER. As far as the Chair knows the ruling has been continuous and universal that conference reports must be accepted or rejected as a whole. Is there objection to the request of the gentleman from Virginia to limit and divide the time and at the end of two hours the previous question shall be considered as ordered? [After a pause.] The Chair hears none.

Mr. HAY. Mr. Speaker, I desire to call attention to the provisions in this conference report as briefly as I can, to correct some misapprehension and misstatements which have been made by the newspapers with regard to the provisions of this Army bill. As the bill passed the House it appropriated \$87,770,000 for the support of the Army for the next year. As it passed the Senate it appropriated \$95,314,710, being an increase of \$7,537,000 over the House bill.

The Senate receded from items amounting to \$4,600,148, and the bill as it stands now carries \$90,654,000, being \$1,933,000 less than the amount of the bill carried last year.

I think it can be fairly stated that the House succeeded very well in its conference on this bill so far as the appropriation part of it was concerned.

The bill also carried when it went from the House various legislative provisions. It has been stated by the newspapers, inspired from what source I do not know, that this bill was revolutionary in its character, and that the legislative provisions in the bill were destructive to the efficiency of the Army. I say, without fear of contradiction from any man either here or in the Army, that the bill does not carry a single revolutionary provision, and that it carries provisions that have been recommended by Secretaries of War and by Presidents of the United States for the last 25 years, including the present Secretary of War and the present President of the United States.

It carries a provision providing for the consolidation of the Quartermaster's, the Commissary, and the Paymaster's Departments of the Army. It carries a provision providing for a service corps, both of which have been repeatedly asked for by the War Department. It carries a provision for four years' enlistment in the Army. The bill as it left the House provided for a five-year term of enlistment. That was opposed by the War Department and the Senate struck that provision out of the bill. When that came into conference we agreed upon four years, because it appeared that the enlistments in the Navy are for four years, the enlistments in the Marine Corps are for four years, and we saw no reason why the enlistments in the Army should not be four years so as to make all the services for the same term.

Much has been said of what this bill does to certain corps in the Army. It is stated in an editorial in a morning paper that this bill destroys the efficiency of the Panama Canal organization under Col. Goethals. There is not a word of truth in that statement. There is not a line in this bill which affects the Engineer Corps of the Army in any possible way. The same statement was made in the Washington Herald of yesterday morning, as coming from an officer in the General Staff of the Army. The officer who made that statement and the man who made the statement in the editorial in the paper of this morning were ignorant of what they were talking about, and the

officer does not deserve to be an officer of the United States Army.

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

The SPEAKER pro tempore (Mr. SIMS). Does the gentleman from Virginia yield to the gentleman from Pennsylvania?

Mr. HAY. Certainly.

Mr. BUTLER. Then there is not anything in this measure as it is pending here which will remove any of those officials who have been useful to Col. Goethals on the Isthmian Canal?

Mr. HAY. There is not a thing that will remove a single Engineer officer. There may be some captains of the Commissary Department on the Isthmus whose places will be taken by some other captains.

Mr. BUTLER. But none of the Engineer officers?

Mr. HAY. Not one of them.

Mr. MONDELL. Mr. Speaker, does the gentleman know who is responsible for the promulgation of these lies in regard to this measure?

Mr. HAY. I do not know, I will say to the gentleman, and therefore I would not like to make a statement. It is also stated in this editorial that this bill disorganizes the General Staff and makes it impossible to carry on the work of the War College.

The bill, as a matter of fact, does reduce the number of General Staff officers, but it does not affect in any way the Army War College. The Army War College and the General Staff are not the same organization. The War College is a college where officers instruct other officers of the Army, and the officers are detailed there just as they are detailed for duty in other branches of the service. The General Staff has nothing to do with the Army War College except that the General Staff has had so many officers on duty here who had nothing else to do that they had been sent down to the War College to be instructed or to instruct.

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

Mr. HAY. Certainly.

Mr. MONDELL. Those same officers could be detailed to the War College, even though the General Staff were reduced?

Mr. HAY. Undoubtedly. The details to the War College are details from the Army-at large and not from the General Staff.

Mr. MONDELL. And are entirely independent of any changes in the General Staff?

Mr. HAY. Entirely so. The editorial further says that this bill takes from the President and the Secretary of War and the War Department the direction of the general military policy of the Government and places it in the hands of a number of retired officers. Of course, that refers to this commission created in this bill to go into the question of Army posts and to decide what Army posts shall be abandoned and what shall be built up, and whether this concentration of Army posts shall take place. It must be recognized by everybody who is at all familiar with Army matters that it is necessary for this House, in order to intelligently legislate upon this question of Army posts, to have some expert opinion from somebody who knows something about it.

It has been the history of Army recommendations in the past that one Secretary of War recommends one thing and another Secretary of War recommends another, one Chief of Staff is in favor of one policy and another Chief of Staff is in favor of another. What we desired to do by the appointment of this commission was to get from these retired Army officers, who would be uninfluenced from any source because their Army career is ended, who will not be under the influence either of the War Department or of Members of Congress who might aid them in their career, a fair statement of this question as to what would be the best policy for Congress to pursue. We wanted to get their advice and the benefit of their knowledge in order that this House and the Senate together might map out a policy and carry it out, and not be subject to the changing opinions of Secretaries of War and Chiefs of Staff.

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

Mr. HAY. Certainly.

Mr. FOCHT. I would like to have the gentleman's opinion in regard to section 5, whether under the provisions here Gen. Wood, Chief of Staff, would not be retired on next March and could not be again returned to the same position?

Mr. HAY. I would state to the gentleman that under the provision to which he has referred Gen. Wood will cease to be Chief of Staff on the 5th day of next March.

And I want to state in connection with this amendment, which seems to have caused a great deal of comment, that it was put in this bill because the conferees believed that it was good general legislation. It was not intended to be aimed at any

individual. It was because it was thought that a man who was Chief of Staff should have had some experience in the line as a commissioned officer with troops and not be some one who never had had that experience. Much has been said about Col. Goethals and Gen. Crozier not being able under this provision to be Chief of Staff. I want to point out to this House that under the law as it stands neither Col. Goethals nor Gen. Crozier are eligible to be Chief of Staff. They would have to be promoted to the line of the Army either as brigadier or major general before they could be made Chief of Staff under the law as it now stands, and I have never heard it suggested that men who are in these specialized corps, like the Engineer and Ordnance, should be made Chief of Staff. It was never intended that they should be Chief of Staff. The very staff act itself provides that a Chief of Staff shall be taken from officers in the Army at large and not from these specialized corps, and this provision as it is written does not interfere with the President selecting in time of war anybody he pleases for his Chief of Staff. Nobody can deny the proposition that the Chief of Staff of the Army occupies a position in which he ought to have a large experience of all branches of the Army, experience which can only be had by some man who has served with troops and who is familiar with all the different branches, particularly the line of the Army. He supervises, although he does not command, the various departments in the War Department.

Mr. MARTIN of Colorado. Will the gentleman permit an interruption?

Mr. HAY. Certainly.

Mr. MARTIN of Colorado. If the gentleman did not want to legislate Gen. Wood out of this office, why did not he do what would have been a very simple thing to have done, and that is put in a proviso that it should not affect any general officer now or heretofore occupying the position of Chief of Staff?

Mr. HAY. I will say to the gentleman that in the preparation of this provision, which I prepared myself and for which I take the responsibility, it did not come into my mind as to whether or not it would affect this, that, or the other man, but I prepared it with a view of obtaining hereafter as Chief of Staff of the Army men who had had the necessary experience. [Applause.]

Mr. MARTIN of Colorado. Will the gentleman permit another question?

Mr. HAY. Oh, yes.

Mr. MARTIN of Colorado. Does the gentleman mean to say that he absolutely originated this proposition himself?

Mr. HAY. I certainly do.

Mr. MARTIN of Colorado. And never consulted with anybody or had any advice or assistance or any suggestion about the matter?

Mr. HAY. I certainly do; and I may say to the gentleman that in asking a question of that sort he is stepping a little beyond the bounds of propriety when I just stated I originated the proposition and that I drew the proposition and that I am responsible for it, if there is any responsibility attaching to doing what I have always tried to do ever since I have been on this committee, and that is to do something for the benefit of the Army. [Applause.]

Mr. MARTIN of Colorado. Will the gentleman permit me to further interrupt him?

Mr. HAY. Oh, yes.

Mr. MARTIN of Colorado. The gentleman has also stated to me he originated the proviso with reference to the commission that is to determine what is to be done with these Army posts and that he named the commissioners therein.

Mr. HAY. I did.

Mr. MARTIN of Colorado. I want to say to him instead of putting these men in, if he had just named one of his fellow conferees as a commissioner the result would not be any different, so far as certain recommendations are concerned, from what it will be as it is, and the gentleman will ascertain that fact before he is many months older.

Mr. HAY. Well, I do not regard that as asking me any question.

Mr. MARTIN of Colorado. But I think the gentleman understands it perfectly.

Mr. HAY. Mr. Speaker, I will state to the gentleman, so far as I know—of course I do not know who is to be appointed by the Vice President as members of this committee, nor do I know who will be appointed by the Speaker—

Mr. MARTIN of Colorado. I do not either, but I will tell you what they will do after they are appointed.

Mr. HAY. Well, the gentleman is a prophet, and is far above all the rest of us in knowledge as to what is going to happen in the future.

Mr. KAHN. Will the gentleman yield?

Mr. HAY. Yes.

Mr. KAHN. I was called out for a moment, and I did not hear the entire controversy. Do I understand the gentleman to say he is responsible for the naming of this commission in the bill?

Mr. HAY. I did so state, in connection with the gentleman from Texas [Mr. SLAYDEN], the other Democratic conferee. I drew the amendment providing for the commission to examine into these posts, and the officers are named as they appear in this bill.

Mr. KAHN. Did the gentleman know that three of these officers named by him made a report in the Fifty-seventh Congress respecting various Army posts?

Mr. HAY. I did not until after the conference report had been agreed upon, and then I had my attention called to the fact that three of these men named on this commission had made a recommendation with regard to Army posts, but I do not think that those three men—Gen. Young, I believe, Gen. MacArthur, and Gen. Randall—would feel that they are bound by that report, as the conditions under which they acted then are not the same as they are now.

Mr. MARTIN of Colorado. How about Humphrey?

Mr. HAY. Well, how about Humphrey?

Mr. MARTIN of Colorado. He is agent of the Powder Trust.

Mr. HAY. Does that make him a dishonest man? I want to say for Gen. Humphrey that he is all right, and as able and as honest a man as there is in this country, and because he happens to represent a powder company or anything else does not disqualify him from doing his duty as an honest man when it is devolved upon him by Congress.

Mr. COOPER. One of the conferees, the Senator from Delaware, is a member of the Powder Trust.

Mr. MANN. I do not want my colleague to understand—

Mr. HAY. The gentleman from Wisconsin [Mr. COOPER] knows it is out of order for him to call the name of a Senator on this floor, and I will say to him that he ought to know, if he does not know, that the Senator from Delaware has no part in the powder company.

Mr. COOPER. I will say to the gentleman from Virginia that I do not know that it is out of order to make a mention of a Senator on the floor, and I will do it whenever I wish.

Mr. HAY. I said in such a connection.

Mr. KAHN. I did not want the House to understand that I desire to impugn the honesty or integrity of any of these gentlemen. But I want to call the attention of the gentleman to this, that three of the commissioners named in this report did pass upon this question. They have made a report, and that report is one of the published documents of this House.

Mr. ANTHONY. Will the gentleman permit me to make a statement right there?

Mr. KAHN. Certainly.

Mr. ANTHONY. In addition to what the gentleman from California has said, they also served on a commission to select a camp of instruction.

Mr. KAHN. Has the gentleman read the report?

Mr. ANTHONY. I have not.

Mr. KAHN. If he will read their report he will find they went fully into the subject of Army posts.

Mr. SLAYDEN. I just wanted to interrupt the gentleman from Virginia [Mr. HAY] a moment or two. Some statements have been flung about recklessly in speaking the names of the gentlemen who are upon this commission to advise with Congress with reference to the policy of maintaining military stations. I was consulted, and I dare say other gentlemen were consulted about that matter. The purpose of everyone seems to be to find gentlemen of experience in the military service who could advise best on the knowledge of the requirements of the situation, and also, if possible, to find gentlemen who were so far removed from current, Government, or political life that the recommendation, when it came to Congress, would receive respectful attention. I was asked if I could suggest the names of gentlemen measuring up with that standard of fitness. I happened to have a personal acquaintance with one man who served for more than 40 years in the Army, beginning his service as an enlisted man, as I believe, in 1861, and serving almost continuously with the line of the Army. Almost all his long military career was with troops. He finally reached the rank of major general on retirement. He is a man of excellent character, and a citizen of the State of Indiana. I selected his name because I believed him in every way qualified and suitable for the work. Certainly gentlemen of such eminence as these, ranging in rank from lieutenant general to major general on the retired list, can not be suspected of having ulterior motives.

Mr. RUCKER of Colorado. Is it not also true, in the selection of these generals whose names have been mentioned, that

the committee had also in view the fact that each of them had served at one or the other of these military posts, and therefore were qualified to act in that capacity?

Mr. SLAYDEN. I dare say that most of them have served in the greater part of those posts, because they are all old Indian fighters and were in the Army for more than 40 years, I think, every one of them. Yes; it was their peculiar qualifications for the place that suggested their names.

Mr. BUTLER. Will the gentleman permit me to ask him a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. HAY. Yes.

Mr. BUTLER. Is this one of the officers who joined in the report mentioned?

Mr. HAY. No, sir; he is not.

Now, Mr. Speaker, I have said all I care to say at this time, except that under the provisions of this bill there will be ultimately saved, in my judgment, at least \$10,000,000 a year in the Military Establishment; and there can be no question as to the fact that the bill is one that deserves the support of every Member of this House. I reserve the balance of my time.

Mr. SMALL. Mr. Speaker, will the gentleman kindly state to what extent officers in the department of the Commissary General are affected, as I understand, by Senate amendment No. 71, as agreed upon by the conferees?

Mr. HAY. I will say to the gentleman that the officers in the Commissary Department are not affected by the consolidation at all. If the consolidation had never taken place, they would get the same promotion now that they would get after the consolidation has taken place. However, there are some officers of the Commissary Department who will not have the same relative rank as they would have had if this consolidation had not taken place, and for that reason the conferees undertook, in the section dealing with the consolidation of these corps, to provide that they should have such relative rank; but by a clerical error the Army Register of 1912 was inserted instead of that of 1911, and the two committees propose, if possible, to have that corrected on the Military Academy bill.

Mr. SMALL. May I ask the gentleman if there is any legislative difficulty in correcting that clerical error in the future?

Mr. HAY. I think none in the world.

Mr. SMALL. In what way does the gentleman propose to correct it?

Mr. HAY. As I said, on the Military Academy bill.

Now, Mr. Speaker, I reserve the balance of my time.

Mr. PRINCE. Mr. Speaker, I yield 15 minutes to the gentleman from Wisconsin [Mr. COOPER].

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. COOPER] is recognized for 15 minutes.

Mr. COOPER. Mr. Speaker, in view of what has been often printed about Gen. Wood and said about him to-day, I propose myself to say a word concerning him and his record as a man and soldier. I do this without his knowledge, nor is there anybody who knows of my intention. I do it simply because I deem it the duty of somebody to place the facts in the record of the House, where all the people may read them and learn the truth about a man who has served the Nation so well.

In all my experience in public life I have never known a man to be more maliciously misrepresented than has been Gen. Leonard Wood since his return from Cuba at the close of his superb administration of the affairs of that island. An officer of the United States Army repeated to me yesterday what he said to me 3 or 4 years ago and first told me 10 or 12 years ago. Gen. Wood was in this city on a visit from Cuba. During that visit of Gen. Wood this officer of the United States Army said to me: "I heard a Senator"—and he mentioned his name—"I heard a Senator say to Gen. Wood to-day, 'What are you going to do with Rathbone in Cuba?' Said Gen. Wood, 'Senator, I shall prosecute him if he is guilty of crime.' The Senator replied, 'You prosecute him, and you will never get further than captain in the Regular Army.'"

Gentlemen will remember the prosecution and conviction, and I need not remind them of the persistent attacks to which Gen. Wood has been subjected.

In answer to all these I shall read only from the official records of the War Department. Under date of September 9, 1886, is a letter from Gen. Henry W. Lawton, killed in battle in the Philippines, one of the bravest soldiers and noblest spirits the Union Army ever knew.

"(ASM 814 AGO '87. Copy.)

"EN ROUTE TO FORT MARION, FLA.,

"September 9, 1886.

"SIR: I have the honor to submit the following report of operations against Geronimo's and Natchez's bands of hostile Indians

made by the command organized in compliance with the following order:

* * * * *
 "On the 6th of July, 1886, * * * Asst. Surg. Wood was, at his own request, given command of the Infantry."
 * * * * *

"I desire to particularly invite the attention of the department commander to Asst. Surg. Leonard Wood, the only officer who has been with me through the whole campaign. His courage, energy, and loyal support during the whole time; his encouraging example to the command, when work was the hardest and prospects darkest; his thorough confidence and belief in the final success of the expedition, and his untiring efforts to make it so has placed me under obligations so great that I can not even express them. * * *

"H. W. LAWTON,
 "Captain, Fourth Cavalry."

"A true copy.

"FRANK R. MCCOY, *Aid-de-Camp.*"

Here is another letter from Gen. Lawton:

"INSPECTOR GENERAL'S OFFICE,
 "LOS ANGELES, CAL.,
 "May 13, 1894."

"Gen. N. A. MILES.

"MY DEAR GENERAL: I inclose a letter just received from Dr. Wood, which will explain itself. When the question of brevets for Indian service was being considered at the War Department, soon after the passage of the act authorizing them, I personally interested myself in behalf of those officers who served under my immediate command, and who had been mentioned for distinguished services in my report; but was met with the argument that the law contemplated only those who were distinguished under fire, or in 'fire action.' I took some pains to look up authorities to show that such a construction was narrow and impracticable, as well as not contemplated by the law. I availed nothing, and at that time the names of none of those who took part in the capture of Geronimo were on the list. Concerning Dr. Leonard Wood, I can only repeat what I have before reported officially, and what I have said to you; that his services during that trying campaign were of the highest order. I speak particularly of services other than those devolving upon him as a medical officer; services as a combatant or line officer, voluntarily performed. He sought the most difficult and dangerous work, and by his determination and courage rendered a successful issue of the campaign possible. Voluntarily commanding the Infantry detachment, there being no other officer present available, he uncomplainingly endured great personal inconvenience and physical suffering, that his example might encourage those under his charge. While I hope every officer mentioned will receive some official recognition, and believe that it is impossible for any to deserve it more, there are none who should be considered before Dr. Leonard Wood.

"Very respectfully,

"H. W. LAWTON,
 "Lieutenant Colonel, Inspector General."

"A true copy:

"FRANK R. MCCOY, *Aid-de-Camp.*"

Here is a letter from that splendid soldier, Gen. Nelson A. Miles:

"Copy of an indorsement recommending that a brevet be conferred upon Capt. Leonard Wood, assistant surgeon:

"HEADQUARTERS DEPARTMENT OF THE EAST,
 "GOVERNORS ISLAND, N. Y.,
 "February 5, 1895."

"Respectfully forwarded.

"The inclosed letter from Col. Lawton was duly received, but at the time there were objections to granting brevets to some officers that I had recommended, and I delayed sending these papers forward, hoping that I should be able to go to Washington and personally lay the matter before the authorities.

"I now most earnestly renew the recommendation, calling especial attention to the letter of Col. Lawton, which describes one of the most laborious, persistent, and heroic campaigns in which men were ever engaged, and the fact that Capt. Leonard Wood, assistant surgeon, volunteered to perform the extraordinary hazardous and dangerous service is creditable to him in the highest degree. For his gallantry on the 13th July in the surprise and capture of Geronimo's camp, I recommend that he be brevetted for his services on that date.

"NELSON A. MILES,
 "Major General."

"A true copy.

"FRANK R. MCCOY,
 "Aid-de-Camp."

Another letter from Gen. Lawton:

"(Copy.)

"WAR DEPARTMENT,
 "INSPECTOR GENERAL'S OFFICE,
 "Washington, April 15, 1898."

"To his excellency, ROGER WOLCOTT,

"Governor Commonwealth of Massachusetts.

"SIR: Respectfully but earnestly I desire to call your attention to Capt. Leonard Wood, United States Army, a citizen of Massachusetts. Capt. Wood graduated at Harvard University and later from Harvard Medical College, entering the military service of the United States as an assistant surgeon soon after. It is not, however, of his services as a medical officer that I desire to speak. In his profession he has risen to the highest eminence, having the respect and confidence of the most distinguished personages of the country, including the President of the United States, being at the present time attending physician for himself and family. Almost immediately after joining the military service Capt. Wood was assigned to a command organized to pursue and capture or destroy the band of renegade Apaches commanded by the noted chief and warrior Geronimo, who had been terrorizing and devastating the southern portions of Arizona and New Mexico and northern Sonora, Mexico. I had the honor to command this expedition under the immediate direction of Gen. Miles. Capt. Wood, then acting assistant surgeon, developed during this tedious and dangerous campaign (pronounced by the general commanding 'the most remarkable in the history of the United States Army') the strongest elements of soldierly instincts. When through exposure and fatigue the Infantry battalion lost its last officer Capt. Wood volunteered to command it, in addition to his duties as a surgeon."

Listen to these words from one of the bravest of the brave:

"In this duty Capt. Wood distinguished himself most. His courage, endurance, and example made success possible. I served through the War of the Rebellion and in many battles but in no instance do I remember such devotion to duty or such an example of courage and perseverance. It was mainly due to Capt. Wood's loyalty and resolution that the expedition was successful. This acknowledgment was made by the commanding officer in his official report of the campaign, was approved by the general commanding, and Capt. Wood was awarded a medal of honor by Congress as a tribute to his services. Since then Capt. Wood has been conspicuous for gallant and intelligent, faithful services. Now that a war seems imminent, Capt. Wood has determined to leave for the time his professional duties and take service with the fighting line as a soldier proper, and it is in this connection that I desire to recommend him to you as a competent and valuable soldier with field experience. He will be a credit to his State in any capacity of soldierly duty; the higher the position to which he may be appointed the greater will be his value. His connection with the service has prevented him from associating himself with the organized militia of your State, but he is such a valuable man that his State can ill afford to lose his services.

"I make my statement from personal knowledge of the man, both as an inspector and for a time in the field his commanding officer.

"Very respectfully,
 H. W. LAWTON,
 "Lieutenant Colonel, Inspector General,
 "United States Army."

"A true copy.

"FRANK R. MCCOY,
 "Aid-de-Camp."

Lawton says that in all the War of the Rebellion he does not remember such devotion to duty, courage, and perseverance as was exhibited by Gen. Wood. Here is a letter from Gen. Alger:

("File No. A. G. O. 7694. Subject: Medal of honor.)

"WAR DEPARTMENT,
 "Washington, March 29, 1898."

"DR. LEONARD WOOD,

"Captain, United States Army Dispensary,
 "Washington, D. C."

"SIR: You are hereby notified that by direction of the President and under the provisions of the act of Congress, approved March 3, 1863, a congressional medal of honor has this day been presented to you for most distinguished gallantry, the following being a statement of the particular service, viz:

"Throughout the campaign against the hostile Apaches in the summer of 1886, this officer, then assistant surgeon and serving as a medical officer with Capt. Lawton's expedition, rendered specially courageous and able services involving ex-

treme peril and display of most conspicuous gallantry under conditions of great danger, hardship, and privation. He volunteered to carry dispatches through a region infested with hostile Indians, making a journey of 70 miles in one night, and then marching 30 miles on foot the next day. For several weeks, while in close pursuit of Geronimo's band and constantly expecting an encounter, Asst. Surg. Wood exercised the command of a detachment of Infantry to which he requested assignment and that was then without an officer.

"The medal will be forwarded to you by registered mail as soon as it shall have been engraved.

"Respectfully,

"R. A. ALGER,

"Secretary of War.

"A true copy.

"C. F. HUMPHREYS,

"Lieutenant Colonel, Deputy Quartermaster General.

"A true copy.

"FRANK R. MCCOY,

"Aid-de-Camp."

I quote from a letter from a famous fighter, Gen. George A. Forsythe, the intimate personal friend of Gen. Philip A. Sheridan. Who could ask for more convincing praise than this?

"722 TWENTIETH STREET NW.,

"Washington, D. C., April 9, 1898.

"TO THE GOVERNOR OF MASSACHUSETTS.

"SIR: I am informed that Capt. Leonard Wood, assistant surgeon, United States Army, is, or will be, an applicant for an appointment as colonel of one of the Volunteer regiments that, in case of war with Spain, it is expected will be called for from your State.

"Capt. Wood served with me on the frontier of Arizona and New Mexico a number of years ago. I have known him well for the past 10 years, and I regard him as one of the very best soldiers I know. I therefore recommend him strongly, in fact most urgently, for the position he seeks. In that capacity he will do honor to his State and prove a credit to the Nation. He has all the sound judgment, good sense, executive ability, experience, and courage requisite to make him one of the very best and safest colonels in the Army. If you see fit to make him a colonel, you will never have occasion to regret your action.

"I am, Governor, very respectfully,

"Your obedient servant,

"GEO. A. FORSYTHE,

"Brevet Brigadier General, United States Army.

"A true copy.

"FRANK R. MCCOY,

"Aid-de-Camp."

Here is what Brig. Gen. Graham says about him:

"HEADQUARTERS DEPARTMENT OF THE GULF,

"Atlanta, Ga., April 10, 1898.

"TO HIS EXCELLENCY,

"THE GOVERNOR OF MASSACHUSETTS,

"Boston, Mass.

"SIR: Learning that Capt. Leonard Wood, assistant surgeon, United States Army, is desirous of exercising the command of a regiment from his State in case of the mobilization of Massachusetts troops in the near future, I have the honor to commend to your excellency's favorable notice this meritorious officer. I have known Capt. Wood intimately since 1889. During four years of that period he served under my command. I consider him one of the most promising officers of our Army and believe him to be thoroughly well equipped to exercise the command of a regiment.

"With a high sense of honor in all the obligations of life, he is the most conscientious and zealous officer in the discharge of duty.

"His physique is superb; his mental qualifications of the highest order.

"I am, sir, with great respect,

"Your excellency's most obedient servant,

"WM. MONTROSE GRAHAM,

"Brigadier General, United States Army.

"A true copy.

"FRANK R. MCCOY,

"Aid-de-Camp."

Next is a letter from Gen. Miles to the governor of Massachusetts, in which he refers to the very exceptional services

of Capt. Wood in the terrible campaign against Geronimo and the Apaches:

"HEADQUARTERS OF THE ARMY,

"Washington, D. C., April 15, 1898.

"TO HIS EXCELLENCY

"THE GOVERNOR OF MASSACHUSETTS,

"Boston, Mass.

"SIR: I have the honor to recommend to your favorable notice Capt. Leonard Wood, United States Army. This officer served in the field under my command for several months during the terrible campaign against the Apache Indians under Geronimo. He is one of the most enterprising, intelligent, fearless officers in the service, and competent to fulfill the duties of a field officer, and I earnestly recommend him for such appointment in one of the regiments that may be organized in my native State.

"Very respectfully,

"NELSON A. MILES,

"Major General, Commanding United States Army.

"A true copy.

"FRANK R. MCCOY,

"Aid-de-Camp."

Another letter from Gen. Alger:

"WAR DEPARTMENT,

"OFFICE OF THE SECRETARY,

"Washington, April 16, 1898.

"GOV. ROGER WOLCOTT,

"Boston, Mass.

"MY DEAR GOVERNOR: It is with more than common pleasure to me to give to Capt. Leonard Wood, of the United States Army, a letter of recommendation to you. Capt. Wood is especially gifted for the command of men; he is a man of great ability and courage, and his experience in the Indian wars, and bringing with that experience the entire confidence of the Army, confirms all his friends, of whom I am glad to be one, claim for him.

"If, in the trouble that seems to be threatening us, and the furnishing of troops from your Commonwealth, you can grant to the captain a commission, you will give to the Army a most valuable man. I am,

"Yours, very truly,

"R. A. ALGER,

"Secretary of War.

"A true copy.

"FRANK R. MCCOY,

"Aid-de-Camp."

"WASHINGTON, D. C., April 19, 1898.

"TO HIS EXCELLENCY

"THE GOVERNOR OF MASSACHUSETTS.

"DEAR SIR: It gives me great pleasure to state that I have known Capt. Leonard Wood, United States Army, personally and by reputation for several years. He is a man of excellent character and marked ability in every respect. He would be an excellent man in the event of war to have command of Volunteers, and I most earnestly recommend him for such appointment from his State, of which you have the honor to be governor.

"Capt. Wood is what is known as a 'medal-of-honor man,' having won his medal by most ably leading a command of troops when all of its officers had been disabled in one of the hardest and severest campaigns known to the country in Indian warfare.

"Should you appoint him you will find that he will do you credit and honor your State and the United States in case the opportunity comes to his command.

"Very respectfully,

"J. O. GILMORE,

"Lieutenant Colonel, Assistant Adjutant General.

"A true copy.

"FRANK R. MCCOY,

"Aid-de-Camp."

"WAR DEPARTMENT,

"ADJUTANT GENERAL'S OFFICE,

"Washington, April 23, 1898.

"HON. ROGER WOLCOTT,

"Governor of Massachusetts, Boston, Mass.

"SIR: I have the honor to invite the attention of your excellency to the merits of Capt. Leonard Wood, United States Army, who desires an appointment as colonel of a Massachusetts volunteer regiment. Capt. Wood has had more than 12 years' service as a commissioned officer in the Regular Army, and the fact that he has seen arduous service on the frontier

is shown by the medal of honor which he received for conspicuous gallantry in action. He is a man of powerful physique, great intellectuality, and high professional attainments. I can not too highly commend him to the favorable consideration of your excellency.

"Very respectfully,

"ARTHUR L. WAGNER,
"Assistant Adjutant General.

"A true copy.

"FRANK R. McCOY,
"Aid-de-Camp."

"WAR DEPARTMENT,
"Washington, April 28, 1898.

"Capt. Leonard Wood, assistant surgeon, United States Army, is hereby authorized to raise and organize under the second proviso of section 6 of the act approved April 22, 1898, entitled 'An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes,' a regiment of volunteers possessing special qualifications as horsemen and marksmen, to be designated as the First Regiment of United States Volunteer Cavalry, under the rules and regulations prescribed by the War Department.

"R. A. ALGER, Secretary of War.

"A true copy.

"FRANK R. McCOY,
"Aid-de-Camp."

I ask gentlemen from across the aisle to listen to what I am about to read. It is dated Santiago de Cuba, January 26, 1898:

"GEN. WHEELER'S REPORT.¹

"HEADQUARTERS CAVALRY DIVISION,
"Camp 6½ miles east of Santiago de Cuba, June 26, 1898.

"ADJUTANT GENERAL,
"Fifth Army Corps, S. S. Seguridad.

"SIR: * * * Col. Wood's regiment was on the extreme left of the line, and too far distant for me to be a personal witness of the individual conduct of his officers and men, but the magnificent and brave work done by his regiment under the lead of Col. Wood testifies to his courage and skill. The energy and determination of this officer has been marked from the moment he reported to me at Tampa, Fla., and I have abundant evidence of his brave and good conduct on the field, and I recommend him for consideration of the Government.

"Very respectfully,

"JOS. WHEELER,
"Major General, United States Volunteers, Commanding."

Gen. Wheeler was an ex-Confederate general, and it is said of him that he never was so happy as when wearing the uniform of the United States in the Cuban campaign.

"HEADQUARTERS SECOND CAVALRY BRIGADE,²
"Camp near Santiago de Cuba, Cuba, June 29, 1898.

"THE ADJUTANT GENERAL,
"Cavalry Division.

"SIR: * * * I can not speak too highly of the efficient manner in which Col. Wood handled his regiment, and of his magnificent behavior on the field. The conduct of Lieut. Col. Roosevelt, as reported to me by my two aids, deserves my highest commendation. Both Col. Wood and Lieut. Col. Roosevelt disdained to take advantage of shelter or cover from the enemy's fire while any of their men remained exposed to it—an error of judgment, but happily on the heroic side. I beg leave to repeat that the behavior of all men of the regular and volunteer forces engaged in this action was simply superb, and I feel highly honored in the command of such troops.

"Very respectfully,

"S. B. M. YOUNG,
"Brigadier General, United States Volunteers,
"Commanding.

I append these additional letters, and to them call especial attention. My time has nearly expired, and I can not stop to read them:

"OFFICIAL TELEGRAM.

(Annual Report of the Major General Commanding the Army,
1898, p. 578.)

"JULY 4, 1898.

"Gen. MILES,
"Washington, D. C.:

"* * * The turning movement by Gen. Chaffee, terminating in an assault, and the tenacity of Gen. Ludlow were pos-

¹Annual Report of the Major General Commanding the Army, 1898, p. 163.

²Idem, p. 333.

sibly the features of the movements at Caney under Gen. Lawton, where the artillery ultimately was brought up to within 500 yards, as it was also at San Juan, where Col. Wood, who commanded the First Volunteer Cavalry at the Seville fight, was commanding a brigade, and his command here, as before, experienced some of the fiercest fighting, and the charge of Gen. Hawkins and the conduct of Gen. Kent's division displayed gallantry equal to that of the Cavalry.

"BRECKENRIDGE,
"Major General, Volunteers."

(Correspondence relating to the War with Spain, Apr. 15, 1898—
July 30, 1902, Vol. I, p. 104.)

"PLAYA DEL ESTE, July 7, 1898.

"HON. R. A. ALGER,
"Secretary of War, Washington:

"In absence of full reports I can not at this time make all recommendations for promotion I would like to, but the following officers were so conspicuous for bravery and handled their troops so well I desire to recommend them for promotion: Brig. Gens. Hawkins, Lawton, Chaffee, and Bates to be major generals; Col. Wood and Lieut. Col. McKibbin to be brigadier generals.

"W. R. SHAFTER,
"Major General, Commanding."

(Correspondence relating to the War with Spain, Apr. 15, 1898—
July 30, 1902, Vol. I, p. 116.)

"ADJUTANT'S GENERAL'S OFFICE,
"Washington, July 9, 1898—2.10 p. m.

"Maj. Gen. SHAFTER,
"Playa del Este, Cuba:

"I am instructed by the Secretary of War to inform you that the following promotions have been made among the officers serving with you, to date from yesterday: Kent, Young, Bates, Chaffee, Lawton, Hawkins, to be major generals; Wood, McKibbin, and Carroll, to be brigadier generals. Inform them and extend to each the congratulations of the Secretary of War and myself.

"H. C. CORBIN,
"Adjutant General."

(Correspondence relating to the War with Spain, Apr. 15, 1898—
July 30, 1902, Vol. I, p. 203.)

"SANTIAGO, VIA HAITI,
"August 4, 1898—4.17 p. m.

"ADJUTANT GENERAL, UNITED STATES ARMY,
"Washington:

"* * * I think Gen. Wood is by far the best man to leave in command of this post, and perhaps of the whole district. If he is not to have the entire command, I would suggest Lawton as the only other man there in every way equipped for the position. * * *

"SHAFTER,
"Major General."

(Correspondence relating to the War with Spain, Apr. 15, 1898—
July 30, 1902, Vol. I, p. 206.)

"SANTIAGO, VIA HAITI,
"August 6, 1898—6.42 p. m.

"ADJUTANT GENERAL, UNITED STATES ARMY,
"Washington:

"Have consulted Lawton about staying. He desires very much to do so. Will forward his letter by first mail. Wood also is perfectly willing to stay. They are the two best men in the Army here. There should be three brigadiers, one for the town, Gen. Wood, and one for each brigade. Young and active men should be sent. Suggest that the third battalion of Roosevelt's regiment be sent here and that the horses of the four troops of the Second Cavalry be left for their use. * * *

"SHAFTER,
"Major General."

"ADJUTANT GENERAL'S OFFICE,
"Washington, August 11, 1898—12.15 a. m.

"Gen. SHAFTER,
"Santiago:

"The following order issued to-day:

"By direction of the President a geographical military department is hereby established, to be known as the department of Santiago, to consist of all that part of the island of Cuba and the islands and keys adjacent and belonging thereto as have or may hereafter come under the control of the United States.

The headquarters of the department will be established in the city of Santiago.

"Maj. Gen. Henry W. Lawton, United States Volunteers, is hereby assigned to the command of the Department of Santiago.

"Brig. Gens. Leonard Wood and Ezra P. Ewers, United States Volunteers, will report to Maj. Gen. Henry W. Lawton, United States Volunteers, for duty in the Department of Santiago.

"The officers of the several staff departments now on duty with the general officers above named are temporarily assigned to like duties at their respective headquarters."

"You will arrange with Gen. Lawton for him to assume command at such time as you and he shall agree, it being understood that he will have control of only the troops sent to Santiago for garrison duty and the sick and convalescents of your command left there. It is expected that Gen. Wood will be left in command of the city.

"By order Secretary of War.

"H. C. CORBIN,
"Adjutant General."

"WAR DEPARTMENT,
"Washington."

"These charges, which were received by the Secretary of War on the 21st of March, 1903, will be filed, together with Brig. Gen. Leonard Wood's answer thereto of that date, and no further action will be taken thereon. No answer to the charges was required from Gen. Wood and none was necessary, for it was already known to the Secretary of War that the charges were in every respect without just foundation. The part taken by the military governor of Cuba in the prosecution of the so-called Post Office cases, in which Mr. Rathbone was one of the defendants, had at every step the approval of the War Department, and the military governor exercised no control over the proceedings except such as it was his duty to exercise; and that control in no case went beyond the control which prosecuting officers in the United States lawfully exercise over cases committed to their charge. The 'Jai Alai' Co., referred to in the charges, maintained a court in which a game is played, somewhat similar to our game of racket, and in which the Cuban people are interested, much as our people are interested in the game of baseball. The company included many of the best citizens of Habana, and the gift to Gen. Wood, which was made at the time of his departure from the island, had no relation whatever to any official action of his affecting the company, but was a part of the general expression of gratitude by the Cuban people toward the representative of the United States for the just and beneficent government through which the establishment of the Republic of Cuba had been accomplished, and the chief credit of which was due to Gen. Wood. To have refused this and other gifts made at the same time would have been discourteous, injurious, and unjustifiable. The treatment of the gift at the customhouse was strictly in accordance with law and official propriety.

"The charges have no justification.

"ELIHU ROOT,
"Secretary of War.

"MARCH 23, 1903.

"A true copy of official copy.

"HALSTEAD DOREY,
"Captain, Fourth Infantry, Aid-de-Camp."

"GENERAL ORDERS, No. 38.

"HEADQUARTERS OF THE ARMY,
"ADJUTANT GENERAL'S OFFICE,
"Washington, March 25, 1903.

"The following order has been received from the War Department and is published to the Army for the information and guidance of all concerned:

"WAR DEPARTMENT,
"Washington, March 25, 1903.

"By direction of the President, Brig. Gen. Leonard Wood, United States Army, having filed the report which completes his service as military governor of Cuba and commander of the military forces stationed in that island from December, 1899, to the close of the American occupation, is relieved from further duty in connection with the affairs of the former military government of Cuba.

"The administration of Gen. Wood, both as military commander of the Division and Department of Cuba and as military governor, was highly creditable. The civil government was managed with an eye single to the benefits of the Cuban people. Under the supervision and control of the military governor the Cuban people themselves had an opportunity to carry on their

own government to a constantly increasing degree, so that when Cuba assumed her independence she started with the best possible chance of success.

"Out of an utterly prostrate colony a free Republic was built up; the work being done with such signal ability, integrity, and success that the new nation started under more favorable conditions than has ever before been the case in any single instance among her fellow Spanish-American Republics. This record stands alone in history, and the benefit conferred thereby on the people of Cuba was no greater than the honor conferred upon the people of the United States.

"The War Department, by direction of the President, thanks Gen. Wood and the officials, civil and military, serving under him, upon the completion of a work so difficult, so important, and so well done.

"ELIHU ROOT,
"Secretary of War.

"By command of Lieut. Gen. Miles:

"WM. P. HALL,
"Acting Adjutant General.

"A true copy:

"HALSTEAD DOREY,
"Captain, Fourth Infantry, Aid-de-Camp.

"The foregoing copies of letters and extracts from official reports are true copies.

"Captain, Third Cavalry, Aid-de-Camp."

The SPEAKER pro tempore (Mr. SIMS). The time of the gentleman from Wisconsin has expired.

Mr. COOPER. Mr. Speaker, I ask leave to print a list furnished me at the War Department, compiled by Brig. Gen. Mills, showing some of the officers, many of them of great distinction, who would have been excluded under this provision of the conference report from being Chief of Staff; and also some statements of distinguished authorities as to the magnificent services rendered by Gen. Wood in Cuba after the close of the War with Spain.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD by printing the papers referred to. Is there objection?

There was no objection.

The matter referred to is as follows:

"WAR DEPARTMENT,
"May 23, 1911.

"(Subject: List of prominent officers of Civil War who, in 1860, had served less than 10 years as commissioned officers of the line.)

"Herewith is a memorandum in connection with the amendment of the House and Senate conference committee on the Army appropriation bill prohibiting the detail, after March 5, 1913, of a Chief of Staff who has served less than 10 years as a commissioned officer of the line of the Army.

"Following is a partial list of general officers of the Union Army in the Civil War who would have been ineligible for Chief of Staff had such a provision been in force in 1860:

RANK ATTAINED (SERVICE TO INCLUDE 1860).

"Philip H. Sheridan, major general, second lieutenant Infantry, 1853; first lieutenant Infantry, 1861.

"James B. McPherson, major general, second lieutenant Engineers, 1853; first lieutenant Engineers, 1858; captain, 1861.

"John M. Schofield, major general, second lieutenant Artillery, 1853; first lieutenant Artillery, 1855; captain Artillery, 1861.

"Oliver O. Howard, major general, second lieutenant Ordnance, 1854; first lieutenant Ordnance, 1857; resigned, 1861.

"Daniel E. Sickles, major general, no service prior to 1860.

"John A. Logan, major general, second lieutenant Illinois Infantry, 1847-48; mustered out, 1848; no other service prior to 1860.

"Carl Schurz, major general, no service prior to 1860.

"James A. Garfield, major general, no service prior to 1860.

"Wesley Merritt, major general, commissioned second lieutenant Dragoons, 1860.

"George A. Custer, major general, commissioned second lieutenant Second Cavalry, 1861.

"Nelson A. Miles, major general, commissioned second lieutenant Massachusetts infantry 1861.

"Emery Upton, major general, commissioned second lieutenant 1861.

"Walter F. Halleck, major general, second lieutenant Engineers, 1839; first lieutenant Engineers, 1845; captain Engineers, 1853; major general, 1861.

"George B. McClellan, major general, second lieutenant Engineers, 1846; first lieutenant Engineers, 1853; captain Cavalry, 1855; resigned, 1857; major general Volunteers, 1861.

"George C. Meade, major general, second lieutenant Artillery, 1835; resigned, 1836; second lieutenant Topographical Engineers, 1842; first lieutenant Topographical Engineers, 1851; captain Topographical Engineers, 1856; major Topographical Engineers, 1862.

"William S. Rosecrans, major general, second lieutenant Engineers, 1842; first lieutenant Engineers, 1853; resigned, 1854.

"A. L. MILLS,
"Brigadier General, General Staff,
"Chief War College Division.

YELLOW FEVER.

"Extract from a paper prepared by Walter Reed, M. D., surgeon, United States Army; James Carroll, M. D., and Aristidos Agramonte, M. D., acting assistant surgeons, United States Army, read at the Pan American Medical Congress, held at Habana, Cuba, February 4-7, 1901:

"We desire to here express our sincere thanks to the military governor of the island of Cuba, Maj. Gen. Leonard Wood, United States Volunteers, without whose approval and assistance these observations could not have been carried out."

"Extract from the resolutions adopted at the meeting of the American Medical Association at Saratoga, N. Y., June 11, 1902:

"Resolved, That the thanks of this association be tendered the gentlemen who accomplished this brilliant result, and particularly to Drs. Walter Reed, James Carroll, A. Agramonte, W. O. Gorgas, and to Leonard Wood, who recognized the importance of the work and made it possible by his hearty encouragement and assistance."

"Extract from the sketch of Maj. Reed's work in the discovery of the method of the transmission of yellow fever, by Col. Jefferson R. Kean, Medical Corps, United States Army:

"It was evident to his mind that the solution of this question, which meant so much for the human race, could never be satisfactorily determined without experiments on human beings, and he went to Gen. Wood, the military governor of Cuba, to ask permission to conduct such experiments and for a sum of money to liberally reward volunteers who should submit themselves for experiment. Gen. Wood promptly granted both, with a ready appreciation of the importance of the matter and the force of Dr. Reed's arguments, which will entitle him to no small measure of the glory of this discovery."

"Extract from a report on Maj. Reed's work on yellow fever, by Maj. W. D. McCaw, Medical Corps, United States Army:

"Application was made to Gen. Leonard Wood, the military governor of Cuba, for permission to conduct experiments on nonimmune persons, and a liberal sum of money requested for the purpose of rewarding volunteers who would submit themselves to experiment."

"It was indeed fortunate that the military governor of Cuba was a man who by his breadth of mind and special scientific training could readily appreciate the arguments of Maj. Reed as to the value of the proposed work."

"Money and full authority to proceed were promptly granted, and to the everlasting glory of the American soldier, volunteers from the Army offered themselves for experiment in plenty and with the utmost fearlessness."

"Extract from editorial, Journal of the American Medical Association, dated July 16, 1910:

"After the capture of Santiago Gen. Wood was placed in command of that district, and in the space of a year his capacity for organization had so clearly demonstrated itself that he was transferred to Habana and made the military governor of Cuba with the rank of major general of Volunteers. In three years he brought Cuba from a naked and devastated land where famine and disease stalked hand in hand to salubrity and plenty. The death rate in Habana fell from 91 per 1,000 in 1893 to 20 in 1902. In the 30 years preceding his appointment as governor there were in the city of Habana 21,448 deaths from yellow fever and 12,722 from smallpox. In the decade since that date there have been 44 deaths from yellow fever and 4 from smallpox."

"But the sanitary regeneration of Cuba and the support and assistance given to the Reed yellow fever board are only a small part of the creditable work of the military governor of Cuba. In every direction in which constructive statesmanship can influence the destinies of a nation the work of Leonard Wood has left an indelible impress on the government and lives of the Cuban people."

Mr. PRINCE. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, I wish to discuss the clause which compels the Chief of Staff to have had 10 years' service in the line. I think we all admit that the President should be given just as large and broad a choice for Chief of Staff as possible, so that wherever the best man is he may be brought forward, and consequently the burden of proof is upon those who claim that there should be some limitation. Therefore the committee must prove that the 10 years' service with the line is necessary.

When the General Staff was established there was no proposition that 10 years in the line were necessary. Naturally it could not have suggested itself, experience was against it. Two instances suffice to prove that though there are many others, Gen. Lee and Gen. McClellan at the outbreak of the war would not either of them under this limitation have been eligible for Chief of Staff, and yet no one will deny that these two men were preeminently qualified for that position.

What has happened since, just in this year, to call the attention and convince the committee that 10 years are necessary? It could not have been that the choice has been made too much from the staff and not from the line, because of the five Chiefs of Staff four of them complied with this limitation. The present officer is the only one that does not, and therefore no need has yet been shown, for I am sure that no one will pretend that Gen. Wood's services as Chief of Staff have not compared favorably with others and have not been up to the standard as Chief of Staff. He has made a magnificent officer there.

Why is it, then, that suddenly this proposition is invented? I think it is very unfortunate that there should ever be any dissension between the staff and the line. Each in its place is imperatively necessary for the Army. Each is qualified to produce men for Chief of Staff, and while it may be that under the present conditions the natural tendency is for men with brilliant minds and ambition and enterprise to go to the staff, still both are amply qualified to prepare men for Chief of Staff.

But we know that recently before the Military Committee the Chief of Staff and another general of the Army, who by his position had an unusual opportunity to serve and ingratiate himself with Members of Congress, who seemed to have the sympathy of the Military Committee, and who retired from the Army rather than run the risk of a court-martial, that there was a difference between him and the Chief of Staff, and after that dissension, which seemed to involve members of the committee, a proposition was evolved which prevents the present Chief of Staff being reappointed.

I do not think it requires a very suspicious turn of mind for a Member to guess that there was some connection between them. This is not the first time legislation, apparently general in its scope, has been used to gratify personal resentment. Some years ago a Member of Congress had a grudge against a retired officer who was employed in a manufacturing establishment which had large dealings with the Government, and he introduced in a general bill a clause that no money should be expended in any institution which employed a retired officer; a general proposition, but aimed at one man. It was an attempt and a successful one to prostitute general legislation to personal malice. I have seen since then no occasion when it seemed to me that there were more earmarks of that same purpose than I see here.

Undoubtedly the extraordinary rapidity of Gen. Wood's advancement in the Army has occasioned much criticism and hostility, but I believe no candid Army official will deny his great ability or claim that he has not performed the duties of Chief of Staff with signal success, and I think it is as unwise as it is unfair to make him the victim of this personal legislation. The gentleman from Virginia [Mr. HAY] said that neither Gen. Crozier or Col. Goethals, men whose abilities and achievements would naturally suggest them for Chief of Staff, would be eligible to-day even without this provision. That, of course, is correct because neither of them now possesses the requisite rank, but a President who wished their service could at any time remove that disqualification by promoting them, while this provision would disqualify them forever. I think the suggestion of their names is one of the best arguments against this provision, for they have both proved themselves possessed of qualities infinitely more important to a Chief of Staff than 10 years' service with troops, and are illustrations of the fact that what we need in that position is brains and executive ability far more than 10 years of any one special training.

Mr. MARTIN of Colorado. Mr. Speaker, I do not question the absolute good faith of the chairman of the Committee on Military Affairs of the House in pushing this Army reorganiza-

tion plan, and I do not at all attribute to a lack of good faith upon his part the singular fact that if the two mooted propositions in this conference report, the one in respect to the Army posts and the other in respect to the Chief of Staff, had been written by one of the conferees—and I think I can say, with all due respect to the other members, the principal conferee—the report could not have been more favorable to him and his interests than it now is. The gentleman from Virginia has not in his district a \$5,000,000 brigade Army post, the finest in the United States, without a single, natural, artificial, or strategic advantage to justify its existence. The gentleman from Virginia has not a son-in-law whose fortunes on the road of promotion to Chief of Staff are to be advantaged and accelerated by legislation which will disqualify those who are now ahead of him. He has no son-in-law who, in being promoted from captain to brigadier general, was jumped over the heads of more than 700 captains, majors, and colonels.

Mr. BUTLER. Good gracious! Seven hundred?

Mr. MARTIN of Colorado. Seven hundred. Gentlemen talk about Gen. Leonard Wood being promoted—

Mr. BUTLER. Excuse me, Mr. Speaker, but my interest is excited. Who is this captain that the gentleman is speaking of?

Mr. MARTIN of Colorado. We are not mentioning names here at this time.

Mr. BUTLER. That would seem to be a pretty big jump.

Mr. MARTIN of Colorado. I will read a list of names of general Army officers, giving them in the order in which they appear in the Official Army Register for 1912, and the first nine names will suffice to show gentlemen the situation present and prospective with reference to the office of Chief of Staff, the officer filling which is the real head of the Army.

Name.	Year of birth.	Year of retirement.
Maj. Gen. Leonard Wood.....	1800	1924
Maj. Gen. J. Franklin Bell.....	1856	1920
Maj. Gen. Thos. H. Barry.....	1855	1919
Maj. Gen. Wm. H. Carter.....	1851	1915
Maj. Gen. Arthur Murray.....	1851	1915
Brig. Gen. Frederick Funston.....	1865	1929
Brig. Gen. Tasker H. Bliss.....	1853	1917
Brig. Gen. Albert L. Mills.....	1854	1916
BRIG. GEN. JOHN J. PERSHING.....	1860	1924

Two of these nine generals—Wood and Funston—are to be disqualified by this legislation for the office of Chief of Staff. If the remaining seven are to be advanced in the order of their seniority, Gen. Wood would be succeeded by Gen. Bell on March 5 next. When Gen. Bell returns to the line, in March, 1917, four of the six remaining officers, to wit, Gens. Carter, Murray, Bliss, and Mills, will have been retired under the age limit, leaving only Gen. Barry, who retires two years later, and Gen. Pershing in line of promotion.

Singularly enough, the proposition agreed upon by the conferees provides that—

The General Staff shall hereafter consist of two general officers, one of whom shall be Chief of Staff.

Therefore with Gen. Wood, who does not retire until 1924, and Gen. Funston, who does not retire until 1929, out of the way, the remaining two may be simultaneously advanced in the natural order and one of them designated as Chief of Staff. Which will it be? Unless fortune fails him, it should be Gen. Pershing, who, according to the Army Directory of 1906, was advanced from captain to brigadier general over the heads of 110 colonels, 131 lieutenant colonels, 264 majors, and 257 captains, a total of 862 ranking officers.

Gentlemen have talked about Gen. Leonard Wood as the child of fortune and the favorite of influence, but I know of nothing in his career in the way of advancement so utterly extraordinary as that to which I have alluded. I do not hold any brief for Gen. Leonard Wood. I have been rather opposed to him. He has recommended the wiping out of an Army post in my State. He wiped out the Department of the Colorado with headquarters in my State. But I want to say, after sitting across a committee table from Gen. Wood for two hours cross-examining him, that I came out of that committee meeting with the impression, which I still retain, that he is the ablest Army officer I ever met [applause on the Republican side]—the strongest and ablest—and we met in that same committee room some of the other general officers who are on the list with him, including the late lamented The Adjutant General.

I do not carry my feeling with reference to the Colorado Army post to the extent that I am willing to pass legislation to disqualify this man from office on account of his recommendation, and just as sure as you are sitting here, gentlemen, within the

sound of my voice, Gen. Wood to-day is paying the penalty for the recommendations that he made to this House of Representatives with reference to Army posts; and I want to say to you gentlemen that if he had made a contrary recommendation in this matter, if he had recommended the retention of some, if he had recommended the retention of at least one of the Army posts whose abolition he recommended, the gentleman from Virginia [Mr. HAY] and the whole House Committee on Military Affairs could have stood here until doomsday before they could ever have prevailed upon the Senate conferees to accept this proposition. [Applause on the Republican side.]

I know what I am talking about. I am on a little bit of a committee that originated this fuss about abolishing Army posts. It was in response to a resolution of a member of that committee, Mr. BULKLEY, of Ohio, that these recommendations of Gen. Wood were made, and I have had occasion to look into this matter pretty closely.

The resolution of the gentleman from Ohio [Mr. BULKLEY], calling for the information furnished by the Secretary of War, upon which information the House Committee on Military Affairs based the provision withdrawing support from 25 Army posts, including Fort D. A. Russell, and providing against the expenditure of any part of the appropriation for permanent improvements at such posts, and for furnishing which information the Chief of Staff is now to be punished, with the consent of the House—this resolution, I say, called for the following information:

1. The names of all Army posts which have been located in their present situations for reasons which are now totally obsolete.

Answer. Fort D. A. Russell, Wyo., established, 1867, to protect the Union Pacific Railroad in this vicinity and the lines of travel south to Denver and north to Fort Laramie and beyond from attacks by the Arapahoe Indians.

3. The names of all Army posts which were originally placed where they are with reference to possible Indian troubles, and the names of such of these as may be placed where such troubles now are no longer possible.

Answer. Fort D. A. Russell, among others.

5. The names of all posts which have been constructed during the 10 years ending June 30, 1911, upon a plan which involved maximum initial cost of construction and maximum cost of maintenance in money and men; the amounts expended on such posts, respectively, for construction purposes during the said period, and what military necessity, if any, suggested the construction of such posts.

Name of post, Fort D. A. Russell, Wyo.

Cost of construction, \$4,893,164.29.

9a. The names and cost of all Army posts which would have to be abandoned in order to put an end to the extravagance and inefficiency resulting from improper distribution of the mobile Army.

Names of posts, Fort Mackenzie, Wyo.; Fort Yellowstone, Wyo.

Total cost to date, \$1,218,966 and \$806,511.51.

9b. Posts not located with a view of securing economy of administration and supply or a full measure of military effectiveness. Their garrisons should not be increased and should ultimately be withdrawn to such concentration centers as Congress may authorize.

Name of post, Fort D. A. Russell.

Total cost to date, \$4,925,486.15.

(This post is not located with a view to maximum economy or strategic effectiveness. Its position in a sparsely settled region involves an increased cost for transportation of manufactured supplies, and its distance from recruiting centers makes the recruitment of its garrison more costly. But there are sufficient quarters at the post for a detachment of all arms, with ample facilities for training. There is an abundant water supply at the post, and climate and sanitary conditions are excellent. There is a large maneuver ground within easy marching distance of the post.)

Fort Logan, Colo., located near the suburbs of Denver, is categorized in 9b, along with Fort Russell and 23 other posts, or 25 posts in all, which were recommended for ultimate abandonment.

That this recommendation materially influenced the conferees, and the conferee to whom I refer in particular, is clearly established by his statements regarding it. Speaking of the recommendation, the conferee said:

The Chief of Staff went before that committee and said they were going to propose the abandonment of a good number of the present posts and concentrate the troops in large posts at some uncertain points, and they were going to greatly reduce the expenses of the Army. * * * Subsequently the House, by resolution, requested information as to the posts it was proposed to abandon. The Secretary of War hastened to reply. He gave a list of 25 posts, including some of the largest and newest in the country and covering half of the United States in area, and proposed to remove every post and every place where the United States flag floats over a representative of the Army from a tract of country nearly 2,000 miles one way by about 1,500 miles the other way, including a large number of States entire. The House, taking the Secretary of War at his word, inserted in three different places in the appropriation bill an inhibition against expending a dollar at any one of those posts, although they are occupied by troops and must be so occupied until other arrangements are made. The House also provided that there should be no new posts created and none enlarged without legislation by Congress.

Again the conferee said:

There is no objection to the abandonment of useless posts, but to take one-half of the United States and with one fell swoop take the flag of the United States out of it entirely and leave the militia there with no troops with which to cooperate and with which to go into these great meetings raises a question into which I think the Senators and Members of the House have a right to examine and upon which to express their views.

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

Mr. PRINCE. Mr. Speaker, I yield three minutes more.

Mr. MARTIN of Colorado. Oh, I can not say anything in three minutes.

Mr. PRINCE. Very well; I yield five minutes to the gentleman from Colorado.

Mr. MARTIN of Colorado. Mr. Speaker, since I have been in Congress I have never seen such an abuse, such a gross abuse, I feel tempted to say such a prostitution of legislative power to base personal ends and revenge as that which is confronting this House this afternoon. [Applause on the Republican side.]

And I want to say now that if the House could get a crack at this proposition by means of a separate vote it would overwhelmingly reject it, as it would have been overwhelmingly rejected at the other end of this Capitol under similar conditions. [Applause on the Republican side.] I have been reading the debates which occurred at the other end of the Capitol upon this proposition, and while it is not proper to refer to things specifically, as legislative ethics forbid it, yet if gentlemen will read the debates that have occurred upon the Army post proposition and the question of the Chief of Staff and notice how often and how bitterly the reference to the recommendation of Gen. Wood bubbled up to the lips of certain gentlemen, and to one of the conferees—yes, the brains of the conferees—how often there bubbled to his lips words of resentment over the recommendation of Gen. Wood about the proposed abolition of this magnificent Army post, "leaving fifteen hundred to two thousand square miles of this country absolutely unprotected," they would see then what was sticking in the gentleman's craw. He tries to take the position that this proposition with regard to the Chief of Staff was forced upon him. Well, read what he had to say about it and see how zealously and how quickly he always flew to the defense whenever anything occurred in the debate in reference to it.

Speaking at one time this conferee said:

We have had for some years as the two ranking major generals of the Army men who came from the Medical Corps—able men, both of them, but without extended service in the line.

By the way, these two major generals are Wood and Ainsworth, and the latter, while he may have had no experience in the line, seems to have had sufficient experience to point the way to the reorganization of the Army, including a method of disqualifying the other major general for an office which he himself coveted and hoped to obtain when section 6 of the House bill, consolidating his own office, that of The Adjutant General, with the offices of Inspector General and Chief of Staff, was framed. Both the ambition and the plan of consolidation have gone glimmering, but after hope is dead revenge not only lives but thrives upon the ashes of our dreams.

Section 6 of the House bill, abolishing two establishments in the War Department, was swept out, and in its stead appears a little conference scheme to disqualify the present Chief of Staff from again holding his office. This and nothing more.

The conferee said:

We have had for some years as the two ranking major generals of the Army men who came from the Medical Corps—able men, both of them, but without extended service in the line. We might have a few months hence another man from the Medical Corps, or we might have a Paymaster General selected as Chief of Staff. When it was submitted on the part of the House side and argued it seemed to be that putting myself in the place, or putting any other man in the place, a civilian Secretary of War, who had to take up all these Army matters, would want to have as his adviser a man acquainted with the duties, performances, and responsibilities of the line of the Army, for it is the line of the Army that does the fighting.

It would appear to be useless to reiterate that the Army conferees did not find the advice of officers of the line necessary, and it is more than suspected that their advice came from a former distinguished officer of the staff who never smelled powder.

Again the conferee said:

It did not seem to me to be an unreasonable restriction that hereafter in appointing new Chiefs of Staff they should have been of the line, so as to be able to give the Secretary of War the information of which he might be most in need. As I said before, the staff officers surround the Secretary of War—close at hand in the big building. It is an easy matter for him to get information from them, but take, for instance, the very able medical officer who now stands at the head of the Medical Department. If a new Chief of Staff was to be appointed, would it be, could it be, as good an appointment as it would be to take some able officer from the line? There are plenty of such line officers.

There are plenty of such line officers, says the conferee, and I have already pointed out who these able line officers are, including the one who was jumped 862 numbers and who is now apparently to be legislated the rest of the way up.

When it was objected by a most distinguished member of another body that—

This provision excludes Gen. Funston, who was a distinguished volunteer officer of great gallantry in the War with Spain and also in the Philippines. He never served 10 years as a commissioned officer of the line under the rank of brigadier general—

The conferee replied:

That is true; but that Senator and no other Senator can exceed me in admiration of Gen. Funston. Gen. Funston does not know the line of the Army, however, as do some other officers.

As the late lamented Bill Barlow, the sagebrush philosopher of Rawlins, Wyo., used to say:

Just let this sorter sink into your soul.

In the same paragraph the conferee remarked:

I should be very glad to introduce and very glad to follow up a resolution, if Gen. Funston was desired as Chief of Staff by the President, to make an exception in his case.

So, in the opinion of the conferee, Gen. Funston may merit an exception, even though he does not know the line of the Army as do some other officers, and this exception the conferee would be very glad to father, but no such expression can be found with reference to Gen. Wood, also, like Funston, a distinguished soldier in Cuba and the Philippines, and who would already have the benefit of four years' experience in the office itself.

It may be interjected here that all of the proponents of the provision in question lay great stress on the fact that this special qualification imposed upon the Chief of Staff applies only in time of peace, and that in time of war or threatened war the President is given a free hand in the selection of Chief of Staff, the logic of which proposition is that in time of peace, when the duties of the office are largely routine, the President can not be depended upon to make a proper selection, but in time of war, when the honor and preservation of the Nation may be at stake, the President is to be intrusted without limitation with this important function. I do not know but what such military logic as this cleanses its authors of all suspicion of guilt of having acted under military advice.

Another exceedingly distinguished Member of the other body said that the conferees of that body—

have made a loyal fight for the conference report, including this provision which they did not propose, but to which they have yielded—

thereby bearing testimony to the good faith with which said conferees accepted this bitter dose in consideration, of course, be it always borne in mind, of the elimination of the paragraph in the House bill which provided that no part of the appropriation for Army posts should be expended for permanent improvements at any of the 25 Army posts named in the paragraph, including Fort D. A. Russell, and the insertion in lieu thereof of a commission consisting of three retired Army officers named in the substitute, upon whose recommendations Fort D. A. Russell and other of these posts were greatly improved, and a fourth commissioner, also a retired Army officer, who has been a pronounced partisan of Fort D. A. Russell and who is now the representative and lobbyist of the Du Pont powder interests.

I asked the gentleman from Virginia [Mr. HAY] some questions about this commission, the provisions of which the gentleman claims he wrote himself, as well as the other idea in reference to the Chief of Staff, and I think I commented upon how singular it was that one of the conferees should have been so completely advantaged in the selections made. The gentleman has admitted that he did not know at the time the conference report was agreed upon that the men named had all recommended this particular post. But they not only did that, they made specific recommendations with regard to the post, and this post is the senegambian in the woodpile over which this whole trouble about Gen. Wood arises, and I will prove it. This board upon November 11, 1901, was ordered to consider and report upon the location and distribution of the military posts, and so forth, and to make recommendations in detail as to which of the existing posts should be retained or abandoned, and of those retained which, if any, should be enlarged and to what extent. That is what the board had to do. Among those detailed to the board were Maj. Gen. Samuel B. M. Young, Maj. Gen. Arthur McArthur, and Brig. Gen. George M. Randall. I understand that two of those three men are now retired officers—

Mr. PRINCE. All three.

Mr. MARTIN of Colorado. All three. They are what we call in other lines of business "has-beens," who have been selected to determine upon the plan of reorganization and management of a live Army for live men. Now, after mature deliberation, the report says, they made certain recommendations. What were they? They recommended Fort D. A. Russell, Wyo., as

headquarters, with 12 companies of Infantry and 1 battery of Field Artillery. That to begin with. Read over on page 577, the next page, and you will find they made a supplemental recommendation that provision be made at Fort D. A. Russell, Wyo., for 2 batteries of Field Artillery in addition to the then Infantry garrison of 12 companies at that post. Read down below that about six lines and you will find the following:

NOTE.—Shall provision be made at Fort D. A. Russell, Wyo., for a third battery of Field Artillery?

Well, I should say yes. Now, it is the only complete brigade post in the United States, having one regiment of Field Artillery, one regiment of Infantry, one regiment of Cavalry, one company Signal Corps, one company Hospital Corps, one company Engineers. No other Army post in the United States boasts such a garrison or such equipment as a military plant or approaches in cost the Army post at Fort D. A. Russell.

Statement relative to the concentration of the troops composing the maneuver division at San Antonio, Tex., showing time required to entrain, distance in miles from home station, number of hours en route, and rate of travel per hour.

Stations.	Organizations.	Time between receipt of orders and entrainment of troops (approximate).		Distance to San Antonio (approximate).		Time en route (approximate).		Rate per hour (approximate).	
		Hours.	Miles.	Hours.	Miles.	Hours.	Miles.		
Benjamin Harrison.....	Tenth Infantry.....	33	1,164	66	17				
McPherson.....	Seventeenth Infantry.....	26	1,067	47	23				
Snelling.....	Twenty-eighth Infantry.....	52	1,318	84	16				
Leavenworth.....	Thirteenth Infantry.....	39	813	54	15				
Mackenzie.....	Eighteenth Infantry, 2 battalions and headquarters.....	61	1,655	109	15				
Whipple Barracks.....	Eighteenth Infantry, 1 battalion.....		1,193						
Douglas.....	Fifteenth Infantry.....	28	1,589	62	26				
D. A. Russell.....	Eleventh Infantry.....	70	1,187	78	15				
Oglethorpe.....	Eleventh Cavalry.....	36	1,079	52	20				
D. A. Russell.....	Ninth Cavalry.....	108	1,187	82	15				
Leavenworth.....	Engineer battalion.....	45	813	52	15				
D. A. Russell.....	Company M. Engineers.....	81	1,187	89	15				
Do.....	Fourth Field Artillery.....	115	1,187	84	15				
Fort Myer.....	Third Field Artillery.....	58	1,715	63	28				

It must not be understood that Gen. Wood came of his own motion before the Committee on Expenditures in the War Department to volunteer information about this or any other Army post. He was called, as were other Army officers, to be examined by the committee with a view to reductions and economies generally in the War Department. He was specifically asked for information, practically all of which was matter of record, and which he was required to furnish to the committee, just as in the case of the table showing the time required to entrain at the various Army posts for the mobilization on the Mexican frontier.

It may be said, further, in view of the accusations that I have been trying to tear down Fort D. A. Russell, that these quotations from the testimony of Gen. Wood are given only for the purpose of showing the temerity of the Chief of Staff in furnishing any information or making any statement not of the most favorable character to the military post which is to be the monument of a long and powerful public career, and to throw further light upon the motive of this legislation.

Furthermore, the hearings before the Committee on Expenditures in the War Department will show in several places that I had in mind no idea that Fort D. A. Russell should be abandoned. Indeed, I said to Gen. Wood at the hearing before the committee on June 26, 1911, and I quote, that—

The object of my questions is not to lead up to the proposition that a post that has been built up at great expense is to be reduced because some other place was torn down, but the committee, in endeavoring to determine what policy has governed the War Department in passing on these matters, has found it of interest to contrast the differing treatment of Fort Logan and Fort Russell.

Statements from me appear elsewhere in the hearings, which I have not now the time to look up, disclaiming in the strongest terms any idea on my part that Fort D. A. Russell was to be abandoned. I did, however, and do now, point out and emphasize the fact that while Fort D. A. Russell, with its lack of advantages, has been advanced to the finest and most complete Army post, and a brigade Army post at that, in the United States, the Army post at Fort Logan, near Denver, has been reduced from a regimental to a recruiting station, although it is the consensus of opinion in the Army, from the Chief of Staff down to the men in the ranks, that Fort Logan, more completely than any other post in the entire Rocky Mountain region, meets every requirement going properly to determine the location of a military post. It has been my conviction, and I have

When Gen. Wood appeared before the Committee on Expenditures in the War Department, of which the gentleman from Kentucky [Mr. HELM] is chairman, on June 26, 1911, he was asked the following question:

What advantages, in your judgment, does it (Fort D. A. Russell) possess for building up such a plant or institution as is there now, costing practically \$5,000,000 up to this time?

To which Gen. Wood replied:

It has a good, healthy climate.

At the same hearing the attention of Gen. Wood was called to an article published in the Army and Navy Journal under date of March 25, 1911, commenting adversely upon the fact that 115 hours were required to entrain the troops at Fort D. A. Russell at the time of the mobilization of the Army on the Mexican frontier, in March, 1911, and in response to the request of the committee the War Department furnished the following:

not hesitated to say, that Fort Logan, with its obviously superior advantages from every standpoint, was a standing menace to its near-by neighbor, D. A. Russell, scarcely more than a hundred miles distant across the Plains. I have yet to find the person in the Army or out of it, in office or out of it, who has failed to draw the same conclusion as to the cause of the widely differing fortunes of these two neighboring Army posts.

I am in favor of fair play in the matter of Army posts and I am in favor of fair play in the matter of Army officers, and that is my principal interest in this controversy. There are substantial reasons, even if they are not particularly creditable, why Fort D. A. Russell should not be abandoned. One of these is that the Government has expended nearly a half million dollars to build up a water system there, and this expenditure, as well as the millions that have gone into buildings, will be a total loss in the event the Government withdraws. At Fort Logan the Government got a sufficient supply of water for \$22,000, and it got this supply in the shape of adjudicated and decreed water rights, which may be sold at any time for what they cost, and which are constantly increasing in value.

It is entirely different with Fort D. A. Russell. In 1884, and long prior thereto, Fort D. A. Russell had drawn its water supply from Crow Creek. It had built a dam across Crow Creek, had run a ditch, and had a sufficient distributing system to supply the needs of the post such as they then were. That right, in its origin, in its perpetual continuance, in its development into a legal and valuable water right, was not dependent on the city of Cheyenne or anybody else. So far as the record discloses, up to this time the Government had done all that any owner or user of water in the irrigated regions is called upon to do in order to acquire title to water.

At this time—that is, on December 2, 1884—the Government, through the officials at Fort D. A. Russell, entered into an agreement with the town of Cheyenne, of which town the principal conferee was then an official, by which agreement the Government conveyed to the town of Cheyenne its rights in and to the waters of Crow Creek, including the right to build and maintain a dam or reservoir, to construct a ditch or pipe line leading from the point of diversion on Crow Creek at which the Government had been for many years diverting its water supply, and to run this ditch or pipe line across the Government reservation. The Government further granted lands

to the city of Cheyenne for the dam and reservoir site. The water right conveyed, it is true, was not an adjudicated decree, but the Government had, by diversion and use, established a claim to the water which was indefeasible, and to which it could at any subsequent time, if its right was ever questioned, go into court and secure to itself forever by decree a title to the water, which would be at this time a very valuable property right. In so far as they could, the officers at Fort D. A. Russell who entered into this agreement with the city of Cheyenne surrendered and gave over to the city of Cheyenne the Government's water rights. I do not take the position that they could effectuate any such waiver or abandonment or alienation of the Government's rights, but what I mean to say is that in so far as they could, and apparently without any realization of what the result of their action was, they sought to do that which, if done by a private individual, would have resulted in the complete divestiture of the Government's water rights established in the way that water rights are established under the irrigation laws, to wit, by appropriation and beneficial use.

Now, notwithstanding the agreement of the city of Cheyenne, in consideration of the Government's conveyance to it of the rights mentioned, to furnish the Army post with a sufficient water supply, there was such failure to furnish sufficient water that in 1902 Gen. Frederick Funston, then brigadier general commanding the Department of the Colorado, with headquarters at Denver, wrote The Adjutant General United States Army, under date of August 25, 1902, that it was evident that the city of Cheyenne had "grossly and persistently violated the terms of the agreement made with the commanding officer of Fort D. A. Russell in 1884," and recommended the suspension of contemplated improvements. This was followed on October 4, 1902, by a recommendation to The Adjutant General from Gen. George B. Davis, Judge Advocate General, that unless the city of Cheyenne furnished the necessary water and entered into another contract specifically binding itself to furnish the United States the necessary water for irrigation purposes, in addition to other purposes, the agreement of 1884 be annulled on the ground of failure of the city to perform its agreement, and that the city's pipe line across the Government reservation be removed.

Through the influence of the conferee this threatening situation was eventually smoothed out, but one can not help speculating whether the action of the doughty commander of the Department of the Colorado has not something to do with the opinion of the conferee that said officer "does not know the line of the Army as do some other officers."

On November 30, 1908, the Government entered into another contract with the city of Cheyenne, whereby, in consideration of the sum of \$400,000 appropriated by the Government to build reservoirs to impound a water supply for the city of Cheyenne and Fort D. A. Russell, the said city of Cheyenne agrees in substance to furnish the Army post with water, provided there is any. This is what the agreement legally amounts to, and no more. The Government may abandon Fort D. A. Russell, but it must leave its water investment behind. I can not see that the Government has acquired anything in its dealings with the city of Cheyenne in the way of tangible assets or alienable values, such as it has at Fort Logan. Apparently all that it has acquired is the right to stay in. The Government seems to be in the condition of the man who takes out assessment insurance—he will never get any paid-up values, and he is obliged to stay in the game always. That seems to be the situation of the Government at Fort D. A. Russell in its dealings with the city of Cheyenne.

The Government has paid in nearly half a million dollars there, and I have not yet been able to put my finger on anything that it could sell—certainly not anything it could dispose of in the way of a legal water right. It appears to me that if the Government were to pull out of Fort D. A. Russell tomorrow, under its agreement with the city of Cheyenne it would have to leave everything there that it has invested, and would not have anything it would have the right to require the city of Cheyenne to pay for or that it could sell to anybody else.

It must be admitted, however, that this is a more prudent arrangement than that made by the State of Colorado when it presented the Federal Government with an unconditional deed to a section of land, which is now very valuable, as a site for the Fort Logan Army post. However, I can not undertake to go further into the affairs of these two posts. I have gone into them only for the purpose of contrasting their treatment as compared with their deserts and of exhibiting the true structure, as I see it, of the product of the conference on the Army appropriation bill.

The conference report itself teems with these evidences. On page 45 of the House bill it was provided that no part of the appropriation should be expended for permanent improvements at any of the 25 named Army posts, including Fort D. A. Russell. In the Senate this proviso was stricken out. The conferees agreed to the action of the Senate with an amendment making an appropriation for the purchase of additional lands for Fort D. A. Russell. Such an astounding outcome of the conference not only stamps with utter failure the effort of the House conferees to get anything out of the conference, but goes a long way toward fixing the authorship of the entire product of the conference upon the Senate conferees and upon the agency through which the Senate conferees worked. The House conferees started out to strike down 25 Army posts in the interest of economy, and they came back bringing with them an appropriation for one of these posts. They came back dangling the scalp lock of the Chief of Staff. They came back with a commission of eight members to pass upon the question of Army posts, a majority of whom are certain to make an influenced report.

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

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

Mr. MARTIN of Colorado. I hope gentlemen will vote down the conference report and let it go back and knock these provisions out of it. [Applause.]

Mr. PRINCE. Mr. Speaker, I yield 10 minutes to the gentleman from California [Mr. KAHN], a member of the committee.

Mr. KAHN. Mr. Speaker, in my judgment, this conference report ought to be voted down. This is not a question of politics. The welfare of the Army should never degenerate into a political question. The proposition that no Chief of Staff should be appointed who has not served 10 years as a line officer, to my mind, is exceedingly vicious legislation. Great military heroes, great military leaders, great military geniuses are found during wars. It is battle that brings to the surface the ability of a military leader, and the wars of this country have always brought from the volunteer ranks of the Army men of splendid military ability. Under the provisions of this conference report, if it be enacted into law, these leaders could never be appointed Chief of Staff. Even if we developed a military genius under this legislation, we would deny him the honor of being appointed Chief of Staff in times of peace. In the history of military affairs the world over we find superior leaders developed in the course of one or two campaigns. Napoleon was discovered in the course of two or three years while serving in Italy. Hannibal—going back to ancient times—developed his wonderful leadership in the course of a very few years. Alexander the Great was only 31 years old at his death. In our own country, if this provision of law had been in effect, such leaders as Washington, Andrew Jackson, William Henry Harrison, Alexander McComb, Winfield Scott, John C. Frémont, Phil H. Sheridan, George B. McClellan, J. B. McPherson, G. K. Warren, George G. Meade, George A. Custer, Nelson A. Miles, O. O. Howard, and a host of others could never have been appointed Chief of Staff. Under this provision all officers of the Engineers, including Col. Goethals, would be barred—and the Engineers are the honor men of the Military Academy. Gen. Robert E. Lee was an Engineer officer. I apprehend that this House does not propose to forever bar the door to any man who is some future war may achieve military distinction and prevent him from holding the position of Chief of Staff. It is an important position. The Chief of Staff represents the fighting force of the Army—the line of the Army. We have other Staff Corps leaders, but they represent the administrative branches of the Army; they do not represent the fighting branch of the Army. The Chief of Staff represents the fighting force. He is also the adviser of the President and the Secretary of War. This legislation, if it be enacted, will forever preclude men like Wood and Funston, who won their spurs in action, from being appointed to that position. And, in my opinion, Gen. Wood has been a most efficient Chief of Staff. Gen. Funston is an exceedingly efficient officer. Among the leaders of the Confederate Army who could never have reached this appointment I may mention Gens. Robert E. Lee, Stonewall Jackson, Beauregard, Forrest, and Joe Wheeler. None of them had the 10 years' experience in the line that this provision requires. Gen. U. S. Grant only had 11 years' line service, and Gen. W. T. Sherman only a little over 10. I believe this provision of the conference report to be vicious in principle, and that provision alone should be sufficient to defeat the report.

There is another provision in the report which is also indefensible. It is that item which provides for the appointment of a commission to pass upon the question of the continuation or abandonment of certain Army posts. The conference report names five officers who are to constitute a part of that commission, and among the five generals named in the report as members of this commission are Gens. Young, MacArthur, and Randall. I have nothing to say about their ability. I do not question their integrity. They are all men of splendid standing. They have all had long military experience, but, as a matter of fact, these generals had this question of Army posts before them about 10 years ago. They have passed upon this very matter. In 1901 they were appointed members of a board to look into the matter of the establishment of four great maneuvering camps. They went beyond their duties in that regard, and passed upon the question of Army posts generally. They presented a very voluminous report, of 856 pages, I believe, with numerous maps. On page 7 of their report they say: "After mature deliberation, taking into consideration the proper disposition of the different arms of the service, based upon strategic, sanitary, and economical considerations, the board recommends the following in regard to the permanent posts, not including the Seacoast Artillery." And then they designate the Army posts which they think ought to be permanently maintained, those that ought to be temporarily maintained, and recommend the establishment of seven new posts and four camp sites. In that list we find these posts that were named in the House bill, and most of which the War Department had recommended to be abolished: Fort Apache, Boise Barracks, Fort Brady, Fort Clark, Fort Wright, Fort Lincoln, Fort Logan H. Roots, Fort McIntosh, Fort McKenzie, Madison Barracks, Fort Meade, Fort Niagara, Fort Ontario, Fort Wayne, Fort Harrison, Fort Yellowstone, Fort Ethan Allen, Plattsburg Barracks, Fort Robinson, Fort Missoula, Fort Logan, Fort Douglas, and Fort D. A. Russell.

Practically every one of the military posts that were recommended for abolishment by the War Department are recommended in this report made by the board of officers of which Gens. S. B. M. Young, Arthur MacArthur, and George M. Randall were members, for either temporary or permanent occupation—most of them for permanent occupation.

Mr. MONDELL. The gentleman wants to be entirely accurate?

Mr. KAHN. Certainly.

Mr. MONDELL. The gentleman knows, as to five posts named, there never has been any recommendation for abandonment?

Mr. KAHN. I did not say there was any recommendation for abandonment at the hands of the board of officers to which I have referred.

Mr. MONDELL. The gentleman said that a few minutes ago, as I understood him, and said it now.

Mr. KAHN. The gentleman evidently misunderstood me. I say they recommended in this report those that should be permanently established and those that should be temporarily established, and therefore they are in the nature of jurymen who have already passed upon the case. [Applause.] That is the point I desire to emphasize.

Mr. MONDELL. The gentleman would leave the case to other jurymen who have already passed upon them otherwise, would he?

Mr. KAHN. No; I do not think it would be necessary. I think an entirely unprejudiced board could be appointed that would pass upon the merits of this question, a board that would have the confidence of the House and the country. These gentlemen, as I have said before, are very capable military leaders, but they have passed upon this question once, and if I were in their position I would decline to serve upon that board under the circumstances. [Applause.]

Mr. Speaker, there are a number of other provisions in this conference report that are also objectionable. They have been referred to, or will be referred to, by other Members. But the two provisions to which I have made special reference are, in my judgment, so vicious that they ought to insure the defeat of the entire report. I hope the House will send the bill back to the Senate for further conference.

Mr. HAY. Mr. Speaker, I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the gentleman from Colorado [Mr. MARTIN] is a disappointed man and bitter in his disappointment. At the beginning of this Congress he became obsessed with the idea that it was his duty in life to do what he could to injure and bring into ill repute the largest, the finest, and the best located Army post in the United States,

Fort D. A. Russell, and he set about doing it systematically. The outcome was that when the military bill passed the House of Representatives it carried with it a provision that threatened the abandonment of practically all the military positions in the entire intermountain region in which the gentleman from Colorado lives, and especially and particularly Fort Logan, in the gentleman's own State. In other words, the gentleman has consumed a large portion of his time and energy—I regret he is not here—during this entire session of Congress, with the result of bringing about a feeling in the committee, and largely in the House, that the Army ought to be withdrawn from the interior of the country and concentrated on the coasts.

If the gentleman from Colorado, representing an intermountain State, can find anything in the recommendation for the abandonment of the splendid military posts in the West, including the one in his own State—that brings him satisfaction, that pleases him—he is entitled to whatever consolation he can get out of that condition of affairs, for he is, as he boasts, largely responsible for it.

The gentleman's ire is roused to the point of unjustifiable reflections on members of his own party and Members of the Senate because the provisions in the Army bill which prevented the use of the appropriation on Fort Logan in his own State and on most of the posts in adjacent mountain States has been stricken out, and the question of the retention or abandonment of Army posts which he was instrumental in raising has been referred to a fair and impartial board of qualified men. He seems to be so intent on injuring the posts in a neighboring State that he is willing and anxious to jeopardize the institutions of his own State if by so doing he can inflict injury elsewhere; and he fairly raves because of a provision which will probably result in saving the fine post near the capital city of his State from abandonment. As for Fort D. A. Russell, it is so thoroughly established and so favorably situated that it is safe from the attacks of jealousy and the flings of misrepresentation. Other posts in the same region are more in danger from the misguided activity of the gentleman from Colorado.

The gentleman is not complimentary to the House conferees of his own party. He would have you to believe that the House conferees on his side on the Army appropriation bill were led around by the nose by one of the conferees in the Senate, and that everything that was done was for the purpose of serving the interests of one conferee in another body, and that the House conferees so little understood the situation that they allowed themselves to be trapped by this astute gentleman, who, he insisted, was working only in his own interest and that of those he represents, without regard to the interests of the country at large. I shall not impose upon the House to reply in kind to the intemperate language or baseless insinuation of the gentleman from Colorado [Mr. MARTIN] with reference to my colleague in the Senate. He needs no defense from me or anyone; his faithful and unselfish work for his State and the entire West, his potent and helpful labors and influence in legislation for the benefit of the entire country will be gratefully remembered long after his detractors are forgotten. Nor is it necessary for me to defend that gallant soldier who is now upholding the honor of the flag in the Philippines while the gentleman from Colorado stands here in defense of parade soldiers and carpet knights who never were within the range of a hostile bullet, and who, whatever their qualifications may be, owe their elevation not to tried and proven worth but almost entirely to the friendship and favor of men high in position and power to advance them.

It ill becomes anyone to cast slurs upon men who have been advanced because in the heat and fury of battle they have proved themselves to be good soldiers; to cast aspersions on a man who during his entire military career has been on the fighting line, and who never at any time has been a carpet knight, seeking the favors of those high in power and influence.

Gentlemen are disturbed because there have been great military leaders in the past, and may be in the future, who, by a provision brought in by the conferees, would not become eligible as chiefs of staff; and by the same token few of them would ever seek the position. Great commanders lead armies in the field. Think of all the armies of Europe as far back as your memories run, and, with the exception of Von Moltke, there has not been a fighting general in the history of modern Europe who has been chief of staff.

The Chief of Staff of the American Army organization should be a man thoroughly familiar with the country; thoroughly conversant with active warfare; a soldier of the battle line; a man in whose mind's eye, reflected by his own experience, are

the men in the trenches, the men on the firing line, the men on the march and in the bivouac, the men making the charge; those who are standing the hard usage of actual warfare.

A man of such experience stands beside the Secretary of War and the President, to consult and advise with them with regard to campaigns and as to the armies in the field. The men who have the genius to command armies are not necessarily Chiefs of Staff. They do not ordinarily seek such an appointment, and no better piece of legislation was ever offered or presented to the House than this one, which provides that the man who shall be Chief of Staff, planning campaigns, adviser of the Secretary of War, adviser of the President, shall be a man who, through experience, has learned what the soldier in the field encounters, and knows by his own experience how to plan and advise in the matters of active warfare. It is high time that it is understood that the road to the post of honor and responsibility is in the field among the men, on the firing line, and in active discharge of a soldier's hard duty, rather than in the line of soft snaps and easy stations under the eye and within reach of the ear of political power and influence.

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

Mr. MONDELL. I am very sorry, but my time is very limited.

Now, in regard to these Army posts, there has been a good deal said here that is half true, and some things said that are not true at all, although gentlemen do not realize it, of course, with regard to the appointment of this board.

For years there has been more or less agitation of the question as to how we should house the Army, as to whether we should concentrate it in a few great centers, the slums of the great cities, or should keep our Army scattered throughout the country in posts of medium size, with here and there a brigade post. Sometimes the War Department has taken one view and sometimes another. At this very time it stands halting between two opinions. The very post that the gentleman from Colorado [Mr. MARTIN] is so disturbed about, because he has not been able to wipe it off the map, and on account of which he is willing to asperse the character of men in the Army and in legislative life, is commended most highly in a report from the Secretary of War, which, I assume, had the approval of Gen. Wood. The present agitation was, as I have stated, largely started by the gentleman from Colorado [Mr. MARTIN] and a few others in the House. No one blames anyone in the Army for it, and, furthermore, no one in the Army has suggested, as some gentlemen seem to think, that these larger western posts should be abandoned forthwith. Many millions of dollars would have to be spent building new quarters before that could be done. Nevertheless, anyone, anywhere, who seriously suggests the abandonment of these posts at any time is sadly lacking in judgment.

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

Mr. PRINCE. Mr. Speaker, I now yield two minutes to the Commissioner from the Philippines [Mr. QUEZON].

The SPEAKER pro tempore. The gentleman from the Philippines [Mr. QUEZON] is recognized for two minutes.

Mr. QUEZON. Mr. Speaker, I do not propose to interfere with matters which are chiefly the concern of the American people, as is this Army appropriation bill; but I feel it my duty to say a few words here in favor of those Army officers who will be affected by this bill, if it should become a law, and who are serving in the Philippine Constabulary and in the Bureau of Insular Affairs.

I have never believed that the Filipino people needed the assistance of any outsider to run their own affairs. On the contrary, I maintain that they are wholly capable of governing themselves. At the same time I hold that whenever an American official is detailed, though without the consent or advice of the Filipino people, to serve in the Philippine Government, or in the Federal Government in connection with the Philippines, if that official makes a record as a faithful, honest, industrious, and intelligent servant of my people, he is entitled to their applause and even their gratitude. I am standing here now to make a public declaration of my great pleasure at the services rendered to the Philippines by Col. McIntyre and Maj. Sheldon, of the Bureau of Insular Affairs, and Gen. Bandholtz, and Col. Harbord, Rivers, Hersey, and Bennet of the constabulary, every one of whom, I am sorry to say, will be relieved from their respective positions, if this bill should become law, at a great loss to the islands. In so far as they have been able to do so, consistently with the régime that they are under, these officers have done what they could in the interest of my people, and they have been, without any question, a credit to the American Government.

The Philippines are controlled by the War Department through the Bureau of Insular Affairs. Unfortunately your system of government is such that Secretaries of War, who are supposed to be the men responsible for the government of the Philippines, are appointed without proper regard to their qualifications to deal with the Philippine Islands and their people. A man may be appointed for that high office, having in his hands the well-being of 8,000,000 men, without knowing anything about them. There must be, therefore, in the Bureau of Insular Affairs some official who has devoted a great deal of his time to the study of Philippine questions and is thereby competent to advise the Secretary of War. Col. McIntyre has been detailed in the Bureau of Insular Affairs ever since this bureau was organized and, I dare say, he has been the directing mind of that bureau. Immediately after the passage of this bill he will have to go back to his regiment, and with him Maj. Sheldon, so that there will be left no man in said bureau who knows much about the islands. How, then, will the War Department handle Philippine matters after this bill shall become law?

With regard to the constabulary I have received this cablegram from the Governor General of the Philippines:

MANILA, P. I., June 1, 1912.

Bill now pending in Congress requiring return to their respective organizations officers detailed for the Philippine Government if passed would remove the five highest officers in the Philippine Constabulary; impossible to properly fill their places in even one year; their duties here are of character definitely requiring large experience in military lines and understanding knowledge of Filipino people and affairs not possible to acquire except through long contact and unlike ordinary civil details here, is not loss of touch with Army practice or professional progress. They have essentially military command, and responsibilities are greater than present grades in the Army. Hard to conceive services of these officers as commanders companies or battalions could approximate in value to the United States Government services they are rendering. Military efficiency of the Philippines Constabulary is an essential factor to the continued reduction of the Federal expenses of the Army establishment here. Commissioners present earnestly agree with this view. Mr. Osmena joins in recommendation; leave no stone unturned to avoid what would be little less than a calamity by reason disorganization of a Government unit of prime importance which constabulary is by reason of its mobility and present popularity lending it to constructive and emergency work which has been and is of inestimable value. As far as known to me, no officer here affected by this has expressed any opinion or solicited opposition to the proposed legislation.

GILBERT,

Acting Governor General of the Philippine Islands.

In the five minutes allotted to me I can add very little to what this cablegram says, but I shall ask unanimous consent to extend my remarks in the RECORD so as to enable me to say something more about the Philippine constabulary and the Army officers at the head of this organization who will be affected by the provisions of this bill.

The constabulary is the insular organization responsible for the maintenance of public order throughout the archipelago, and in the performance of this duty it works in cooperation with the municipal and provincial officials, who are native Filipinos. A brilliant Army officer, fully equipped with the necessary qualities to keep the organization in good shape, as an armed body, may fail as a chief of the constabulary for lack of that personal knowledge that he has to have of the Filipino people to cooperate with them. It is absolutely necessary, for an Army officer to succeed in the constabulary, that he shall have been in contact for some years with the Filipino people and he must be, moreover, in sympathy with them.

The success of the Army officers who are now the chief and assistant chiefs of the constabulary is due to the fact that these men are not only very brilliant Army officers, but that they have had a lengthy experience in the Philippines. The chief of the constabulary, Gen. Bandholtz, is the only American who was ever elected by popular vote as a provincial governor in the islands. He was, before entering the constabulary, the governor of the Province of Tayabas, and his success as such had a great deal to do with his promotion in the constabulary. Col. Harbord has been in the islands for many years and his ability and very courteous manner in treating the Filipinos has made him friends all over the archipelago.

Mr. PRINCE. Mr. Speaker, I now yield to the gentleman from Massachusetts [Mr. WEEKS] five minutes.

Mr. WEEKS. Mr. Chairman, I am not unmindful of the difficulties of arriving at a conclusion on a conference report. These difficulties are especially enhanced when a supply bill is loaded down with legislation as this one is, legislation of the greatest importance. It is a vicious practice at best to incorporate legislation in appropriation bills, and this bill shows its extreme viciousness, because there is very much legislation in it that, if it were considered on its merits alone, would never be considered favorably by either House of Congress.

Another illustration will possibly illustrate this condition even better than in the cases just cited. The officers in the

Army of the Potomac in active command at the close of the Civil War were the following, and I append their records:

George G. Meade (class of 1835): Seminole War, 1835 and 1836. Resigned October 26, 1836. Reappointed May 19, 1842. War with Mexico. Topographical engineers. Had not served with troops over two years before Civil War.

Gouverneur K. Warren (class of 1850): Topographical engineers. Chief Engineer of Army, 1863 to 1864. Commanded Fifth Corps March, 1864, to April, 1865.

Andrew A. Humphreys (class of 1831): Artillery, 1831 to 1836. Out of service, 1836 to 1838. Topographical engineers. Second Corps, November, 1864, to January, 1865.

John G. Parke (class of 1849): Topographical engineers until 1861. Commanded Ninth Army Corps from August, 1864, to April, 1865.

Horatio G. Wright (class of 1841): Topographical engineers and Engineer Corps until Civil War. Commanded Sixth Corps from May 9, 1864, until the end of the war.

Ranald S. Mackenzie (class of 1862): Engineer Corps until June 10, 1864. Commanded Cavalry division in campaign of 1865. Appointed colonel Forty-first Infantry in 1867 in permanent establishment. Sald by Grant to have been most promising young officer in the service.

These men came to their positions after years of war, and served in the positions indicated immediately under the eye of Grant and with great credit to themselves, yet not one of them could have served as Chief of Staff if this proposed law had been on the statute books.

Von Moltke is the most conspicuous example of what a chief of staff should be. He served with the German general staff for 50 years before the French war and performed his entire service with it, covering a period of some 72 years; he, with the junior members of the staff, developed the plans on which the French war was successfully fought.

I do not agree with my military friend from Wyoming as to the duties of a general staff.

The Adjutant General is properly the military adviser of the President. Neither the General Staff nor the Chief of Staff should perform this duty. It is not in any way an administrative body. Its duty is to collect information, study such information, eliminating such as is worthless, and putting in useful form the part which is valuable. It should make and work out war plans for different localities and under different conditions. It should consider methods or organization and should coordinate the work of the different corps of the Army. In a word, it should do the planning and thinking for the Army under all conditions which may arise and at whatever time they may arise. The capacity of commanding bodies of troops in minor capacities may be of service, but a chief of staff should be an organizer—a broad-gauge, all-around man—the ablest man obtainable for such a position, without regard to his corps or his service. It does not follow because a man is a good handler of troops that he would in any degree be suitable for the position of Chief of Staff. The greatest thinker on naval affairs and the greatest living analyzer of naval actions and the results which have come from them is Admiral Mahan, of our Navy, and yet Admiral Mahan was not conspicuous for his success as a divisional officer or as a commander of a ship.

In fact, considering his great service in other ways, the results which he obtained in these positions were disappointing.

The work of a general staff can not be developed in a month or year, or perhaps not in a decade. It took 30 or 40 years to bring the work of the German general staff up to an efficiency which enabled it to work out its problems effectively. Other European countries are having exactly the same experience and difficulties. To require service with troops in a minor capacity should be treated as among the least of the qualifications required in a chief of staff. The President and, through him, the Secretary of War—and the same reasoning will apply to the Secretary of the Navy—should not be limited in the selection of officers required for special service. It is simply impossible for Congress to make general rules which will not embarrass and possibly cripple the service under such conditions, and while it is true that in some cases favoritism may result from this latitude, it is infinitely better to take this chance than to impose such restrictions as are provided in this legislation.

The Corps of Engineers of the Army are the first men in their classes and are, generally speaking, the most competent men for the kind of service which the General Staff requires. To indicate the injustice, not only to individuals but to the service, which might have arisen if such a provision had been in force in 1865 as is now proposed, it is only necessary to say that it would have disqualified Gens. Sheridan, McClellan, McPherson, and Schofield, of the Northern Army, and Gens. Lee, Stonewall Jackson, Beauregard, D. H. Hill, Forrest, Joe Wheeler, Fitzhugh Lee, J. E. B. Stuart, and every one of the competent officers who graduated from the Military Academy after 1853 or who came into the service as civilians during the Civil War and attained the rank of brigadier general during that service. To bring the possibilities down to the present day, it disqualifies Gens. Wood, Funston, Crozier, Goethals, and many other officers

not so prominently in the public eye but who have demonstrated their peculiar fitness for such service. To be sure, it will be said that Col. Goethals has not a rank which would entitle him to this preferment; but I assume that when the canal is completed Congress will take such action that there will be no difficulty about Col. Goethals being given sufficient rank to entitle him to any position of this character. Not only would it exclude these officers, but all other officers in the Ordnance Corps and in the Corps of Engineers. As a general proposition this legislation is extremely unwise, and yet there is a personal element connected with it which can not be overlooked. One can not possibly divorce from his mind the presumption that this legislation is aimed at one man, and that man the present extremely efficient Chief of Staff of the Army.

I have not the time or the inclination to indulge in the justified praise which might be accorded to Gen. Wood's service. The gentleman from Wisconsin has already gone into that in detail. It is sufficient to say that he has demonstrated that he can perform any kind of public service with distinction, and, while it is sometimes said in a slurring way that he is a doctor, it is equally true that he is a capable handler of men; that he was a great administrator in Cuba, and that he has held no position in the Army in which his work has not met the hearty approval of those who are competent to pass judgment on it. There is sometimes in the military service a prejudice felt between those who have graduated from the Military Academy and those who have come into the service through other channels, but if any Member of this House will take the trouble to investigate, by inquiring of graduates of the Military Academy, he will find a general opinion that Gen. Wood is the fittest man in the Army to occupy the position which he now holds, and not only from a technical standpoint is this true, but his service has been so great that the general public has a considerable knowledge of it, and those citizens who have become familiar with it are unstinted in their praise. I quote from an editorial in the New York Herald entitled "Send Wood to Cuba."

SEND WOOD TO CUBA.

Why would it not be a good idea for the Washington administration, instead of sending a brigade of the United States Army to Cuba to supplement the marines and cause actual intervention, to first try the expedient of sending Maj. Gen. Leonard E. Wood, Chief of Staff of the Army, as a peace emissary?

Gen. Wood, during the period of preparation for Cuban independence, was governor of the territory on the south side of the eastern end of the island in which the revolt of the negroes is now spreading. Later he was governor general of the entire island.

He has the confidence of the Cubans. He is a man of talent, quick perception, ready tact, and accurate and extensive knowledge of conditions and character, all of which will count for much. He is regarded as the only man who could accomplish a peaceful settlement without intervention and bloodshed.

The suggestion comes to the Herald from an American now in Cuba. We believe it is too valuable to be passed by, and pass it to President Taft.

I have myself received from citizens of Massachusetts, who have interests of one kind or another in Cuba, letters urging that Gen. Wood be given charge of whatever service our military forces may have to perform in Cuba during the present troubles, basing that request on the service which he performed there when he was governor of Santiago and of the island itself. Undoubtedly there must be some giving as well as taking in a conference, but it is bad enough in a military bill to be obliged to support a proposition which will cripple the Panama Canal service, the Division of Militia Affairs, the Insular Bureau, the Philippine Constabulary, the instructors' service in Army schools, including the War College, and foreign fieldwork and service without being compelled to cripple the General Staff, which has really just commenced the great work which there is for it to do and without embarrassing the Commander in Chief in the performance of his proper constitutional functions, to say nothing of enacting legislation of such a personal character that it throws a stigma around one of the most distinguished Army officers in active service. I hope the President, if this conference is approved by the House, will exercise his constitutional right and veto this bill. If he does, he will, in my judgment, be performing a great public service.

Mr. MANN. Mr. Speaker, I do not believe that Congress ought to wreak personal animosity against a particular individual by general legislation, nor do I believe that in the trades which can affect personal or State interests in a conference we ought to bring out of conference and enact into legislation provisions affecting personal interests instead of the general good. I question the advisability of appointing on a commission to examine into Army posts any retired officer of the Army who is in the private pay and employ of a company engaged in selling supplies to the Army. [Applause.]

Gen. Humphrey was a man and is a man of high character, very popular while he was Quartermaster General in the Army,

and very popular now. It is not his fault that he is named, but he ought not to have been named on a commission to determine in regard to Army posts while he is in the employ of the Du Pont Powder Co. [Applause.]

It is abhorrent to every sense of justice to place any officer or any man in such a position. Working for a company, selling supplies to the Army, whose vote might determine whether an Army post shall be retained in a conflict among Army officers—it seems to me wholly improper that he should be named, whoever suggested it. I regret that an occasion has arisen where the House even is called upon to vote whether we shall endeavor to cast odium upon the present Chief of Staff, Gen. Wood. Why, Mr. Speaker, his reputation is beyond and above our assaults. [Applause.] We cast odium upon ourselves by endeavoring to declare that we wreak personal and private envy and revenge upon this Army officer who has proved his worth both in the field and in his position as Chief of Staff. Enjoying the confidence as he has of two Presidents, enjoying the confidence as he does of the people of the United States, it ought to be beneath us to throw mud at him in this day. [Applause.]

Mr. PRINCE. Will the gentleman from Virginia use some of his time?

Mr. HAY. I do not want to use any more of my time until the gentleman gets through.

Mr. PRINCE. Has the gentleman only one more speech?

Mr. HAY. That is all.

Mr. PRINCE. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has five and a half minutes.

Mr. PRINCE. Mr. Speaker, this bill clearly demonstrates to the country the inadvisability of legislation on an appropriation bill. It is filled with bargains; they are on the counter. It is logrolling. The Army is not considered. The question is how to obtain certain advantages here and there. If this bill in its present form should be approved by the President, we will be besieged within six months with requests for legislation to undo this ill-digested and unworthy thing which we are seeking to force through here by the reason of dividing out favors in one form or another. That is the way it is. See what we do. We affect the Philippine service, as the commissioner from the Philippine Islands has said; we affect the Signal Corps; we affect the Panama Canal; we affect the Ordnance Department—all are affected by joker legislation that is put in here to wipe out and fix up in some way something to placate different interests. It is personal legislation for certain Army officers and spiteful legislation against other Army officers. A board has been selected. When I practiced law I used to like to get jurors who were in my favor, but I rarely dared go into court and select a majority of the jury when I knew in advance how they were going to decide a case. Can this Congress stand before the American people as a Congress in favor of economy when they are keeping up these boards? There is no partisan politics in it. The Democratic side of the House put in a provision to abandon certain Army posts. You wanted to do it. The conferees have betrayed the House. I say it, with knowledge. They have betrayed the wish of the House. They have thrown down the question of abandoning Army posts. They have consented to it, and distinguished men on the floor have stood and urged that a point of order, which in my judgment was well taken, should not be sustained, to save Fort D. A. Russell, one of the forts that you moved, practically unanimously, to abandon. Here is a great side whirling around, betraying its own action, reversing itself for what? Because of deals made in the bill to carry out certain propositions to do certain things that will eventually come back to plague the men who vote for such legislation as this.

I say it affects the Army. Here is a provision as to a Chief of Staff that he must serve with troops for 10 years. Everyone of us select young men to go to West Point. We say to these young men, be a star graduate, do the best you can, stand at the head of the Army, get distinction, get into the Engineer Corps, and then we turn around and in Congress say to those whom we have encouraged to be at the head of the Army, to be star graduates, "You shall never be Chief of Staff in the Army." What consistency in public men! The brightest, the brainiest, the best young men who are selected in the country go to West Point and stand at the head of their classes, the honor graduates, are to be denied the right to ever be Chief of Staff, because they can not serve in the line with troops for 10 years. Is that fair? What is the legislation for? Apparently to punish one man, as I have read in the newspapers. What has he done to merit it? He was nominated as brigadier general and confirmed by the Senate under the Constitution. He was named as major general and confirmed as major general by and

with the advice and consent of the Senate. Since then what has he done to make him ineligible? What act has he committed since he was made major general in the Army to make him ineligible? There has broken out a feud between the staff and the line, a most regrettable thing. We thought when we created the Chief of Staff that we had taken the Army out of politics, but it is now in politics to the regret of the Army. Think of the long line of distinguished soldiers who have been in the Army. Years ago I heard a distinguished gentleman, now an ex-Member, who sits here to-day, Gen. Black, recount that long list of distinguished names, beginning with Washington and going down through Jackson, Scott, Taylor, Grant, Lee, Sherman, and Sheridan, and as he said at that time it is an unbroken line of distinguished men. The great Army of the Republic with its history is to be thrown into politics and kicked back and forth as a shuttlecock to carry out personal spite to take up the cudgels of Army officers. [Applause on the Republican side.] I hope the House of Representatives will vote down this conference report, for it is an insult to the best interests of the Army, of the people, and of the country. [Applause on the Republican side.]

Mr. HAY. Mr. Speaker, the gentleman from Illinois has stated that the conferees betrayed the House, a statement that is absolutely untrue and without foundation in fact. The gentleman from Illinois [Mr. PRINCE] and the gentleman from Massachusetts [Mr. GILLET] and other gentlemen whose names I do not now recall, have stated that this legislation pertaining to the qualifications of the Chief of Staff is had because of personal spite. I deny the allegation. There was no personal spite about it. It was done because those who had charge of this legislation believed that it was right and proper that the man who is going to serve as Chief of Staff should have these qualifications. I do not want to be personal about this matter at all. I did not want to refer to Gen. Wood or his qualifications as Chief of Staff or as an officer of the Army or as a soldier who, it is alleged, has performed great deeds of valor.

The friends of Gen. Wood have dragged his name into this debate, but there are two sides to this question as to the capacity and fitness and ability of Gen. Wood. There are two sides to the question as to whether or not he is such a brave soldier in the face of the enemy, and upon that I have here before me a letter of an Army officer who served in the campaign about which the gentleman from Wisconsin talked in the Indian country which states that Gen. Wood never saw a hostile Indian nor was within 5 miles of a hostile bullet. [Applause on the Democratic side.]

Mr. COOPER. Will the gentleman permit an interruption?

Mr. HAY. Oh, yes.

Mr. COOPER. Does the gentleman himself believe that falsehood? Does not the gentleman know that Gen. Lawton praised Leonard Wood for his surpassing bravery and declared in a letter that in all the Civil War he never saw such an example of courage?

Mr. HAY. I will say to the gentleman from Wisconsin that is the statement that is made.

Mr. COOPER. Did not your own Gen. Joe Wheeler praise him for his gallantry in battle?

Mr. HAY. Oh, the gentleman has already stated that. The statement I am referring to was made by Maj. H. C. Benson, Fifth Cavalry, in the Army and Navy Journal, on the 3d day of July, 1909. Now, I do not know where else Gen. Wood has been in the face of any danger, and as to his capacity and the great service which he has rendered to this country as the Chief of Staff or in any other capacity, it is not so very long ago when there was in the Senate of the United States a determined fight made against Gen. Wood for promotion to major general by one of the most distinguished Republicans that this country has ever produced, and evidence was shown in that investigation and affidavits were produced from men of the highest character that they would not believe Gen. Wood on oath. It was shown in that investigation that Gen. Wood had been guilty of many things while he was Governor General of Cuba which were not to his credit as a soldier or man; and I ask leave to extend my remarks now, so that I may place in the RECORD the reports made by Senators Hanna and Scott on that occasion.

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

There was no objection.

The reports are as follows:

(Confidential. Jan. 18, 1907, made public.)

[Executive No. 2, Fifty-eighth Congress, second session.]

NOMINATION OF LEONARD WOOD.

Mr. Scott, a member of the Committee on Military Affairs, submitted the following review of the evidence submitted to the Committee on

Military Affairs of the United States Senate in the hearing on the nomination of Brig. Gen. Leonard Wood, United States Army, to be a major general, and especially on two of the charges as a reason for his vote against the confirmation of said nomination:

As a member of the Military Committee of this body it has fallen to my lot to assist in the conduct of the investigation bearing upon the question of whether or not the nomination in this case should be confirmed or rejected. I think it can without doubt be said that your committee has spent much more time and labored more assiduously in endeavoring to arrive at what is proper to be done in the premises than is usual in a case of confirmation, certainly far more so than in any case that has come within my knowledge during my membership in this body. The case is universally recognized as one of more than passing interest. The appointment is that of a major general in the Army, a life position, and of a young man whom it is conceded must in a few years, if confirmed, succeed to the head of the Army of the United States; and by reason of his age, will in that capacity, in the natural course of events, occupy that important and exalted station for well-nigh a quarter of a century. That such confirmation should be made with due deliberation, and that the person to be confirmed should be highly qualified and in every way worthy and above suspicion goes without saying.

An error made at this time can not hereafter be remedied. The people of the United States await our action with the greatest interest, and in what we do the character, good name, and orderly discipline of the Army is involved. If the constitutional requirement that appointments of this character should be made only with the advice and consent of the Senate means anything, and if this body, at any time and under any circumstances, purposes to make effective this part of the organic law by giving or withholding its consent to a nomination of the Executive upon the real merits of the case, and thereby to assume its legitimate responsibility for the country's appointments, such power should be exercised in this case, to the end that the Senate may, in truth and in fact, exercise its prerogative and advise with the President as to the propriety of this appointment, and to give or withhold its assent only according to what is right and proper. To do this is no less a duty to the President than it is to the Army and to the people themselves.

The question of the confirmation of the appointment of an officer of this rank in the Army of the United States is always one of unusual delicacy, and one as to which the Army of the United States particularly has the right to rely upon this body to do more than exercise a mere perfunctory act. The President, the appointive power, is the Commander in Chief of the Army and Navy of the United States, and appointments in either of these services come from him to those under him with peculiar force and power, in that what he says to those under him is to them the law, and even complaint or criticism on their part are really acts of insubordination; hence to us alone this great body of Americans who make up the Army of the United States, loyal, true, and faithful as they have ever proven themselves to be, can look for justice and right should the Executive, their Commander in Chief, either innocently or capriciously make a mistake affecting their welfare. These officers and men, thus cut off from the right of complaint, have a peculiar claim to be heard here in the matter of appointments affecting them, and it becomes and behooves every Senator to exercise his very best judgment and do his utmost to throw every possible safeguard around this class of appointments, particularly when the act of confirmation has the far-reaching effect that this one will have.

This case is unique in that, first, it involves the very objectionable feature in Army appointments of unduly promoting one officer over another, and second, of having an appointee, whose fitness from a military standpoint, is challenged, and third, whose character and good name are attacked. All of these are very serious, the first two charges, if sustained, tending to do injustice to others and seriously affecting the efficiency of the Army, and the last, because it is almost unprecedented in the annals of the country. The question of efficiency and the lack of undue partiality should be made clear, and unless the other charges are disproved, beyond all suspicion even, confirmation should not be seriously considered. Upon consideration of these questions, your committee has spent days of labor; and a large number of witnesses, among them men of the highest character and standing from different parts of the country, have been examined, bearing upon the specific and general objections to this appointee, the evidence covering nearly 900 pages. And for one I wish to say that, however much I dislike to withhold my assent to an Executive appointment, I can not think of giving the same in this instance, and I am loath to believe that many Members of this body would do so if they could carefully review this great mass of evidence, which has been submitted for their consideration, and see and hear the witnesses, as I have done.

I shall not pretend in the limited review that I shall make to even refer to many of the objections brought against the confirmation in this case. I shall, however, refer specifically to one or two of the charges, touching, first, however, upon the propriety of this appointment, irrespective of the particular objections mentioned affecting the conduct and character of the appointee.

Ought Gen. Wood to be confirmed as a major general in justice to the other officers of the Army, and is there any reason existing in this case why this partiality and preferential mark of distinction should be conferred upon him, when it may lead, as it inevitably will, if he lives, to his reaching and holding for years the position of "General of the Army of the United States"? I concede that officers of the rank in question now are not necessarily subject to rotation in the matter of appointments, but they should be unless there is some good reason to the contrary. Civil-service rules even require this, however little respect I may have for that incubus that has engrafted itself upon the administration of our Government, the effect of which is that one set of men earn the honors and emoluments of office and another set receive them.

If the principles of civil service are to prevail anywhere they undoubtedly should in Army appointments. Distinguished services, of course, the exemplification of extraordinary capacity in the art of war, should serve to warrant a departure from the regular mode of making appointments. Had we a Grant, a Sherman, or a Sheridan, or a Lee, a Longstreet, or a Wheeler, men who upon many fields and who during a series of years had demonstrated, by results, their extraordinary skill and capacity as warriors, no voice would be heard to raise a question; but who is Gen. Wood, and what has he done to entitle him to this great preferment, seriously affecting the rights and legitimate ambitions of so many others who have spent their lives in the service of the country and fought its battles on many a bloody battlefield?

In the year of grace 1896 Gen. Wood had attained to the distinction of a surgeon in the Army, and while he doubtless showed capacity in his profession it was simply in that capacity, unless it be

that his friends claim for him great services as an officer in the administration of civil affairs, that he can pretend to make any other claim, for surely thus far, however gallant and efficient he might be in battle, opportunity has not yet been afforded him to demonstrate his capacity in this respect. Until it has thus been shown, I earnestly insist that this body ought not to give its consent to the proposed favoritism that has been shown to him. It is true that he was, heretofore, appointed a brigadier general and confirmed as such, due, many believe, to the tender affection and kindness of heart of the beloved McKinley, whose life was so ruthlessly taken; appointed more especially because of the need of one who was supposed to possess qualities for civil government in a territory where the dangers arising from disease were greater than those likely to arise from war.

We are told that Augustus boasted that he found Rome of brick and left it of marble, and so perchance may Gen. Wood lay claim to the boast that he found Cuba a den of filth and disease and left it with a sewerage system. This, however, goes to his credit as a physician and as a sanitary officer, and does not, in any sense, show his fitness to command a body of troops. The evidence in this case quite clearly establishes the fact that he was appointed because of his supposed capacity as a civil governor, and there is much to throw doubt upon the question of whether even his appointment as brigadier general was not regretted by the President, and no one will believe that Mr. McKinley would ever have thought of promoting him to a major generalship, certainly not in the light of the present developments.

In support of my criticism of Gen. Wood's appointment to this position I shall refer to the evidence of a witness taken in this investigation, upon whom all will rely, because of his great distinction as a soldier and high character as a man: Maj. Gen. James H. Wilson, now a retired Army officer of the United States, made such by special act of Congress at the end of the trouble in China, having faithfully served his country in the Civil War, in the Spanish War, and in China. At page 523 of the record, relative to this appointment and its effect upon the Army, Gen. Wilson said:

"Q. How many major generals have we now? I have forgotten for the moment.

"Senator ALGER. Six, are there not?

"Senator TELLER. Under this present law.

"The CLERK OF THE COMMITTEE. Six major generals, one Lieutenant general.

"Senator TELLER. And how many brigadier generals?

"The CLERK OF THE COMMITTEE. Fifteen brigadier generals.

"The CHAIRMAN. Six of the line.

"Senator TELLER. I do not know but what I would like to ask Gen. Wilson what he thinks of Congress making major generals. I have not much sympathy with that myself, except in extreme cases.

"By Senator TELLER:

"Q. What do you think will be the effect, General, if we have six major generals, if some man who has had neither military experience nor military education shall be put at the head of the six, where he may ultimately command the American Army?—A. According to all precedent, I should regard it as being very detrimental to the public service.

"Q. Are you able to state, General, as to what the feeling is in the Army about the promotion of Gen. Wood?—A. Yes; somewhat fully.

"Q. As to whether it is approved or disapproved.—A. I was on the active list at the time the promotion was made. I have heard the matter discussed in military circles since, both in this country and abroad, and I have never yet seen the man, either of the Medical Corps or of the noncombatant staff, or of the staff or the line of the Army who approved it.

"The CHAIRMAN. You refer to his promotion to the rank of brigadier general?

"The WITNESS. I refer to his promotion to the rank of a general officer—both brigadier and major general."

"At page 531, as to why possibly President McKinley appointed Gen. Wood, this same witness says:

"By Senator HANNA:

"Q. When the selection of Gen. Wood was made and he was put over you, it was for civilian duty, and not military?—A. I suppose so.

"Q. There was nothing military in it?—A. No, sir.

"Q. Nothing requiring military genius or military operations?—A. No, sir.

"Q. He was simply in a civic position, and not military?—A. And I was the only major general of the United States Army who had ever commanded in a reconstructed, seceded State. But I never resented it that they had taken a fellow absolutely inexperienced and put him over my head, and it did not make a particle of difference in the performance of my duty, not a particle.

"Senator HANNA. No."

"And at page 528 whether he did not probably live to regret the appointment.

"By Senator FORAKER:

"Q. It has always been the custom, has it not, that promotion up to the rank of colonel should go by seniority, and after that, in regard to general officers, the President was free to select whom he saw fit?—A. Certainly. I told the President of the United States when I was ordered up from Cuba for a conference with him and he had me here my views very fully as to the condition of affairs in Cuba, after which he then said to me: "General, you have shown me how to solve these questions. We have had no policy heretofore. I am under great obligations to you."

"Senator ALGER. What date was that?

"The WITNESS. That was in February or March of 1900; either February or March. I remarked after he said this to me that he had taken another man to do the job. He stepped over to the mantelpiece with all the deliberation that characterizes him, took his cigar out of his mouth most suavely and pleasantly, and puffed the smoke into the air and said, "But, General, I did not expect that thrust from you just now." I replied, "There is no thrust in that."

"At page 530 of this same witness's evidence, after having explained that such a thing as this had never been done but twice before in the history of the country, and not at all except during the Civil War, in one of which instances it proved very disastrous, the witness gives a statement of Gen. Wood's fighting experience, as follows:

"By Senator FORAKER:

"Q. Have you given the President the benefit of your opinion?—A. No, sir; I have not. I have not had any conversation with the President on this. Shortly after the occupation of the island of Cuba I had a letter from Col. Roosevelt, as he was then, saying that he had been to the Secretary of War and had urged my appointment as the proper man to command in the island of Cuba. He said he had gone to the President and urged him to make the appointment. The President, for reasons which Col. Roosevelt regarded as being definitive, and

which you, Senator Foraker, confirmed, declined to make the appointment. Later I had another interview with Mr. Roosevelt, after he had been elected Vice President of the United States, at his house at Sagamore Hill.

"The CHAIRMAN. After he became President?

"The WITNESS. After he became Vice President, but before he became President. He began then in rather extravagant terms of praise of Gen. Wood, whereupon I said to him, 'Gov. Roosevelt, I think you are perhaps mistaken about that. If I am correctly informed, Gen. Wood never was under fire in his life until the Spanish War began, either in the Geronimo campaign or at any other time. In the Spanish War he was never in but one battle, and that at Las Guasimas, where but for his rescue and support by the colored troops he would have been badly handled.' 'Oh, yes,' said Mr. Roosevelt, 'he was, at San Juan.' To which I replied, 'I beg your pardon, he was not. You know that he was in the rear looking for ammunition.' 'Yes,' said he, 'but do not tell anybody.'

"Now, why he did not want me to tell anybody I do not know. I did not pursue the subject any further, and that is the last word that has ever passed between us with reference to Gen. Wood."

This statement of Gen. Wilson shows clearly the natural resentment that will exist if this great wrong is perpetrated upon the Army of the United States by the confirmation of Gen. Wood, and its injurious effect must necessarily be very great, affecting as it does the ambitions of scores of young men, which must be nipped in the bud because of the youth of Gen. Wood and the long time that he may remain at the head of the Army.

The specific charges against Gen. Wood are six in number, though in the great mass of evidence taken there are many things which tend to reflect discredit upon him.

"I charge Gen. Wood with issuing orders and instructions to the courts in the postal cases, in violation of article 387 of the Penal Code of Cuba, and in a manner prejudicial to the rights and interests of those under trial.

"The CHAIRMAN. That is one charge, is it?

"Mr. RATHBONE. Yes. Then I charge him with authorizing the use of ex parte depositions in the postal cases, a proceeding which is contrary to the law and the principles of law, and in this case contrary to instructions given by the Secretary of War.

"Senator SCOTT. In other words, that would be disobedience of orders that you charge him with there?

"Mr. RATHBONE. That is what I charge him with. And I charge him with accepting gifts from an organization commonly known as Jai Alia, to which he had granted a 10 years' exclusive concession, the same being a violation of the so-called Foraker law, which prohibited the granting of franchises or concessions during the occupation of the island by the American authorities. The acceptance of these gifts constitutes a violation of article 397 of the Penal Code of Cuba.

"I also charge him with complicity with another Army officer in the preparation and publication of an article reflecting discreditably upon their ranking officer, in violation of an accepted canon of military service, and constituting an offense commonly known as 'conduct unbecoming an officer and a gentleman.'

"I charge him with directing and causing the auditor of Cuba, by a military order, to violate the law in the treatment of accounts.

"I charge him with utilizing the services of an ex-convict, with whom he was in intimate personal association, in an effort to displace his superior officer, and by such means to secure to himself the vacancy thus created.

"Incidental to these there are many minor charges."

I shall not attempt to take up these charges seriatim or pretend to refer to all the unfavorable things said against him in this evidence, and it is only as to the third and fourth charges that I shall comment. I shall leave the remaining charges for others to review; further than in passing I wish to say, in respect to the first and second specifications bearing upon the trial of Maj. Estes G. Rathbone, that while I am not a lawyer and therefore as well prepared to express my views as others of this body, the so-called trial of Maj. Rathbone strikes a layman as a travesty on justice, and that a special military rule should have been directed by our Government to correct so grievous a wrong is but natural; and in justice to the accused, Maj. Rathbone, it should be said that although special provision was made whereby this wrong could be corrected, and the Cuban Government, before the rehearing thereunder was had, had passed a general act of amnesty relieving him from all liability, still as quick as he could come to this country he was found knocking at the door of this body asking that his every transaction brought in question at the so-called trial, while officially connected with the Government, should be fully investigated, to the end that full justice might be done.

This has not yet been accorded him, and until it is the finger of scorn of no American citizen should ever be pointed to him. He justly had the consideration of the committee shown him in fully hearing his every accusation against Gen. Wood, one of the parties claimed by him to be largely instrumental in bringing about the result of the so-called trial; and I desire also to say in this connection that the action of Gen. Wood, relative to this trial, also strikes me, a layman, as being such that it unfits him to deal with men either from a civilian or military standpoint. His conduct in fixing a bond in this case first at \$25,000 and then at \$100,000 looks like cruelty and it would be so considered in this country, whether it were the act of the Chief Justice of the United States or simply a country magistrate. Few American citizens would have found themselves so fortunately circumstanced as Maj. Rathbone, to have had a personal friend who happened to be a distinguished leader of this body, and able to reach the ear of the Secretary of War and the President, to check the outcome of such a performance, and the pecuniary ability to personally raise \$25,000 or \$100,000 in cash, as had been whimsically or maliciously demanded.

Referring to the conduct of Gen. Wood to his superior officer, Gen. Brooke, and his disloyalty to him, as covered by the fourth specification above referred to, I submit that no impartial person can review the evidence in this matter carefully without reaching the conclusion that that charge is fully established. Indeed, it is much more clearly proved than is ordinarily possible to establish any fact as to which there is a possibility of doubt. The evidence to support this accusation comes from witnesses of the highest repute, whose statements can not be whistled down the wind or made light of, I may say brushed aside, as is sought to be done here, without even an examination of Gen. Wood himself. Indeed, the circumstances so strongly support the charge and exclude the theory of innocence of Gen. Wood that if he were being tried by a jury of his countrymen for a crime upon like evidence and under like circumstances his conviction would result beyond question.

Gen. Brooke's evidence quite conclusively establishes the lack of loyalty and support of Gen. Wood while under his command, and the evidence tending to show the complicity of Gen. Wood in the attack upon Gen. Brooke's administration, as written by Maj. Runcle and published in the North American Review, is clear. To understand fully this accusation, the relation of the parties one to the other should be borne in mind. Maj. Gen. Brooke was the military governor of the island of Cuba. Gen. Wood was a subordinate officer commanding the district of Santiago. Maj. Runcle was a retired United States Army officer, a close and devoted friend of Gen. Wood, who was in Cuba at Gen. Wood's invitation in an unofficial, confidential capacity, for the purpose of giving him such advice as he was enabled to, lived with the general, and was a personal legal adviser to him.

While these relations existed a certain Mr. R. S. Baker, correspondent of a New York journal, came to Cuba with letters of commendation to Gen. Wood, the object of his visit being to write up a personal sketch of Gen. Wood, and he was introduced by Gen. Wood to his personal friend, Maj. Runcle, and the object of his visit explained. Whereupon he was invited to dine with the two, the general and the major. And it is admitted by all three that he was referred to Runcle as a person entirely familiar with affairs there and who could be relied on to give a correct statement of existing conditions, the point of difference between them being, so far as the article in controversy is concerned, that Runcle claims that it was understood that, as he was thoroughly familiar with Cuban matters, he should write an unvarnished account of affairs, the effect of which was to reflect discredit upon the Brooke administration, which article was to be furnished by him to Baker, to be by the latter published as his own communication, whereas Baker claims that Gen. Wood's knowledge was confined to the personal article which he came to Santiago to secure, and that the other article was one to be written by Runcle himself and to be sent to him for publication in New York, and of which Gen. Wood had no knowledge, so far as he knew.

During Baker's visit of several weeks in Santiago he and Runcle saw much of each other, as he also did of Gen. Wood, but not so frequently. And at the interview between the three it appears that the Cuban situation and status of things in Cuba was fully discussed and free criticism made of Gen. Brooke, though there is no claim that there was anything said at the time of a purpose to remove him. The witness, Baker, who was friendly to Gen. Wood and called in his behalf, at pages 427-428 of the record goes quite fully into the conversation that took place between them and shows at least that there was a free adverse criticism of the administration of Gen. Brooke made to him, a newspaper man.

"By Senator QUARLES:

"Q. I wish to ask just one question. The article that you had in mind to write was not one, as I understand it, that concerned Gen. Wood personally, but Gen. Wood as connected with the administration of Cuba. Is that right?—A. No, sir. I went down there to get an article about Gen. Wood personally, in his work.

"Q. His work where?—A. In Santiago.

"Q. Precisely.—A. Yes, sir.

"Q. Then the information that you were after and the subject that was discussed was the relation of Gen. Wood and his administration to affairs in Cuba?—A. Yes, sir.

"Q. And in that discussion he frankly gave you his divergence of opinion from the administration?—A. Yes, sir.

"Q. On certain points?—A. Yes, sir; he told me about those things.

"Q. Yes.—A. But I did not think—I went to Habana and met Gen. Brooke, and I talked over—

"Q. I am not impugning your motives.—A. Yes.

"Q. I am only trying to get at the scope of that discussion there.—A. We talked very fully about all these things.

"Q. Yes; and he did not hesitate to criticize the administration of affairs there where he thought they were wrong?—A. No, sir.

"Senator QUARLES. That is all.

"By Senator HANNA:

"Q. Did he personally criticize Gen. Brooke?—A. Do you mean criticize Gen. Brooke personally?

"Q. No, no; his administration.—A. Yes, sir; he said things were not going right there, he thought, in all respects. He was frank in his disagreement with—

"Q. Certain things? What things?—A. I can not mention—

"Q. I want to know whether he was criticizing the administration of Gen. Brooke, and specified his administration of affairs which he considered against the interests of the island.—A. He thought, I think, that Gen. Brooke did not understand conditions in Santiago, probably, thoroughly. Gen. Brooke had never been down there.

"Q. Was it simply Santiago he was confining his criticism to—the administration in Santiago?—A. Yes, sir.

"Q. Not in general terms the administration of Gen. Brooke in the island of Cuba?—A. No, sir.

"Q. That was not mentioned, but only Santiago?—A. That is my remembrance of it.

"Q. What was the nature of his criticism?—A. He thought Gen. Brooke had not been at Santiago and did not know the conditions—conditions were quite different at that end of the island—and that some of the appointments he had made there were not good appointments; that he had not taken the pains to make a thorough investigation before making his appointments.

"Q. How was Gen. Brooke to know the conditions there?—A. At Santiago?

"Q. Yes.—A. I do not know, unless he was to go down there.

"Q. He had a representative there, a subordinate officer in charge. If things were not as they should be at Santiago, was it not Gen. Wood's business to so notify the commanding general, the governor general?—A. I suppose it was.

"Q. Had he done so?—A. I do not know.

"Q. Did he say anything about it?—A. I do not recollect that he said anything about that.

"By Senator QUARLES:

"Q. Let me recall to you another thing and see whether that was discussed, whether or not Gen. Brooke was criticized for an order he had made requiring the transfer of customs receipts from Santiago to Habana?—A. Yes, sir.

"Q. That was one of the points of criticism?—A. Yes, sir; Gen. Wood thought the money should be expended and was needed there at Santiago.

"By Senator HANNA:

"Q. Had he said so to Gen. Brooke?—A. I do not remember; only I know that was one of the points.

"Q. Did he give any reasons why he thought Gen. Brooke's administration was faulty, because he would not let him spend the money instead of directing it himself?—A. I do not remember about that.

"Q. Now, you say that during this interview at the dinner Gen. Wood did suggest that Maj. Runcie should prepare an article?—A. No, sir.

"Q. He did not?—A. No, sir.

"Q. Did he at any time?—A. No, sir; not in my presence.

"Q. I thought you said he told you that Maj. Runcie was the one to consult on certain topics of the judiciary, and so forth.—A. To give me information for my article."

And a further examination of the same witness, at pages 432 and 433, shows at least that the purpose of the article on the part of Maj. Runcie was to attack Gen. Brooke and his administration, which he supposed would inure to the benefit of Gen. Wood, and that he, Baker, while specially careful not to hurt Gen. Wood, shared in this feeling, but that he, in his own article, wrote nothing of the kind.

"By Senator TELLER:

"Q. Mr. Baker, you said that you had a number of conversations with Maj. Runcie. How long were you there?—A. I was there from about October 22 to November 5.

"Q. How often did you see the Major?—A. See Maj. Runcie?

"Q. Yes.—A. I can not tell you. It must have been quite a number of times.

"Q. Every day?—A. I could not say every day; no, sir.

"Q. What were you discussing? You say 'the various discussions you had.' Was it always about this article?—A. Oh, no, sir.

"Q. What was it about?—A. I was getting information about conditions there in Cuba, and about Gen. Wood personally, and Maj. Runcie had been there a long time and he knew affairs very thoroughly and he could tell me a great deal.

"Q. What was Maj. Runcie's attitude toward the then administration?—A. He opposed it.

"Q. He was a friend of Gen. Wood's particularly?—A. Yes, sir.

"Q. What was his purpose in writing the article? What did you gather, now, from what he said to you as to what was his purpose?—A. I gathered that he wanted to relieve his mind.

"Q. That was it?—A. Yes, sir.

"Q. He could have done that by addressing you, could he not?—A. He wanted to have the article published.

"Q. Is it not a fact—you are a newspaper man—that he wanted the public to understand what the situation was in Cuba from his standpoint?—A. From Maj. Runcie's standpoint?

"Q. Yes.—A. Yes, sir.

"Q. And you knew that was the article to be sent?—A. Yes, sir.

"Q. You were in sympathy with that, were you not?—A. Yes, sir; I was, more or less.

"Q. Did you discuss with him what would be the effect of it on the public, what might be the result in Cuba?—A. No, sir.

"Q. You think not?—A. No, sir; I do not recall discussing that subject at all.

"Q. You do not recall any conversation as to what its influence might be on Gen. Wood's future?—A. No, sir. If we had discussed it, surely I should not have printed it.

"Q. Should not have what?—A. I should not have had anything to do with printing it.

"Q. Why?—A. Because I did not want to injure Gen. Wood in any way.

"Q. I am not speaking of that. Was it not the idea that it would help Gen. Wood to have it understood that Gen. Brooke was inefficient?—A. I suppose that was the object of Maj. Runcie's article; but I wrote nothing of the kind.

"Q. You did not write it; but you knew that he was going to write it, you say?—A. Yes, sir; what—

"Q. I want to call your attention to this letter.—A. Yes, sir.

"The CHAIRMAN. Let him finish his answer.

"The WITNESS. That was all I wanted to say."

Upon Baker's return to New York, in the early part of November, he printed a lengthy and most fulsome account of Gen. Wood and an account of his administration of affairs in Santiago, painted in glowing colors. In the latter part of that month the Runcie article, attacking the administration of Gen. Brooke, above referred to, was duly forwarded to Baker, and by him, after some delay, caused to be published in the North American Review for the month of February, 1900, over the signature of Maj. Runcie, bitterly attacking Gen. Brooke and his administration. Some months before, however, Gen. Brooke had been actually removed or relieved from the position of military governor of Cuba and Gen. Wood put in his place. Baker and Runcie are at utter variance with each other as to the manner in which this article was to be published, but the significant and important feature is the emphasis placed by Runcie on the 26th of November, when he wrote Baker of the importance of having the letter then printed where it would be read, and concluding—

"Things here have recently been even worse than when you were here, but there seems to be a dawning light around Washington, and it may be the beginning of a better day for Wood, as well as Cuba."

This letter was written by Runcie, the boon companion of Wood, living with him at the time, and in the light of all the circumstances, with Gen. Wood's well-known attitude with reference to the Brooke administration and his relation to these two parties, the conclusion is irresistible that he knew what was being done and of its purpose and intent. Runcie swears positively that he did; Baker, though favorable to Wood, says he has no knowledge on the subject, and Gen. Wood, though formally denying, has not favored us with his evidence.

Moreover, the circumstances all tend to support the Runcie statement rather than that of Baker in reference to this publication. The article to have come from Runcie would have been directly traceable to Wood, and exceedingly detrimental to him rather than beneficial, which neither Runcie nor Baker would have thought of doing at the time, and had Runcie dreamed that such an article would have been published in his name it can not be conceived that he would have been guilty of such folly as not to have hurriedly withdrawn and recalled such communication after its purpose and effect had been anticipated by the displacing of Gen. Brooke and the appointment of Gen. Wood to the coveted position. And the conduct of Gen. Wood, upon receipt of the letter showing that the War Department had taken notice of the article in question and communicated to him on the subject, as testified to by Horatio S. Rubens, an attorney and a friend of Gen. Wood at the time, and by him for a while placed in charge of the prosecution of Maj. Rathbone, shows his complicity in this transaction.

"Q. That is, you lived in the same house?—A. With Maj. Runcie?

"Q. Yes.—A. And the relations of Gen. Wood and Maj. Runcie and myself were all at that time very cordial. That was at the beginning of his governorship in Habana. Therefore I do not know anything personally about the circumstances at the time of the writing. I do know this, that some time in February of that year, I think it was

1900, Maj. Runcie returned to the house with the magazine article printed in the North American Review, and remarked to me that the fat was in the fire; that this had been published, and—

"By the CHAIRMAN:

"Q. Will you complete your answer?—A. That this had been published, and undoubtedly there would be considerable difficulty arise because of its publication. I heard nothing more about the matter until one Sunday morning I was in my room when one of my Spanish servants came in and announced Gen. Wood, and I sent word that I was still in pajamas, and he came right in. Gen. Wood showed me a communication from the Secretary of War inclosing a copy of a communication of Maj. Gen. Brooke, in which Gen. Brooke complained of the publication of the article, and, as I remember it, asked that the War Department take cognizance of the matter, and action. Gen. Wood seemed disturbed about it, and after I had read it through he said, 'Well, I want to see Runcie about this matter.' He said, 'This places me in a very awkward position.' I thereupon left him in my room and went to wake up Maj. Runcie.

"By Senator QUABLES:

"Q. Is that all that the General said at that time?—A. Yes, sir; at that time. But before I left Gen. Wood I said, 'I am sure Maj. Runcie will not take any position which will be embarrassing to you.' I went to see Runcie and woke him up and told him this communication had arrived, and the gist of it; and I also told him that I had told Gen. Wood that I did not believe that he, Runcie, would place Gen. Wood in any awkward position in the matter, because Wood had a position to lose and Runcie did not, and I thought Wood did not want to take any action in the matter which would hurt him, Runcie; and I therefore suggested that he, Runcie, had better see the best way out of the difficulty. Runcie accompanied me into my room, and the three, Gen. Wood, Maj. Runcie, and I, discussed the matter.

"Q. Was anyone else present?—A. No one was present then. Maj. Runcie said: 'Wood, I have never occupied an official position here, although I have had an official title. You know that I have never received one cent for my services and never intended to receive one cent for my services, so that it is not a question of putting me out, and I want it understood between us here that if any question arises as to my connection with you or the military government, you can say that from this on all official connection has ceased. I would not announce it, if I were you, but you are absolutely free to make this statement if occasion should arise to make it seem useful to you.'

"In other words, Maj. Runcie took the position that it would make trouble in Cuba because he criticized Cuba in this article, and thinking that it would be useful to Gen. Wood to be able to say that he had no longer any connection with the military government, he relieved Gen. Wood from the embarrassment of making the suggestion. That was my idea of it in making the suggestion to Runcie. He had no position to lose, and Gen. Wood had. They discussed the question.

"Q. State what was said, if you can, Mr. Rubens.—A. I took very little part in the rest of the conference except that I heard Gen. Wood say that it was very unfortunate that this thing had been published, particularly after there was no necessity for it, and that it would look as though he (Runcie) was trying to criticize Gen. Brooke even after he had left, and that it was very unfortunate that it had been published at such a time. The remark was made, too, by Gen. Wood, that undoubtedly Gen. Brooke was very much offended, and he would have to see what answer could be made to the War Department. Then, as Gen. Wood's relations with Mr. Runcie were very much more intimate than with me, they discussed the matter in a low tone, and I withdrew to my newspaper."

During this whole time—that is, during the period that it is claimed this attack upon the Brooke administration was being inspired—it must be borne in mind that Gen. Wood was considered by his superior officer, Gen. Brooke, if not engaged in conduct of insubordination, at least was not performing his duty as a loyal soldier should to his superior commanding officer. A careful review of the evidence of Gen. Brooke, whom the partisans of Gen. Wood will concede to be the latter's equal, found in this record from pages 191 to 206, will show that this was the estimate in which this appointee was held by Gen. Brooke at this time. Surely this is not an inviting picture of one who, during the period of six years, has been elevated from the position of surgeon in the Army of the United States to that of major general, and who at no distant day will be placed at its head if this confirmation is made. Condone this conduct and the character and morale of the Army will be gone; a premium placed upon intrigue and a discount placed upon the first and highest duty of a soldier—that of loyal support and unquestioning obedience to the orders of his superior officer.

Coming to the specific charge against Gen. Wood, in reference to his conduct in the matter of concessions to the organization known as Jai Alai (which was at least in part a gambling association on a large scale) and his acceptance from its officers of a valuable present, I desire to say at least a word. The charge is that Gen. Wood gave to this association the exclusive right to maintain an establishment of its kind in the city of Habana for 10 years, and that subsequently he also authorized or approved certain rules and regulations relative to betting. Champions of Gen. Wood's cause insist that all he did, relative to the first permit, was simply to give his approval to a lease under the direction of the War Department, and, as to the latter, he only recognized a preexisting rule theretofore made by the civil governor of the Province of Habana.

Neither of these positions are well taken nor are they in accordance with the real facts. The truth is a request was made to the military governor to approve a certain lease, dated the 27th of January, 1900, granting to this organization the right of occupation of certain lands, belonging to the municipality of Habana, for the term of 10 years, the recorder of deeds having refused to admit such lease to record, as required by the law, because of its lack of approval by the military governor. The question of the legality of the proposed lease was referred by Gen. Wood to the judge advocate general, Col. W. S. Dudley, who was in charge of the civil legal division of the military government, and who had held the same place during the administration of Gen. Brooke. This officer returned the request with his disapproval, on the ground that the same was contrary to the Foraker Act, prohibiting the military government from making concessions of the character indicated. This was about February 25, 1901.

This recommendation, not suiting Gen. Wood, on February 28, 1901, it was again referred to this officer, who again returned it with a similar opinion and without giving his approval to the same. And it was referred to the same officer for the third time with the suggestion that there were certain circumstances connected with the lease which relieved it from the inhibitions of the Foraker law, and that, therefore, the objections made against it were not well taken; but the judge advocate general again refused to recommend it, adhering to his

former rejections of the same, of the 25th and 28th of February, 1901. This will all be found in full on pages 498 and 499 of the record.

Then it seems (see p. 500 of the record) that Gen. Wood, not willing to act on the advice of his own judge advocate general, refused the question to be referred to the Secretary of War for his opinion. In that department it appears to have been referred to a Mr. Magoon, a law officer, who differed with the judge advocate general, and upon his advice, at the direction of the War Department, this 10-year privilege was sanctioned. This strenuous conduct on the part of Gen. Wood, it is submitted, showed an unusual interest in this institution, which, at the least, was one of doubtful propriety; in fact, it is claimed to have been only permitted at all because of the desire on the part of our representatives not to appear too strait-laced, but to afford to those benighted people, whose tastes had led them to enjoy such amusements as bull and cock fights, and performances of like description, some recreation and enjoyment.

Gen. Wood's participation in the games which this institution carried on and his subsequent action in reference to the organization will make his conduct appear even more unusual. The effort to relieve him of the effect of his approval of the betting feature of the games is also without merit, the attempt being to show that he did not give the extension, but merely acquiesced in the same. This will not do. The purpose was to secure an exclusive privilege in the island of Cuba, and the military governor was the chief source of all authority there. While it is true that Gov. Wood did not originally grant the permit, he did what was and is believed to be quite as necessary, and all that was needed of him—that is, he sanctioned the act of his subordinate officer in what he had done. In other words, he adjudged and determined that there was no doubt of the right of this gambling institution to do what it desired.

His conduct in this regard has been referred to as diplomatic, which it may have been, but it none the less relieves him of the effect and force of what he did in the premises, namely, his decision in behalf of this favored institution, and his action was final. Note the language of his communication giving the extension, found on page 773 of the record. It will be observed that he determined and decided that this company already had the rights that he was asking for. Now, remember he had the right to give or withhold the privilege; he had the right to permit if it had not existed; he also had the right to determine what was the effect of the existing conditions, and to modify or qualify the same according to his own caprice or judgment, and he, as the supreme source of authority in the island, adjudged favorably to the organization in question. In other words, no affirmative action was necessary to be had on his part further than to judicially sanction what it had already received from a subordinate, and this he did.

What more was necessary? Who could question his act? The uncertainty theretofore existing, and which made necessary the reference to him, no longer existed, and this institution, confessedly a gambling institution of large proportions, though it is called by several polite names—sometimes even the game of racket—was launched forth under its exclusive privilege of 10 years, and is to this day in full blast in that community, to the degradation and demoralization of its citizens whom the people of the United States thought they were Christianizing, and were performing other philanthropic and humanitarian offices for. This is not all. Gen. Wood otherwise showed unusual interest in this institution. It is not disputed that he was a frequent attendant at the games of the same, and perhaps in this connection it will not be amiss to copy from the evidence a brief description of the game as given by the witness, Alexis Everett Frye, a distinguished educator and superintendent of the schools of the island, who was sent to Cuba by the Secretary of War upon the commendation of President Eliot, of Harvard, and others, and was holding this position in Cuba purely from the standpoint of patriotism, and without compensation.

"By Senator HANNA:

"Q. Did you ever hear anything about the Jai Alai when you were in Habana?—A. I arrived this morning. On December 10 I visited the Jai Alai for the first time. I visited it for the purpose of seeing it.

"Q. What is your impression or your knowledge of it from that visit?—A. In entering the Jai Alai one enters into an immense bar-room. On the left there is a regular banking establishment for selling the gambling tickets. You can take your chances upon any of the players. Those quiniela tickets are \$1 apiece. The partidos tickets are \$2 apiece. Then passing in there are men wearing the red caps, the corredores, who call out on behalf of the bank bets made in gold centenos. There are three methods of betting. The announcement of the bets was made where everybody could read it. In addition to that, there were these red-cap bets made, and I saw one man take 30 of those gold pieces, almost \$150, and a number of others were standing in line waiting to receive their money. In the quiniela and partidos bets nearly \$9,000 passed openly in the bets by the association, and in addition to that there were the gold bets. What they amounted to I do not know. To my mind it is the most horrible gambling institution I ever heard anything about."

J. O. La Fontisee, a newspaper editor, thus describes Gen. Wood's connection with and conduct in regard to the game:

"Q. Was Gen. Wood a patron of the game?—A. Yes, sir. He used to go there nearly every Sunday, and he used to go there and play the game. I have been out there with him.

"Q. He played the game?—A. Yes, sir.

"Q. With experts?—A. He used to train with them.

"Q. They trained him?—A. Yes, sir.

"Q. What did you know about the features of the game as to gambling?—A. It was very much a gambling game; very heavy gambling.

"Q. When you say "heavy" what do you mean?—A. They would go up as high as 100,000 centenos on a play. They would sell tickets. I never had much experience with race courses here, but they did not seem to sell tickets in the way that they do on horse races in this country. You would give them the money and they would give you a check for it, and you would call at the door after the game was over.

"Q. Did you ever hear what amounts of money would change hands at one of these games of that character?—A. Yes, sir; I have heard. The current reports were that as much as \$50,000 would change hands on a single game on Sunday. That was the heavy day.

"Q. On Sunday?—A. Yes, sir.

"Q. Was Gen. Wood there on Sunday?—A. Yes, sir; he was there. He had a box there, and he was nearly always there on Sunday.

"Q. The general impression was that Gen. Wood, being a patron of the game and very much interested in it, had something to do with the establishment of it, was it not?—A. Yes, sir. What caused us to think that was that when anything was going on and they wanted a big crowd they would have Gen. Wood as a patron for it.

"Q. He would draw the crowd?—A. Yes, sir.

"Senator HANNA. That is all I want of this witness."

Gov. Wood was an habitual attendant of this game. He especially spent his Sundays there, on which days the betting would reach as high as \$50,000. Again, without stopping to criticize the propriety of the establishment of such an institution or the conduct of the head of the government, who would so far forget himself as to select such a place for amusement in lieu of his Sabbath-day exercises, I wish to comment upon his conduct in accepting, under the circumstances herein recited, and shortly after the granting of the favors above referred to, a gift of a \$5,000 silver service, which is admitted to have been the case. Can there be any question of the fact that Gen. Wood ought not to have been mixed up with these people at all? His conduct, to say the least, was subject to the gravest criticism. I appreciate that it is a delicate matter, but it is none the less serious, and it shows that Gen. Wood is not a man whose sense of propriety is such that he should have been placed in such a position as that of governor of the island of Cuba, much less at the head of the Army of the United States.

A \$5,000 gift from persons whose very existence as an organization depended upon his will and pleasure, and who sought and received favors from him while occupying the exalted and important post of military governor of Cuba! However unpleasant it may be to reject this nomination, this body can not afford and ought not to seriously consider the question of giving its approval to any such transaction. Let it be done and it will serve as a precedent and will be an invitation for all kinds of disgraceful conduct on the part of officers of the United States who have no more sense of propriety than Gov. Wood, and it will ever lie hereafter in the mouth of this body to question the acts of impropriety and indecency on the part of any Government employee or official.

I wish to say just another word. At the conclusion of the evidence of Gen. Wilson the junior Senator from Ohio, Mr. Hanna, asked that Gen. Wood be brought before the committee of this body having this investigation in charge, to the end that he might answer the allegations and accusations made against him and relieve himself from the unjust (as his friends claim to be the case) imputations and criticisms made against his character. And quite a colloquy ensued, it being claimed by some of his champions that there was no reason for him to be heard; that nothing had been proved against him; that there was nothing for him to answer; in a word, that he was self-vindicated.

This, I submit, was to me, and must be to everyone, perfectly monstrous. When did it come about that this individual, a doctor in civil life and a bloodless soldier in battle, if he ever saw a battle, has reached the exalted position that he is unlike other people and is not to be accountable to anyone, not even to the Senate of the United States, and will not even honor it with his presence? Now, for my part, I want to say that it is due to Gen. Wood, it is due to the President of the United States, that he should not only explain, but disprove many of the statements made in the evidence now here for consideration before confirmation should be thought of. The fact that he is willing to let this investigation go on without personally meeting it like a man is in itself strong evidence, to my mind, that he is not made of material that goes to make up soldiers such as we need for our major generals and Chief of Staff.

The talk about the difficulty of his coming here is silly. It is simply evading the question. The truth is a brave and courageous man would rather resign a dozen commissions as brigadier general than allow his character to be besmirched, his conduct assailed, his motives impugned, and his integrity and veracity sought to be impeached, if by giving up the same he could come in person and disprove the accusations made against him. And it is not necessary for him to resign in order to come. Nothing said or proved against Gen. Wood indeed! Six positive and direct specifications, involving the integrity and honesty of his administration as civil governor, some of them against his character as a man and an officer, are made against him. Much evidence is introduced to sustain each of them; many witnesses, men of the highest character, great prominence, and high order of intelligence have been examined, and, at least as to some of the charges, it can not be said that they have not been sustained.

I have particularized the evidence relative to two of the charges which reflect upon his character, the specific charge in this respect being sustained. I submit, by the evidence of no less a person than Maj. Gen. John R. Brooke, of the United States Army, retired. No one can read the evidence of that distinguished soldier without being impressed with the fact that he knew that when his administration was being wickedly assailed by the papers of Santiago, his subordinate, the appointee here, in command of that province, was not engaged, as he should have been, in endeavoring to stop the false clamor, but that, on the other hand, he and those in his confidence were quietly cooperating with and giving aid and comfort to his assailants.

Aside from these specific objections against Gen. Wood, much evidence has been introduced tending to reflect directly upon his character as a man by impeaching his integrity and veracity and showing his general unreliability in the matter of business transactions and in making promises in reference thereto. Two witnesses at least—each a man of prominence, one a newspaper editor and the other the prominent educator hereinbefore referred to, and neither of whom are men other than of the highest character—testify unreservedly that they would not believe Gen. Wood on oath. It is also shown that while governor of the island, as above stated, he so far forgot himself as to spend his Sundays at the gambling institution hereinbefore alluded to.

We also have it in the evidence that there was a newspaper man associated with Gen. Wood who certainly, it was clearly proven, was an ex-convict, and the evidence would go to show that he exploited everything that Gen. Wood did to the general's advantage and preferment, and that after being sent to the Philippine Islands he really tried to displace Gov. Taft and have his friend, Gen. Wood, made governor general of the Philippine Islands. Witnesses testified that they broke with Gen. Wood because of his unreliability, and they were men who had been associated with him, giving as their reason unreliability and unfair treatment. From the testimony of that gallant soldier, Gen. Brooke, it would seem that it was clearly and conclusively proven that Gen. Wood was intriguing constantly against his superior officer.

To my mind a most grievous injustice has been done in the preferment of Gen. Wood over a hundred or more old Army officers—officers who won distinction on many a bloody battlefield—battlefields where more lives were lost and more prisoners taken in one day than during the entire Spanish-American War.

To whom should these old veterans look but to the United States Senate for protection; and I ask my fellow Senators to give thought to the effect that the promotion of a surgeon in the Army to be a major general, and ultimately a lieutenant general, of the Army for many

years, will have upon these brave old veterans, who have been looking forward anxiously for the time when they themselves may receive proper recognition for services faithfully and well done.

(Confidential. Jan. 18, 1907, made public.)

[Executive No. 3, Fifty-eighth Congress, second session.]

NOMINATION OF LEONARD WOOD.

Argument of M. A. Hanna, Senator from Ohio, in opposition to the promotion of Gen. Leonard Wood, presented by Mr. Scott, together with several affidavits bearing on the nomination.

The testimony given before the committee has developed points to which no answer is attempted by Gen. Wood in the various communications submitted by him prior to his departure for the Philippines; nor can those communications be accepted as a refutation of testimony given by witnesses under the solemnity of an oath. To accept them as a controversion of sworn testimony would brand those giving such testimony as unworthy of credence. Among those who would be thus branded are men in the military and naval service of the United States. It is impossible to accept the mere statement of Gen. Wood, made prior to his departure for the Philippines, and covering only a part of the matters at issue, in preference to this sworn evidence. Some of the testimony given by these witnesses has cast serious reflection upon the veracity of Gen. Wood, and it would appear that neither he nor the Senate, which is asked to confirm his appointment, should rest content until he has been given opportunity to disprove, specifically and under oath, the damaging statements made on oath concerning his conduct.

The facts to which attention will be called would seem to make this necessary, and the honor of the Army would seem to demand it.

THE CASE OF E. G. RATHBONE.

In the matter of the complaint of E. G. Rathbone, that he was not afforded a fair and impartial trial for the offenses charged against him in Cuba, by reason of the action and interference of the military governor in the judicial processes in Cuba, a vast amount of evidence has been submitted. As parts of the record there appeared a complaint of Rathbone and the answer of Gen. Wood thereto. In many instances Gen. Wood makes no answer, except to rule that the charge is irrelevant. Setting aside these questions, there are several points of prominence and importance which present themselves.

Rathbone charges, in effect, that the direct interference of Gen. Wood, and his active participation in the processes and the course of the prosecution, bearing in mind that the military governor had executive, legislative, and judicial powers, and that he had the power of removal and appointment of all judiciary officers of Cuba, resulted in an unfair trial and to the prejudice of Rathbone.

Rathbone further charges that the most important witness against him was one Reeves, whose testimony on the trial was given without an oath, although it flatly contradicted evidence which he had previously given under oath (p. 231).

The testimony shows (p. 611) that Reeves was promised immunity by Gen. Wood, and was considered by Gen. Wood as a State's witness (p. 356), but was not declared as such to the court by Gen. Wood. As one of the accused he was permitted to give unsworn evidence on the trial. If Reeves was considered by Gen. Wood as a witness for the State, he should have been declared as such and compelled to testify under oath, as was done by Gen. Wood in the case of Corydon M. Rich (p. 760). It appears from the testimony of Fiscal Hevia that he could have been so declared without imperiling the prosecution on the theory of conspiracy (p. 365).

Gen. Wood (p. 357) cites Fiscal Hevia's opinion, which is that "Reeves was not proposed as a witness, nor was it possible (that he could be), being one of the accused." This states the cause of Rathbone's complaint precisely. Reeves was a witness for the State (p. 356), but he was not so declared by Gen. Wood to the court, which, therefore, had to consider him as one of the accused, and not as a witness, thus permitting Reeves to testify against Rathbone without the solemnity of an oath.

Gen. Wood states (p. 357): "Reeves was never promised anything." And yet he admits that he was a witness of the State, and Witness Fisher (p. 611) swears that Gen. Wood promised Reeves immunity before Rathbone's trial. Secretary Root, on page 856, flatly contradicts the statement of Gen. Wood on page 357—that "Reeves was never promised anything." The Secretary says (p. 856): "I approved of Gen. Wood giving Reeves immunity if he could get testimony against the principal offenders, the other offenders."

This shows clearly that the promise given, alluded to by Secretary Root, was given before the trial, from the fact that it was given for the purpose of getting the testimony of Reeves at the trial. It was an inducement offered before the fact. There is no question that Gen. Wood had communication with Reeves before the trial; that he did consider Reeves a witness for the State, and that he pardoned him as a witness for the State. It therefore seems imperative that we ascertain what actually passed between Gen. Wood and Reeves in order to ascertain whether Gen. Wood, who was bound by the act of Congress of June 6, 1900, to see that Rathbone had a "fair and impartial" trial, failed in such duty, to the direct injury of Rathbone.

Another point of great importance lies in the admission of ex parte evidence, under an order issued by Gen. Wood, by which he failed to carry out the explicit directions of the War Department.

The Cuban attorney, Desvernine, called specific attention to the fact that the depositions taken were for use solely by the court of inquiry, or court of first instance, and that they were used on the actual trial of the case. The Secretary of War had interdicted their use on the trial, saying (p. 314) "such depositions can not be used at the trial," but when Gen. Wood explained to him (pp. 349 and 350) that it ought to be left to the court, the Secretary issued the order of December 6, 1901, which modified his original order in that the question was to be left to the court. Instead of carrying out this order of December 6, the court instructed (p. 315) "that the said letter of the 14th of November, 1901, and the instructions therein contained are by this letter repealed, and that the use of the results of the interrogatory letters are allowed in the trials of the postal cases."

How such directions were considered by the judicial authorities in Cuba is shown by Fiscal Hevia's statement (p. 369) that the request by Gen. Wood for a 10-day extension of time in the case was the act of the military governor "availing himself of the legislative powers vested in him." There can be no doubt that the letter of December 6, which "repealed" that of November 14, by which the use of ex parte depositions in the trial was expressly prohibited, was construed by the court as a legislative act, and, in the absence of the saving clause that

the court might receive them or not, that it was considered by the court as an absolute order to receive them. Secretary Root admits (p. 766) that this might fairly be inferred by the courts. Fiscal Hevia in referring to this (p. 370) speaks of the order of December 6 as "annulling" the order of November 14.

Gen. Wood, in his answer to the Rathbone charges, states (p. 350) that an "official copy of the above" (referring to the letter of the Secretary of War, December 6, 1901, by which the matter was left to the discretion of the court) "was furnished to the secretary of justice and by him submitted to the court." The record, as shown on page 315, disputes and disproves this statement of Gen. Wood.

We have already called attention to the opinions of the Secretary of War and of Fiscal Hevia, the former that Gen. Wood's direction might be taken as legislative acts and the latter that they were so taken. This should be kept in mind in construing the directions of Gen. Wood to the court, which are cited by Rathbone. There seems to be no question that Gen. Wood knew that he had such powers, and that he exercised them. The fact that in the cases of the extension of time by the courts (pp. 348-349) and of the acceptance of the bond of the surety company (p. 356) as bail, Gen. Wood claims that his action was in favor of the defendant (p. 341), would appear to be beside the point, which is that Gen. Wood's power of interference was recognized by the court.

Gen. Wood claims that in fixing the amount of bail originally at \$25,000 he merely made a suggestion (p. 341). In complying with the wishes of the Secretary of War (p. 355) to have the surety company accepted as bail he also made a suggestion, but in both cases they were as effective as orders to the court.

On May 9, 1902, I submitted to the President an application for a new trial for Mr. Rathbone, stating the grounds upon which the application was based. As a result of this the Secretary of War instructed Gen. Wood to amend the laws of Cuba in conformity with the draft sent with the instructions. By this order, which was given full force only upon the day preceding the American withdrawal from the island, the supreme court of Cuba was authorized to act as a trial court in the rehearing of cases of such nature as the postal cases. It is presumable that this order was issued from a conviction that wrong had been done to an American citizen. One of the first acts of the Cuban Congress was the passage of the amnesty bill by which Rathbone and all Americans accused of crime were released.

Gen. Wood's comment upon Rathbone's action to the effect that he should have declined a pardon and should have taken his case on appeal to the newly authorized supreme court shows, at least, a complete ignorance of the conditions obtaining in Cuba. Rathbone declined a pardon and was not pardoned. He declined pardon on the ground that an acceptance of pardon was equivalent to an admission to guilt. Any attempt of Rathbone after the passage of the amnesty act to insist upon a new trial by the supreme court would have been utterly ignored, and he was so informed. No recourse was left him except the application which he has made to the authorities of his own country for an investigation of his acts as an official in Cuba.

As for the judges who constituted the court which tried Rathbone the list on page 777 shows that the only members thereof who were not appointed by Gen. Wood as magistrates, whether from civil life or from subordinate judicial positions, were Aguirre and Demestre.

Ortiz was appointed as president of the Habana audiencia by Gen. Wood.

Demestre was promoted as president of the criminal branch at Habana by Gen. Wood on November 5, 1901. Azcarate was promoted by Gen. Wood to the magistracy and transferred to the Habana audiencia by Gen. Wood and assigned to the criminal branch by Gen. Wood on November 5, 1901.

De la Torre was appointed by Gen. Wood and assigned to the criminal branch at Habana by Gen. Wood on November 5, 1901.

On the same day Gen. Wood revoked order No. 422, series of 1900, which permitted the president of audiencia to assign judges to either the civil or criminal business, and took this power into his own hands, providing (by order 238, series of 1901) that "hereafter, on making the appointments of justices of audiencia of Habana the government will determine the chambers thereof to which they will be assigned."

He then assigned the judges of his selection to the criminal branch. This was only a few weeks before the trial of the postal cases.

Gen. Wood provided further for this trial by order No. 245, series of 1901, November 15, 1901, which states that "presidents of audiencia may form chambers of justice consisting of five judges in such cases as, although not provided for by law, may, in their opinion, having special importance."

Doubtless the postal cases were so considered. By this order (No. 245) of Gen. Wood, Ortiz was permitted to preside in person at the trial, and to select out of those who were in the criminal branch the four judges alluded to for his associates.

That Ortiz (the president of audiencia) took an unusually active interest in the postal cases is shown, when, prior to the oral trial (as the trial before the audiencia is called, in contradistinction to the investigation by the judge of first instance), he asked for a translation (p. 493) of Assistant Postmaster General Bristow's report, which gave the latter's opinion as to the guilt of the accused. It is to be further remarked that this opinion of Mr. Bristow was received in evidence on the trial, being attached to a deposition taken for use on the preliminary hearing.

It may also be remarked that Mr. Desvernine swears that the defense never consented to the use of the depositions, but only asked that certain documents, which appeared only as attached to depositions, be admitted as evidence.

In order to obtain the modification by the Secretary of War of his order prohibiting the use of ex parte depositions, representations were made by Gen. Wood to the effect that these depositions had been taken in accordance with the provisions of the laws of Cuba. It appears, however, that Fiscal Hevia (p. 369) claims that such use was permissible under Article X of Gen. Wood's military order 181, series of 1900. It was therefore under Gen. Wood's own law that such a practice was admissible. Fiscal Hevia points out that this order makes specific provisions therefor. It is inconceivable that this order 181 would have been issued had the laws in force covered the point.

As part of his statement regarding the conduct of the postal trials, Gen. Wood uses letters which he received from the presiding judge, the secretary of justice, and the prosecuting fiscal. One of these is dated March 11 and the other two March 12, thus showing that they were inspired by a curious unanimity in volunteering their statements in behalf of Gen. Wood. These statements were evidently requested. It could not be expected that they would reply in any other than a manner favorable to Gen. Wood, particularly as a contrary course would be an admission reflecting seriously upon themselves.

It is curious to note that Fiscal Hevia, who goes into a very long and warm defense of Gen. Wood in his relation to the postal cases, even going so far as to vouch for the conduct of the military governor in connection with the judges, should have forgotten to mention so important a matter as that set forth by Gen. Wood (p. 357), where he says:

"My instructions to the prosecuting officer was to always give these men the benefit of the doubt. Especially was this true in regard to Rathbone."

At any rate, in view of the fact that Spanish law under which Rathbone was tried assumes guilt until innocence is proved, thus giving the benefit of a doubt by instructions of the military governor, would have been of no effect.

Why Rathbone was thus particularly mentioned to the fiscal does not appear, but if he had been thus especially recommended to Fiscal Hevia it is curious that the latter makes no mention of it in Gen. Wood's defense.

To show the trustworthiness of the statements adduced by Gen. Wood we have (p. 368) the assurance of Secretary of Justice Varela Jado—

"That I never received any special order from Gen. Wood in reference to the case, and consequently I never issued any order to the audiencia of Habana in the matter."

As a matter of fact, the record shows (p. 315) that the same secretary of justice not only issued the order of November 14, 1901, but also the order of December 6 to the audiencia of Habana.

The real defense maintained for Gen. Wood's actions in connection with the prosecution of the postal cases is that besides being the prosecuting officer he was also the legislative power in the island, and so could do as he pleased. But the point at issue is that he abused his power to the detriment of Rathbone. Regarding the effect of such action upon the interests of the accused, Gen. Wood's own words may be quoted from his report dated October 5, 1899, which is published by the War Department. He there says:

"The present arrangement and distribution of judicial power tends to discourage the investigation of crimes and the punishment of the guilty, and in some cases makes a false accusation of crime an effective means of persecuting the innocent."

Although Gen. Wood, who then commanded the Province of Santiago, inveighed against the system and demanded its reform, it is to be noted that he never did reform it when he had the power to do so as military governor of the island. With the exception of one instance, in 1900, he removed no judges from office. As he himself states (p. 343), "The removals during the entire four years were comparatively few." That the judiciary was unsatisfactory is shown by Secretary Root in his report covering the year 1901 (p. 38), where he laments that—

"the courts are still far from what they should be. One of the greatest dangers which confronts the new Government is the difficulty in obtaining an absolutely sound judiciary."

But Gen. Wood made no changes in the personnel of the judiciary thereafter, and Rathbone was tried under the system criticized by Gen. Wood and under judges considered by Secretary Root as far from satisfactory.

Keeping in mind that the judicial system was the same when Rathbone was tried as it was when Gen. Wood criticized it in 1899, and that few changes had been made by Gen. Wood in the personnel of the courts, let us compare Gen. Wood's assertion that Rathbone received a fair trial (pp. 340, 346, 362) with Gen. Wood's opinion as expressed in his report of October 5, 1899, where he says (see said report, p. 23):

"Under the existing conditions of things in Cuba no means are provided for the trial of officers and soldiers of the Army and civilian employees of the military establishment for offenses not cognizable under the Articles of War except the Cuban courts above described. I do not believe that it is wise or prudent or in any way desirable to subject American citizens who are in the service of their own Government to the jurisdiction and capricious decisions of tribunals composed of persons alien in race and sentiment, administering a system of law with which Americans are entirely unfamiliar, and which would not be tolerated in any American community. * * * Nor do I believe that it is the intention of the United States to subject not only its citizens but its soldiers to such treatment as they may expect in some cases under the law and in the courts as they are now established in Cuba."

Add to the statement of Gen. Wood the fact that in the active prosecution of the post-office cases and in the exercise of his legislative and executive powers he did give directions to the court (pp. 13, 14, 15), which are admitted, and it will be hard for any fair-minded man to say that Rathbone is not justified in his claim that he was not given a fair trial and that Gen. Wood violated the obligation placed upon him by our own act of Congress of June 6, 1900.

QUESTION OF VERACITY.

Several witnesses whose sworn statements are not to be lightly impeached have, in their testimony, reflected directly upon the credibility and veracity of Gen. Wood. Statements made by him in various communications are flatly disputed by witnesses testifying under oath, and documentary evidence submitted by others disputes statements made over his signature. Illustration of this appears in the following extracts from the testimony, reference by pages being made to the printed report of the committee:

Gen. Tasker H. Bliss (pp. 112-113) testified that to him and in his presence Maj. Runcie impugned the veracity of Gen. Wood, and that he made report of the same to Gen. Wood.

Commander Lucien Young (p. 467), referring to an interview given by him to a newspaper correspondent, testified to having met Gen. Wood in Washington:

"He informed me that the authorities were very mad about this conversation, and suggested that I deny it. I told him that I could not do so, and would not do so if I was ordered to the coast of Africa; that I had stated it and would not retract it."

Witness C. E. Fisher, on pages 610, 611, 612, swears that Gen. Wood broke faith with him in a matter of importance, and that he "would not believe him on oath."

Witness Alexis E. Frye, on pages 705, 715, 716, 719, testifies to instances of broken faith and duplicity on the part of Gen. Wood. On page 716:

"Q. Then, as I understand it, you testify to three facts—that you do not believe in his honesty, or his truthfulness, or his ability as an officer.—A. Yes, sir."

Witness Runcie, on pages 126 and 127, flatly disputes statements read to him from letters written by Gen. Wood.

Pages 661 to 675 of the report present a series of communications and extracts from newspapers, all having reference to an interview given

by Gen. Wood in October, 1900, in reference to yellow-fever conditions in Habana. Statements said to have been made by Gen. Wood reflected upon the administration of Gen. William Ludlow, a most efficient, honorable, and conscientious officer, now deceased. Gen. Ludlow pronounced the alleged statements to be "wholly false and pernicious," and it does not appear from the matter published in connection with the question that Gen. Wood succeeded in relieving himself of Gen. Ludlow's charge of having perverted the facts and thereby deceived the public. (First paragraph, p. 672.)

On page 357 Gen. Wood states, "Reeves was never promised anything." Witness Fisher (pp. 610 and 611) swears that Reeves was promised immunity from conviction in return for his testimony in the postal cases.

In connection with Gen. Wood's denial of assurance of immunity to Reeves, special attention is called to the testimony of Secretary Root, page 856:

"I approved of Gen. Wood's orders giving Reeves immunity if he could get testimony against the principal offenders, the other offenders."

On page 156 Witness Runcie testifies that Gen. Wood pledged himself to a certain act concerning one Corydon M. Rich upon two specific occasions, and that this pledge was violated.

In his testimony (pp. 474 to 478) Commander Young swears that, to his personal knowledge, Gen. Wood set detectives to spy upon his actions, and also upon various officers of the Army stationed in Habana. Young testifies (p. 477) that when he found that this was being done he intimated to Gen. Wood his suspicions that he (Wood) was the instigator of the surveillance, and that Gen. Wood denied it emphatically.

Regarding the various allegations of Witness Frye (p. 702 et seq.), there is no answer or explanation by Gen. Wood, the only matter which appears being an argument which supposes what were the mental processes of Gen. Wood, as applied to the facts established by documents and the sworn testimony of Mr. Frye. It is important to note that Mr. Frye, under oath, swears that his experience with Gen. Wood proved him (Wood) to be untrustworthy. The main question raised, regarding the order reducing the salaries of the Cuban teachers, is not whether Gen. Wood subsequently rescinded his original order. Frye swears that Gen. Wood told him that the salaries would be reduced, and that he (Frye) repeated this information to President Elliot, of Harvard College. He asserts that when protests were made Gen. Wood prevaricated by stating that he had no such intention, and that the order complained of had been published through an error.

Gen. Ludlow charged Gen. Wood with deliberate dissemination of misinformation (p. 675). He also charged that Gen. Wood (p. 671) "had exceeded both his rights as an individual and his obligation to the military service in seeking to defend himself by impugning the administration of others and furnishing material for misrepresentation."

He also charged (p. 670) that Gen. Wood wrote an evasive and misleading letter. He further charges (p. 669) that Gen. Wood "had gone out of his way to misinform the authorities and the public." Gen. Wood appears never to have made any answer to these charges, nor to have asked for a court of inquiry.

In connection with these written statements of Gen. Ludlow it may be said that a request was submitted to the committee that Mr. Francis E. Leupp be summoned to testify regarding the accuracy of the original interview, for which Gen. Wood sought to evade responsibility by alleging misrepresentation by the newspaper correspondents.

RUNCIE MATTER.

An issue appears between Gen. Wood and Maj. J. E. Runcie regarding the participation of Gen. Wood in the preparation and publication of an article which was published in the North American Review for February, 1900, in which severe criticism was made upon the administration of Gen. John R. Brooke, then military governor of Cuba.

Runcie is a retired officer of the United States Army and is, therefore, amenable to Army discipline. He states positively, under oath, facts and details which make it incumbent upon Gen. Wood to do more than to write mere letters of explanation not under oath. We have no right to assume that Lieut. Runcie, a graduate of West Point, is guilty of gross perjury. As the matter stands, the sworn statement of Maj. Runcie is not controverted by either the unsworn statements of Gen. Wood or by the testimony of the witness, Baker.

It appears from the sworn testimony that the article in question was the outcome of a discussion, at a certain dinner, between Gen. Wood, Maj. Runcie, and Mr. Baker. It appears clearly from the testimony of both Baker and Runcie that during Baker's stay in Santiago there was much of frank and open criticism of Gen. Brooke's administration, and that Gen. Wood participated in the criticism. Runcie swears (p. 688)—

"It was at this dinner that the arrangement first contemplated—that I should furnish the information to Mr. Baker—was abandoned, and the other course adopted as being easier for all concerned; that I should write the article and turn it over to Mr. Baker as his own."

Runcie explains that "by all concerned" was meant Gen. Wood, Baker, and himself. He further testified (p. 689) that the information as to facts and conditions in Cuba was to cover "all Cuba."

Evidence in support of this appears in Gen. Wood's letter to Baker, dated July 29, 1903 (see Appendix A), where Gen. Wood says:

"I hope you will tell him (the President) the purpose of your visit to Cuba in 1899, and why it was that you wanted as much information as you could get on Cuba."

On page 135 Runcie testifies that Gen. Wood knew that such an article was to be written and published. On page 608 he swears that Gen. Wood understood that the article would be a criticism of Gen. Brooke's administration in the island, and that "he could not avoid so understanding it."

Mr. Baker's testimony is less direct, being rather a denial of recollection or knowledge of facts testified to by Runcie than a categorical denial of the points at issue. On page 435 he admits that "Gen. Wood was very frank in his expression of disagreement to certain things that the administration (Gen. Brooke's) was doing," and again, page 429, that as a general result of his visit to Cuba he found that Gen. Wood was "antagonistic" to the administration of Gen. Brooke.

This is confirmed by Gen. Wood's own statement in Gen. Wood's letter to Baker, of July 29, 1903, quoted above as follows:

"I never professed, as you know, to agree with the policy at that time in force in Cuba, but a frank disagreement is a very different proposition from a covert attack."

The testimony of Witness Baker appears to have been given with reluctance and with an apparent desire to escape, as far as possible, any implication of participation in the attack on Gen. Brooke.

That Gen. Wood was interested in the publication of the article in question is declared by Runcie, as shown on pages 136 and 697. Referring to the conversation between Gen. Wood, Baker, and himself, Runcie swears (p. 697) "It was inevitable, as the result of the conversation, that the scope and purpose of that article must indicate a severe criticism of the acts of Gen. Brooke at Habana."

On page 120 Runcie swears that the article written by him correctly reflected the discussion between Gen. Wood, Baker, and himself, and in various parts of his testimony asserts Gen. Wood's knowledge of the preparation and disposition of the manuscript. In a letter dated July 24, 1903 (p. 148), Gen. Wood states:

"I suppose Baker had been given a frank statement of the facts, which he would use as a partial basis for such comment as he might make in writing on Cuban affairs."

From the testimony of Baker himself regarding Gen. Wood's comment upon the administration of Gen. Brooke, it would seem that any "frank statement of facts" would involve very much the sort of criticism expressed in the Runcie article, whether an article were written by Runcie or by Baker himself on information supplied by Runcie and Gen. Wood.

Runcie further swears (p. 125), "I told him (Gen. Wood) that I would defend myself before any court-martial that might be summoned, and what was meant there was that if such a defense became necessary it might bring out facts that would be extremely embarrassing to Gen. Wood," and explained that the "facts" alluded to were "the facts of Gen. Wood's knowledge that the article was to be written."

After an apparent effort to evade a direct admission of the fact, Baker, on page 433, states that he knew that Runcie was to send him an article and that he knew what the tenor of the article would be. He states (idem) that he supposes that the object of the Runcie article was that "it would help Gen. Wood to have it understood that Gen. Brooke was inefficient," and this understanding appears to be reinforced by Runcie's letter transmitting the article to Mr. Baker. That letter closes with the paragraph, "It may be the beginning of a better day for Wood as well as Cuba."

When the article, after its publication, was shown to Gen. Wood, he expressed neither surprise nor indignation. It appears (p. 685) that "he read some of the passages of the article and laughed over them."

Gen. Wood's comments on the contents of the article have been almost wholly confined to the question of the authorization of its publication. It is of no importance whether Maj. Runcie authorized the publication of the article over his signature. The real questions arising out of the testimony, and the only ones which Gen. Wood should be called upon to answer, under oath, would include the following:

Did Gen. Wood criticize Gen. Brooke's administration to Baker in Runcie's presence?

Did Gen. Wood suggest that an article criticizing his superior officer should be published?

Did he understand that Runcie was to prepare such an article and give it to Baker?

Was he in any way accessory to the preparation or publication of such an article?

Did he subsequently ask Runcie whether the article suggested had been written and sent to Baker?

Why did he not have Runcie court-martialed for the contents of the article when he became satisfied that Runcie had authorized Baker to use his name?

Why did he not ask for the punishment of Runcie, who, as a retired officer of the Army, is amenable to discipline under the orders of the War Department, when he was informed by Gen. Bliss (p. 112) that Runcie had asserted his (Wood's) knowledge of the article in question and had charged Gen. Wood with falsehood if he denied such knowledge?

On March 21, 1900 (p. 155), Runcie wrote to Gen. Wood as follows: "I am perfectly willing to assume my own defense in the matter, though I shall do so with reluctance, if it shall be necessary to do so. I mean that I hope that it will be unnecessary to make public any further details of the case. I am unwilling to embarrass you more than I have done already as to the result of a well-meant effort which has gone woefully astray."

Runcie here alluded to a defense before a court-martial which had been demanded by Gen. Brooke. This is well indicated by the letter written by Gen. Wood to Secretary Root on February 25 (p. 150), saying, "he (Runcie) realizes fully his liability as an officer and the position it places him in."

Runcie's letter, written to Gen. Wood in a friendly spirit, evidently alluded to the fact that in making his defense he would involve Gen. Wood, and the Secretary of War was evidently impressed, as he wrote (p. 155), "I don't like the last paragraph of Runcie's letter to you."

The true point in this whole incident is not whether Gen. Wood authorized or saw this specific article, word for word, or saw it before its publication, but whether he did have previous knowledge of, or give assent to, the preparation and publication of an article criticizing the administration of his superior officer, Gen. Brooke.

The general denial written by Gen. Wood may be taken as an answer to the charges, which he knew would be formulated, but it can not be accepted as the refutation of the testimony of witnesses subsequently given under the solemnity of an oath.

JAI ALAI MATTER.

In the matter of the establishment in Habana of the game known as the Jai Alai it would appear from the record that there was a suppression of certain important and material facts which were known to Gen. Wood, but which he refrained from communicating to the Secretary of War. The testimony of the Secretary of War clearly demonstrates this. Undoubtedly the Secretary based his evidence on the facts as submitted to him by Gen. Wood orally and in writing.

An attempt has been made to show, in this connection, that Gen. Wood did nothing more than give his technical consent to the leasing of a plot of ground by the municipality of Habana for the purpose of erecting thereon the building in which this game was to be played. It is stated that the betting on the games is merely an incident, like the betting on a horse race, and, in the statement which was submitted to Judge Magoon, of the War Department (p. 507), it was declared to the War Department that the object of the Jai Alai Co. was the erection of a building on said plot of ground, "to be used as a fronton, or handball court, wherein the public are to be permitted to play handball upon payment of a fee."

The rules and regulations (p. 871) clearly show this to be a misstatement, inasmuch as it is there shown to be a game played by professionals as a public spectacle.

It would also appear from the statement of the president of the Jai Alai Co. (p. 510), whom we may presume to be an expert on the subject, that such is not the case, and that he so informed Gen. Wood. Referring to the communication of said president to Gen. Wood (p. 510), dated April 26, 1902, it is made wholly apparent that the only feature of importance to the company was the gambling feature, without which they would not have made the lease, and that the company regarded the betting, or gambling, as an integral part of the game. The president of the Jai Alai Co. cites to Gen. Wood the following reasons why he should ratify the betting rules (p. 510):

"The wagers offered being part of the spectacle of the said game of ball, it is obvious that without them it could have no reason to be."

"That without the complete game, or, say, including the betting feature, it could never have occurred to anyone to enter into a contract with the ayuntamiento (city council) whereunder the cession of an edifice valued at \$100,000 to the latter is involved."

"That by virtue of rights and privileges explicitly acknowledged by public instruments of writing which received your approval, the corporation of the Jai Alai fronton properly acquired the concession made unto Tomas Mazzantini by the ayuntamiento of Habana."

"That under the approval of the Secretary of War of the United States you gave your sanction to the aforementioned public instruments of writing, which naturally carried along with it your approval of the regulations which had previously been approved by the civil government on January 31, 1900."

It is also made apparent that the rights and privileges claimed by the Jai Alai Co. consisted of three things, all of which it was necessary to obtain in order to complete the grant:

(1) The agreement that the company was to have a monopoly for 10 years.

(2) The approval of the betting features.

(3) The grant of the municipal plot of land on which the building was to be erected.

It can not be claimed that the whole did not constitute a complete concession.

A certain act, say the approval of the lease, remained to be performed by the military governor, and in granting his approval he completed what had been incomplete. As Judge Advocate General Dudley said (p. 506):

"The concession was never completed by the ratification of the Spanish governor general, as herein asked of the military governor."

For cases of this nature reference may be made to the opinions of the Attorney General (vol. 22, p. 528), where there appears the following:

"Any inchoate rights or grants made by a municipal body in Cuba while under Spanish sovereignty, which for their completion required the assent or approval of the Crown or of the Crown officers, would, in the absence of such assent or approval made prior to the treaty of cession (of Cuba), be ineffective and incomplete."

There is no question whatever that the Jai Alai concession was clearly included in the groups thus characterized as "ineffective and incomplete." That being its status, further reference may be made to the same authority (Opinions of the Attorney General, vol. 22, p. 554), as follows:

"Being incomplete and inchoate, lacking certain public action, * * * it is not a complete and vested franchise or concession, * * * and the War Department is without power to exercise the prerogatives of the Government to grant or complete such concessions."

Upon such authority as the foregoing it is impossible to avoid a conclusion that Gen. Wood did grant a concession or franchise, in the nature of a monopoly and in violation of the Foraker law, to the Jai Alai Co.

It is claimed that the publication of the rules and regulations in the Official Gazette of May 9, 1902, which was in response to the application of the company, made on April 26, 1902, did not operate as the approval of these rules by the military governor. Yet they were published in the official paper, which is issued only in connection with official acts.

The record discloses that the notarial documents of April 27, 1900, and October 16, 1900, were submitted to Gen. Wood, "it being necessary to do so considering the privilege thereby conferred" (p. 510), and that they were approved by Gen. Wood "in all of their parts."

Keeping in mind that on April 26, 1902, the president of the Jai Alai Co. thus writes to Gen. Wood, it will appear to be a mistake to say that the monopoly privilege had been withdrawn. During the consideration of the matter a suggestion was made for the elimination of the monopoly feature (see testimony of Col. Dudley, p. 499), but the mayor of Habana asked (p. 506) on March 26, 1901, that the contract remain unmodified and that it be approved without any limitation. There is no record that Gen. Wood modified the 10-year monopoly feature, but on the contrary the president of the Jai Alai Co. states (p. 510) the documents of April 27, 1900, and October 16, 1900, which granted this monopoly, were ratified by Gen. Wood. He said that these documents "were submitted to your (Gen. Wood's) approval, it being necessary to do so, considering the privilege thereby conferred, and after consulting the Secretary of War of the United States they were expressly approved by you (Gen. Wood) in all their parts (p. 510)."

It is thus made apparent that after the submission of the question to the Secretary of War concerning the right of the municipality to lease its land (that is, after April 16, 1901; see Magoon's opinion, p. 507), and after the question of the monopoly had been called to his attention (February, 1901, p. 499), Gen. Wood approved the documents in their entirety, thus granting the monopoly. There is thus established the fact that he knew of and ultimately approved of the monopoly feature of the concession.

As to his powers in the premises, he knew that he had the power to refuse to give his approval to the monopoly, because at one time he proposed the modification of the concession in this respect.

This suggestion of modification (p. 499) evidently originated with the military governor, but was not carried out by him. At all events, it came from his office. The suggestion proves conclusively his authority over the acts of the municipality and the civil governor. This point finds abundant support in the opinions of the Attorney General (vol. 22, pp. 528-529), where it is stated, in reference to the scope of the powers of the military authorities over municipalities, that "they (the municipalities) may, at the will of the military commander, be restrained, * * * although inchoate or even completed contracts therefor have previously been entered into."

Further light is thrown on this subject by Judge Magoon (p. 507), who states that while a monopoly feature "appears to have been eliminated, it is understood as being included in the request for a report."

Magoon also states:

"The attention of the Secretary is called to the fact that a copy of said proposed agreement is not included in the papers submitted."

In other words, the documents which contained the monopoly provision were not submitted by Gen. Wood to the War Department.

Notwithstanding the opinion of Judge Magoon (p. 509) on the question of the monopoly that "it is probable the Foraker amendment requires the major general in command of the United States forces in Cuba to prevent the municipalities in the island from exercising the police powers in the State in such a way as to grant property franchises or concessions."

Gen. Wood did approve the documents of April 27, 1900, and October 16, 1900, in all their parts, although said documents were grants made after the passage of the Foraker law interdicting them.

The publication was made in the Official Gazette of May 9, 1902 (p. 869), of the rules and regulations of the Jai Alai, which permit the betting, and show the difference between such as is carried on by book-makers at horse races and the system in operation at the Jai Alai, where the proprietors retain a percentage—in some cases 5 per cent and in some cases 10 per cent—of all bets made.

When action by Gen. Wood on these rules was asked by the president of the Jai Alai Co. he distinctly called attention to the fact that the company had the military governor's approval of the 10-year monopoly of the game, and that the bets were a part of the game.

It is claimed that the communication of May 7, 1902 (p. 511), and signed "by order of the military governor, H. L. Scott, adjutant general," and published in the Official Gazette of May 9, 1902, is a mere letter written by Scott. An examination of the official reports shows that during the entire period of our military government at Cuba all orders, laws, and decrees issued by Gen. Brooke, as well as by Gen. Wood, were in the same form as the one in question, signed by Adj. Gens. Richards, Chaffee, Hickey, and Scott. There seems to be no question, taking the fact of the actual publication of all the rules and regulations in the Official Gazette in connection with the order of Gen. Wood through his adjutant general, and in the light of the letter of the president of the Jai Alai of April 26, 1902, that these rules and regulations, with full knowledge of what was claimed for them by the company, did receive the official sanction and approval of Gen. Wood.

In this connection the following appears in the testimony of the Secretary of War (p. 800):

"There was a serious difficulty about the acts of the military governor, arising from the fact that he had legislative, judicial, and executive powers, and an attempt by him to regulate the exercise of a franchise or concession might well be deemed to confer a franchise or concession; that is, while he was trying to act as a street commissioner, to regulate a gas company in the exercise of a franchise, the permit that he gave might be construed as a legislative act which conferred the franchise."

Therefore, directions were given to Gen. Wood in the letter from the Secretary of War on June 21, 1901 (p. 534), to the effect that no definite decision was to be made in such matters, but that the indorsement should be either that the United States did not object, or that it did object, leaving the question as to whether it was good under the Spanish laws to the courts (pp. 800-801). Instead of obeying this letter of the Secretary of War, the language used in connection with the publication of the rules and regulations of the Jai Alai Co. in the Official Gazette was that they were "found to have been duly and properly authorized," and "the rights acquired by your company are protected by the laws in force" (p. 511).

This clearly shows Gen. Wood's authority over the municipality and the civil governor, and that the approval of the military governor was necessary to give validity to the concession. It also shows the order of May 7, 1902, as constituting a judicial decision by the military governor and taking from the courts the very point, namely, that of legality, which, under the order of June 21, 1901, was to be left exclusively to the courts. It therefore appears wholly impossible to accept the contention that the order of May 7 was nothing more than a "mere letter" by which a simply "technical" but unnecessary approval was given by the military governor to the act of a subordinate authority.

Viewed in the light of the undoubtedly correct opinion of the Secretary of War, above referred to, this was a decision under the judicial powers of the military governor or a legislative act of approval. It was an act by which validity was given to that which would otherwise have remained invalid and completed that which was otherwise incomplete. It was therefore not only a violation of the instructions of the Secretary of War but also a violation of the Foraker amendment.

Taking into consideration the facts above set forth, the number of times this matter was referred to Judge Advocate Gen. Dudley by Gen. Wood after Col. Dudley had expressed his opinion, the apparent withholding of important facts in the submission of the case to the War Department in connection with the valuable present given to Gen. Wood by the Jai Alai Co., as admitted (p. 794), which was passed through the Cuban customhouse free of duty, at the request of some one, on the claim that it was the property of Gen. Wood, when in fact it was the property of either Tiffany & Co. or of the Jai Alai Co., it would certainly appear that, in the absence of any explanation whatever by Gen. Wood as to his official acts in the premises, we would not be justified in confirming this appointment.

In connection with the present of silverware it is important to note (a) that this appears to have been the only gift made to Gen. Wood himself, although other presents were made to members of his household; (b) that the donor was the Jai Alai Co., whose directors were Spaniards who were not interested in the establishment of an independent government in Cuba, and not, as asserted, a group of grateful Cubans; and (c) that the approval and promulgation of the rules and regulations permitting gambling "as an integral part" of the game of jai alai, as published in the Official Gazette of May 9, was followed on May 10 or May 12 by a cabled order to Tiffany for a \$5,000 silver service. (See testimony of Witness Clearman, p. 134.)

It further appears that Gen. Wood knew that charges in connection with this matter would be made, in fact, that they actually had been made, and that he left no word of either defense or explanation.

BELLAIRS MATTER.

In the matter of the Bellairs incident it appears clearly, from the evidence of Witness Fisher, that upon two different occasions, one prior to Bellairs's departure from the island and the other soon after that departure, that he told Gen. Wood of the charges made against the character of Bellairs, and that Gen. Wood asked him to suppress the publication of the charges, at the same time refusing to investigate them when Fisher offered to produce the boys (p. 609) who were willing to swear that improper overtures had been made to them by Bellairs.

Witness La Fontisse swears (pp. 628-629) that he also told Gen. Wood of the stories of Bellairs's criminal record before Bellairs left Cuba. He fixes this time indisputably by showing that Gen. Wood had authorized him to offer transportation to the United States to the man Johnson, who had first recognized Bellairs as a former fellow convict in the Florida prison. La Fontisse adds that Johnson refused to accept Gen. Wood's offer on the ground that he was receiving hush money from Bellairs.

The testimony of Mr. Diehl shows that at times he was dissatisfied with Bellairs's excessive zeal in behalf of Gen. Wood. He, as well as Mr. Stone, shows that Gen. Wood, while admitting that he had heard of the charges against Bellairs, stated that he disbelieved them, and that, on Gen. Wood's recommendation, Bellairs was for a time retained in the service of the Associated Press (p. 480).

If there had been mere rumors concerning Bellairs without the offer of evidence to support them, and if there had not been the affirmative action sworn to by La Fontisse of Gen. Wood's offer to furnish transportation from the island to the man who identified Bellairs as a former convict, we might pass this incident as a mere exhibition of the confidence of a man in his friend. But the proffer of the evidence to prove the charges must be taken in connection with the fact that Gen. Wood had an adequate detective force at his disposal. If, as sworn to by Commander Young (pp. 476 and 478), this detective force was used to shadow and report upon the conduct of reputable Army and Navy officers it is somewhat remarkable that similar steps were not taken in connection with the serious charges and the offered evidence against a man who must necessarily have been in daily contact with the military government and who is shown by the evidence to have been on terms of personal intimacy with the military governor. It is not easy to understand Gen. Wood's indifference to the ugly charges against Bellairs in view of his attitude toward another representative of the Associated Press, the man Costello (p. 603), whose removal he requested upon no other ground than that Costello had business relations with the Catholic Church (p. 410).

CHARGES BY GEN. BROOKE.

Gen. Brooke charges Gen. Wood with acts which were subversive of military discipline. The real point brought in issue by Gen. Wood was not the physical withdrawal of the funds from Santiago, but the objection was made to what is called the centralization at Habana; that is, the authority of the general in supreme command of the island of Cuba to control and supervise the character and the amount of the expenditures by Gen. Wood in Santiago. What Gen. Wood desired was that all of the revenues of that Province should be spent by him in the Province. There is no record that either the President or the Secretary of War granted this request to Gen. Wood.

Gen. Brooke cites the instance of the erection of barracks at Santiago without his knowledge, and although ex-Secretary of War Alger states that his conversation with Gen. Wood might have been construed by the latter as an order, it does not appear that Gen. Wood made any report of the matter to his superior officer, Gen. Brooke, as a justification of his actions.

Gen. Brooke further charges Gen. Wood with insubordination (p. 201) in that he interfered with the civil courts of Manzanillo, where he took from that court a prisoner charged with the crime of homicide and set him aboard a ship and sent him out of the country. This was when Gen. Brooke was in command of the island and Gen. Wood in subcommand in Santiago Province and when he had no such power as he saw fit to exercise in the interference with judicial processes.

THE MATTER OF ACCOUNTS.

Considering the question of accounts, it appears (see Rathbone's Exhibits 32 and 33, pp. 318 and 319) that a waffle iron, two punch bowls, and dozens of wine glasses and knives, which "have been used and expended in the palace of the governor general, will not be taken up and accounted for, and the auditor of the island is authorized to pass this voucher as submitted. [This is done] by order of the military governor."

This is a clear violation of the order of the President, which established the rules for audit in the island, and which Gen. Wood had therefore no power to amend or to ignore, and no right to disobey. The passage of these vouchers distinctly stating that the property was already expended, because it was at the palace, and that it would not be accounted for, and therefore presumably be considered as the personal property of the military governor or anyone else who saw fit to take it, and which therefore was exempt from the necessity of being turned over to the Cuban Government; all this constitutes a distinct violation of all rules and all orderly conduct of affairs. These items have been taken as examples which go to prove that the objections to Gen. Wood's accounts are not that they could not be made to balance, but that they were made to balance on insufficient or illegal vouchers, and, in the case of the Santiago 1898 accounts, in the face of the total absence of vouchers in many instances.

Request was made that the committee summon certain witnesses in this matter who would swear to the latter fact, but the committee did not comply with the request.

THE CASTENADA CASE.

That Gen. Wood's actions in the matter of the concession to Castenada were a violation of the Foraker law, of the President's order of December 22, 1898, and of the letter of the Secretary of War dated June 21, 1901, is evident from the cable of Secretary Root to Gen. Wood (p. 587), which says:

"This permit would appear to be a concession for 99 years, and to contravene the policy expressed in the Foraker amendment; and the General Order, No. 188, Adjutant General's Office, December 24, 1898, and the letter of the Secretary of War to you, dated June 21, 1901."

Perhaps nowhere in the evidence presented in this case has there been shown more conclusively the habit of insubordination on the part of Gen. Wood than in this instance. Instead of obeying the order of his superior, whose opinions on such a matter would be taken to be final by every civilian, Gen. Wood declines prompt obedience to the military order and disputes the legal knowledge of his superior by his reply of May 12 (p. 587). But when on May 14 (p. 587) Secretary Root reiterates his order, it would appear that any officer recognizing discipline and the necessity of obedience to orders in the Army would have yielded ready and cheerful obedience, we find that Gen. Wood does not do so. He chooses to argue, and sends a long cable of explanation and protest, and also sends by cable the opinion of his Cuban secretary of justice to convince his superior that he is in error in his legal opinion. It became necessary for the Secretary of War to send a third command by cable, on the 16th (p. 589), before his orders were carried out by Gen. Wood.

AFFIDAVITS.

AFFIDAVIT OF GEORGE EUGENE BRYSON.

I, George Eugene Bryson, being duly sworn, do depose and say that my name is George Eugene Bryson; that I am a native of North Carolina and a citizen of the United States; that my present place of business is No. 118 Prado, Habana, Cuba; that I am a commissioner for the State of New York and commissioner of deeds for the States of Florida, Alabama, Mississippi, and Louisiana in the Republic of Cuba; that in December, 1900, I was the Habana reporter for the New York World; that on or about the 19th day of December, in the year 1900, I was called to the office of Brig. Gen. Leonard Wood, military governor of Cuba, said office being in the palace in Habana, where a conversation, in substance as follows, took place:

Gen. Wood reminded me that I had refused the overtures made to me through Mr. Bellairs prior to his (Wood's) arrival in Habana, and

a second time after his arrival. I told Gen. Wood that I could not join in the plan of Bellairs, because I believed in the administration of Gen. Brooke and Gen. Ludlow. Gen. Wood added that if I had been willing to join Bellairs it would have won for me his (Wood's) friendship; but that he wished to wipe off the slate and give me a new opportunity to show my loyalty to American institutions in Cuba; that he wanted me to send a cablegram that day to the New York World. Gen. Wood told me that Mr. Frye (meaning the American head of the schools) had made a bad break; that he had just issued a proclamation ridiculing the Anglo-Saxon race and calling upon the Cubans to rise and drive out the Americans. "Make the cable as strong as you can," added Gen. Wood, "and we will make it too hot for Frye to stay here any longer."

I asked Gen. Wood if Frye had really been so unwise as to call upon the Cubans to drive out the Americans. Gen. Wood assured me that the proclamation had been printed; then he told me to hurry and send the cable or somebody would get ahead of me. "By the way, Bryson," added Gen. Wood, "I am going to have you appointed as Associated Press reporter for Cuba."

And I, George Eugene Bryson, do further depose and say that, accepting Gen. Wood's word as true and relying on the honor and good faith of the American military governor in Cuba, I sent the above message to the New York World, and that it was duly published and copied throughout the press of the United States; that later I found that I had been basely deceived by Gen. Wood, as the original document issued by said Frye did not make the slightest reference to the Anglo-Saxon race or to an uprising of the Cubans, but simply recommended to the Cuban people to drop from their national hymn the words referring to the Spaniards as cowards, in order that the song might be used in the public schools without causing quarrels between the Cuban and Spanish children who studied side by side.

And I further depose and say that the incident caused me great regret; that Mr. Frye promptly called the attention of the New York World to the statement sent by me at Gen. Wood's request, with the result that the World published a corrected statement; that Mr. Frye soon after resigned his position as superintendent of schools of Cuba; that I went to Mr. Frye of my own accord and related the entire incident to him; that I now make affidavit to the same effect, with no other motive than to right the wrong I did to said Frye; and that I do this voluntarily, without reward or promise of reward of any kind from any person, but as a simple act of duty.

GEO. EUGENE BRYSON.

CITY OF HABANA, *Island of Cuba*, ss:

On the 31st day of December, 1903, before me, José Ramirez de Arellano, a notary public in and for the city of Habana, Island of Cuba, personally appeared George Eugene Bryson, to me known to be the party who executed the foregoing document and who acknowledged to me that he did execute the same.

Subscribed and sworn to before me this 31st day of December, 1903.
[SEAL.] LDO. JOSÉ RAMÍREZ ARELLANO.

CONSULATE GENERAL OF THE UNITED STATES,
Habana, Cuba,

I, the undersigned, F. Steinhart, consul general of the United States of America at Habana, Republic of Cuba, do hereby certify that the signature to the foregoing document, to which is also affixed the seal of the notary subscribing, is the true and genuine signature of José Ramirez de Arellano.

And that he is a duly authorized and commissioned notary public of this city and residing therein, to all of whose official acts as such full faith and credit are due and given as well in court as thereout.

In testimony whereof I have hereunto set my hand and affixed the seal of this consulate general at Habana this 31st day of December, 1903.

[SEAL.]

F. STEINHART, *Consul General*.

AFFIDAVIT OF ALEXIS E. FRYE.

CITY OF HABANA, *Island of Cuba*, ss:

Alexis E. Frye, being duly sworn, deposes and says that during the entire period of his service as superintendent of schools of Cuba the school laws of the island gave him no power to appoint or dismiss teachers; that he never did appoint, employ, or nominate any man or woman whatsoever for any position in the public schools of Cuba; that never, while in office or afterwards, until the press, on January 5, 1904, published an abstract of the report of the Senate committee in the Wood case, was a single act of immorality on the part of any woman teacher in Cuba brought to his notice; that never a word, written or spoken, passed between Gen. Wood and himself or between any other person and himself (Frye) concerning the immorality of any woman connected with the Cuban school system.

And the said Frye further deposes that the following articles, copied from the school laws of Cuba, were in force during the entire time of his service as superintendent of schools of Cuba.

Order 226, published December 6, 1899, was in force from that date to June 30, 1900. Article 7 of this law (a copy being printed in the report of the Senate committee on the Wood case) reads as follows:

"Boards of education shall make all necessary arrangements for opening the elementary (primary and grammar) schools by December 11, 1899, or as soon thereafter as possible, and to that end will rent rooms or buildings, supply suitable equipment, and employ teachers."

Article 22 of the same law says:

"Boards of education may employ, for a period not exceeding the last day of August, 1900, any man or woman possessing the requisite scholarship and other elements of character to teach in the public schools."

Orders 270, of June 30, 1900, and 368, of August 1, 1900 (a copy of these orders being printed in the same Senate committee report), cover the period from June 30, 1900, to the time of the American evacuation of Cuba.

Article 9 of these orders (both orders being in this particular the same) says:

"The board of education, in cities of the first class, will consist of a school council and school director.

"ART. 18. The council shall appoint and fix the salary of a superintendent (meaning a city superintendent). * * * The superintendent (referring to the city) of instruction shall have the sole power to appoint and discharge, with the approval of the council, all assistants and teachers authorized by the council to be employed.

"ART. 76. Each board of education shall have the management and control of the public schools of the district, except as otherwise pro-

vided for boards of education in city districts, with full power to appoint principals, teachers, janitors, and other employees."

And the said Frye further deposes that at no time was he a member of any city or rural district board of education or superintendent of schools of any city, but that during his entire term of service in Cuba he was general superintendent of the schools of the entire island, and that therefore, under the law, he received no power to nominate, appoint, or employ any teachers in any schools, public or private. He further deposes that any statement, by whomsoever made, to the effect that he employed incompetent and immoral teachers is wholly false, and that the same is shown to be false by the published laws of Cuba.

And he further deposes that any statement to the effect that the employment of incompetent or immoral teachers by him in the schools of Cuba was a cause of trouble between Gen. Wood and himself is absolutely false, and that this also is shown to be false by the published laws of Cuba.

ALEXIS E. FRYE,
Former Superintendent Schools of Cuba.

Subscribed and sworn to before me on this 11th day of January, 1904.

[SEAL.]

LDO. JOSÉ RAMÍREZ DE ARELLANO.

CONSULATE GENERAL OF THE UNITED STATES,
Habana, Cuba,

I, the undersigned, F. Steinhart, consul general of the United States of America at Habana, Republic of Cuba, do hereby certify that the signature to the foregoing and annexed document, to which is also affixed the seal of the notary subscribing, is the true and genuine signature of Ldo. José Ramirez de Arellano; and that he is a duly authorized and commissioned notary public of this city, and residing therein, to all of whose official acts as such full faith and credit are due and given as well in court as thereout.

In testimony whereof I have hereunto set my hand and affixed the seal of this consulate general at Habana this 11th day of January, 1904.

[SEAL.]

F. STEINHART, *Consul General*.

AFFIDAVIT OF GEORGE RENO.

REPUBLIC OF CUBA,
City and Province of Habana:

George Reno, being duly sworn, deposes and says: My name is George Reno. During the late Spanish-American War, and for two years previous, I was special envoy on various occasions between the Provisional Government of Cuba and the administration at Washington, as may be shown by the files in the War Department in Washington. I have resided in the island of Cuba for nine years. After said war I was the first chief of the revenue service in Cuba and organized the same under the present Government. I am now the general land and immigration agent in Cuba for the Southern Pacific Railroad and Steamship System, with my office at 21 Obispo Street in the city of Habana.

In the year 1900 I was correspondent of the Indianapolis News, the McClure Magazine Co., and the Review of Reviews, of New York. In the line of duty, while seeking admission to social functions under the patronage of the government of intervention, I was invariably referred by Gen. Wood to Capt. Bellairs, reporter of the Associated Press, who had been designated by said Wood to pass upon the social standing of all the guests to such functions. On February 22, 1900, a group of American correspondents, including myself, were denied the courtesy of invitations to the Washington's Birthday ball of same date, given under the patronage of the military governor. Among the correspondents was the first and only American lady correspondent who penetrated the Spanish blockade of Cuba, and who carried with her the American flag taken from the house of Senator Foraker in Washington, together with a letter of encouragement from said Senator to Bartolomé Masó, president of the Provisional Government of Cuba. By chance Gen. Ludlow, governor of the city of Habana, learned of this act of Bellairs, and of his own volition personally informed these correspondents that within 30 minutes the invitations would be at their hotels, and it is needless to say that the invitations were there. I refer to this circumstance merely to show the social sway which this man Bellairs exercised through the authority of Gen. Wood over social functions under the patronage of the Government.

On or about the 14th day of March, 1900—the day when the Secretary of War, Mr. Root, visited the Cabanas fortress, and when Gen. Wood sent all the ladies of the party under the care of said Bellairs—Gen. William Ludlow, Maj. E. G. Rathbone, Col. Tasker H. Bliss, Capt. Bellairs, and others, including the deponent, took lunch around the same table in the public restaurant called the Paris Habana. At the close of the lunch said Bellairs arose and made the following statement, significant of the assurance he felt as to his past and future influence over the destiny of his chief:

"I make the following prophecy: In the year 1908, Leonard A. Wood will be elected President of the United States, and I will put him there. You know what I have done for him in the past; mark my words and watch the future."

The deponent further says: On February 23, 1900, while commenting upon the exclusion of the correspondents referred to above, Mr. Frank Cairns, chief of the bureau of secret service of Cuba, told me (the deponent) that he had received information, not only from the secret service in Washington, but also from soldiers of the American Army in Cuba, which led him to believe that said Bellairs was an ex-convict and degenerate of the worst type, and that he had been guilty of the filthiest and vilest of acts with these men and others. Mr. Cairns asked me to assist him in securing a photograph of Bellairs to send to Judge Mitchell, of Tampa, Fla., as a means of identification. I obtained a photograph of Bellairs, and it was sent to said Judge Mitchell, and was by him identified as that of a criminal he had sentenced some years before to the State penitentiary in Florida, as said Judge Mitchell has since certified through the press. All these facts were known to the chief of secret service in Cuba, whose immediate superior was Col. Tasker H. Bliss, while said Bellairs was still in Cuba and enjoying the protection of Gen. Leonard Wood.

And the deponent further says: On or about the 7th day of August, 1900, a man giving the name of Johnson came to me for work and told me frankly that he had served time as a convict; that through the influence of said Bellairs he (Johnson) had been holding a position as watchman in the arsenal in Habana, but that he had been dismissed as soon as Bellairs left Cuba. I finally drew from him the fact that not only he (Johnson) but also two other men then in Habana, whose names

and addresses he gave me, had served a term of years with said Bellairs in the State penitentiary of Florida.

Upon learning the full story of said Johnson, I (the deponent) induced him to go to the office of said Cairns, chief of the secret service, and relate the facts to that officer. At about 11 o'clock in the evening of the same day said Cairns called upon me at the Hotel Trotcha and stated to me that Johnson had told him the whole story; that he (Cairns) had repeated it to Col. Tasker H. Bliss, his superior officer, and that Col. Bliss, realizing the importance of the matter, had informed Gen. Wood of the facts; that Gen. Wood had sent at once for him (Cairns), and in a very excited and agitated manner had asked him (Cairns) who knew the facts besides himself and Col. Bliss; that Mr. Cairns had told Gen. Wood that I (George Reno) knew them; that Gen. Wood appeared greatly disturbed, and told him (Cairns) that as a Government official he (Cairns) must keep quiet, but that I, a newspaper man, might not; that Gen. Wood then told him (Cairns) that this Bellairs matter must be dropped right where it was; that Gen. Wood then ordered him (Cairns) to find me at once, and, if necessary, "bulldoze" me into silence; that he (Cairns) had told Gen. Wood that that would not work; that said Wood then told him (Cairns) to "buy me off"; that he (Cairns) replied that that also would fail; that Wood then said there must be some way to reach me, and he (Cairns) replied that he would appeal to me as an American, would explain to me that the reputations of many excellent people were at stake, owing to their social and political connection with Bellairs; that said Wood ordered him (Cairns) to lose not a moment, but to find me and appeal to me to be silent. And the deponent further says that the above is a true and faithful account of the conversation with said Cairns, and that he (Cairns) is now in the employ of the Government in Manila; also that when said Cairns appealed to him (the deponent) as a friend to drop the matter, he (the deponent) informed Cairns that an account of the facts had been mailed to the States that day and would leave by the next mail boat; that Mr. Cairns replied that Gen. Wood would see to it that the article would not see light in the press, and that the deponent has reason to believe that Gen. Wood did so, as he (the deponent) never heard from the article afterwards.

And the deponent further says that while he was willing at that time to let the matter rest for the sake of many American residents in Cuba who had social and political relations with Bellairs, that now he feels that the truth should come to light as a protection of society against said Bellairs, inasmuch as Gen. Wood has seen fit to suppress the facts and deny knowledge of them.

GEORGE RENO.

Subscribed and sworn to before me this 2d day of January, in the year 1904.

[SEAL.]

LDO. JOSÉ RAMÍREZ DE ARELLANO,
Notary Public in and for the City of Habana.
CONSULATE GENERAL OF THE UNITED STATES,
Habana, Cuba.

I, the undersigned, F. Steinhart, consul general of the United States of America at Habana, Republic of Cuba, do hereby certify that the signature to the foregoing and annexed document, to which is also affixed the seal of the notary subscribing, is the true and genuine signature of Ldo. José Ramírez de Arellano.

And that he is a duly authorized and commissioned notary public of this city and residing therein, to all of whose official acts as such full faith and credit are due and given as well in court as thereout.

In testimony whereof I have hereunto set my hand and affixed the seal of this consulate general at Habana, this 2d day of January, 1904.

[SEAL.]

F. STEINHART,
Consul General.

AFFIDAVIT OF EDWIN WARREN GUYOL.

CITY AND COUNTY OF NEW YORK,

Borough of Manhattan, ss:

I, Edwin Warren Guyol, being duly sworn, say: That I am a native-born American citizen; that during a part of the administration of Gen. Wood in Cuba I resided in Habana and was the editor of the English page of the newspaper then published in Habana called La Lucha; that at various times I criticized Col. William M. Black, United States Army, the chief engineer of the Department of Cuba, in the columns of La Lucha, and much of the information on which I based my criticisms of Col. Black's official acts was furnished me by Gen. Wood.

As a result of some of these criticisms, Col. Black, through the fiscal, requested the judge of first instance of Habana to prosecute me. On learning this fact I immediately sought Gen. Wood.

I found him driving in his carriage, which I stopped at the corner of Cuba and O'Reilly Streets.

I told him that Col. Black had requested the judge of first instance to have me arrested and that prompt action was necessary to prevent my arrest.

In answer to my request he wrote a memorandum in pencil on one of his cards, asking that the judge of the cathedral district be asked to come to the palace to await his return.

He asked me to deliver this card to Col. Richards, his adjutant general, and requested me to wait at the palace until he would return from his drive.

I carried out his directions.

Gen. Wood and the judge arrived almost simultaneously at the palace.

The judge went with Gen. Wood into the latter's private office, and as a result of that conference I was not molested.

I also criticized Gen. William Ludlow's official acts in the columns of La Lucha, some of the material for which criticisms Gen. Wood gave to me for the purpose of having it used in criticism of Gen. Ludlow's administration in Habana.

EDWIN WARREN GUYOL.

Sworn to and subscribed to before me this 7th day of January, 1904.

[SEAL.]

CHARLES ALVIN ROGERS,
Notary Public.

The article referred to is as follows:

While it is never necessary to tell a lie it is not always wise to tell all the truth, consequently many facts connected with this campaign will probably never be known; but this much is certain: First, that Lawton and Wood were not the only men who endured the whole campaign; second, water was not scarce nor did the command ever travel where there was no shade nor grass visible; third, that the command was never without supplies; fourth, that no company of soldiers ever became exhausted and were ordered back to barracks for this reason;

fifth, that no portion of Capt. Lawton's command, except Troop B of the Fourth Cavalry, ever had a fight with the Indians during the entire campaign, and at this fight Dr. Wood was not present; sixth, that Dr. Wood never saw a hostile Indian from the time he started until Gerónimo came into Capt. Lawton's camp to talk surrender, and that he never heard a shot fired at any hostile Indians; seventh, that the nominal command of a few soldiers of Infantry—traveling over a country for a few weeks in the wake of a detachment of Indian scouts commanded by an officer who had, while in command of a troop of Cavalry not connected with the Lawton command, run onto the hostiles, and who, with his detachment, discovered the camp of the hostiles on the Yaguí River when he was 10 miles in advance of Capt. Lawton, Dr. Wood, and the Infantry, and who captured all the property therein an hour before the arrival of Capt. Lawton, Dr. Wood, and the Infantry detachment (the hostiles had abandoned the camp unseen by even the Indian scouts, so that not a shot was fired even by the scouts at any hostiles), and though no fight was had during these few weeks by this Infantry detachment nor a shot fired by them—secured for the person in nominal command a reputation—entirely outside the Army—for command and for capacity in Indian fighting, and also a medal of honor.

H. C. BENSON, Major, Fifth Cavalry.

Mr. WEEKS. Will the gentleman yield?

Mr. HAY. Yes.

Mr. WEEKS. I want to ask the gentleman from Virginia if he really believes those statements regarding Gen. Wood are true.

Mr. HAY. That is not a fair question as to what I believe. [Applause on the Republican side.] I am simply stating what was stated by men who filed these affidavits, and which were incorporated in the report made by Senator Mark Hanna to the Senate in this case. [Applause on the Democratic side.]

Mr. WEEKS. I think the gentleman from Virginia ought not to repeat such assertions about an officer of the Army unless he himself really believes they are true.

Mr. HAY. I certainly do think I should do so, when my motives have been impugned by every gentleman on that side of the House.

Mr. WEEKS. They have not been by me.

Mr. HAY. Well, by almost every gentleman who has spoken on that side—that I have been actuated by some personal spite against this Army officer.

Mr. KAHN. The gentleman from Virginia will certainly acquit me of having made any statement of that kind.

Mr. HAY. I will not impugn anybody who did not do it. [Laughter.]

Mr. COOPER and Mr. GILLETT rose.

The SPEAKER pro tempore. To whom does the gentleman yield?

Mr. HAY. I yield to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. I would like to ask the gentleman if the gentleman thinks his remarks now tend to destroy that impression of personal spite?

Mr. HAY. Well, that is just as the gentleman chooses to take them. I was going on to show that Gen. Wood, since he has been Chief of Staff, has not been an efficient Chief of Staff; that he has charged in magazine articles and in newspaper articles and has stated before committees of this House matters concerning the Army of a most detrimental character; that he has stated that there is no Army; that the Army was nothing but a collection of fellows who cleaned out front yards, and things of that sort. If that were true, if these abuses of which he complained were true, why is it that during the two or three years he has been Chief of Staff he has not put a stop to these abuses and brought about some reforms? [Applause on the Democratic side.]

Mr. COOPER. Will the gentleman yield?

Mr. HAY. I had no desire to have anything personal injected in this debate about Gen. Wood. In my opening statement I said nothing about him, but gentlemen, by their remarks, have forced me into a discussion of the whole matter. I have nothing against Gen. Wood; I have no feeling against Gen. Wood. He has not done anything to me. He has not suggested that any Army post in my district or in my State should be abandoned—

Mr. COOPER. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman yield?

Mr. HAY. What does the gentleman desire to say?

Mr. COOPER. Will the gentleman permit a question?

Mr. HAY. If the gentleman will ask simply a question, I will try to answer it.

Mr. COOPER. Is the gentleman aware of the fact that Maj. Rathbone, who was convicted of embezzlement and sent to the penitentiary for 10 years in Cuba while Gen. Wood was at the head of affairs in that island, was the man charged—I do not know whether truly or not—with having handled the funds by which Mark Hanna was alleged to have been elected Senator from Ohio the first time?

Mr. HAY. I do not know that that has anything to do with this question. The gentleman ought to know more about it

than I do. I am not familiar with Republican activities. [Applause.]

Mr. COOPER. I am only speaking of possible motives behind the charges against Gen. Wood, and the gentleman knows, does he not?

Mr. HAY. The gentleman from Wisconsin is making a speech. He is not asking a question.

Mr. COOPER. Will the gentleman answer one more question?

Mr. HAY. If the gentleman will ask the question briefly, I will yield.

Mr. COOPER. Does not the gentleman know that after the investigation of the charges filed against Gen. Wood he was exonerated, and that ELIHU ROOT, the Secretary of War, wrote a letter saying that other charges against Gen. Wood were absolutely groundless?

Mr. HAY. I know he was confirmed by the Senate. As I said a moment ago, when the gentleman interrupted me, I did not want to get into any personal controversy with Gen. Wood, but his friends have undertaken, through the newspapers and in other ways, to cast aspersions on the conferees of the House and Senate on their honesty and their good faith.

There are two sides to it; and people who live in a glass house ought not to throw stones at other people, and they can not throw stones at me with impunity.

Now, about this commission. Much has been said by our genial friend from California about our having selected a jury to pass upon this case which have already decided what they would do. As I stated when I was up before, I did not know at the time that these officers were selected that any of them had served on a commission having regard to Army posts.

But these three gentlemen to whom allusion has been made are honest, upright, capable men. They are not bound by any decision which they have given heretofore. Their report was merely an incidental one and was not called for under the law under which they acted. Therefore I do not think that we need apprehend they will do otherwise than give an honest, fair decision as to what they believe to be right with regard to these posts.

As to the appointment of Gen. Humphrey, about whom the gentleman from Illinois [Mr. MANN] makes so much, I have only to say that when I suggested his name on that commission I did not then recall the fact that he was in the employ of any powder company. But, as I said before, that has nothing to do with his qualification to pass on the location of Army posts. He is an honest, square, capable, upright man, and because a man is employed by a powder company it does not disqualify him from discharging, with efficiency and honesty, the duties which this act will devolve upon him. Now, Mr. Speaker, in conclusion I want to ask the gentlemen on this side of the House to sustain this conference report. It is the labor and the work of over a year, and it carries in it provisions which will ultimately save in the military establishment \$10,000,000 a year. [Applause on the Democratic side.] And to develop an attack of this sort simply because one man chooses to make a fight upon it in order that his individual career or place may be taken care is a very small way, in my opinion, to approach this subject. [Applause on the Democratic side.]

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

Mr. PRINCE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in order to put in one or two clippings from newspapers. I will not abuse the privilege.

Mr. HAY. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken on this conference report may have five legislative days in which to extend their remarks.

The SPEAKER pro tempore. The gentleman from Virginia asks that all gentlemen who have spoken on this conference report may have five legislative days in which to extend their remarks.

Mr. MANN. On the matter involved?

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

The question is on agreeing to the conference report.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. PRINCE, Division, Mr. Speaker.

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

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore (after counting). Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of the adoption of the conference report will vote "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 120, nays 92, answered "present" 10, not voting, 169, as follows:

YEAS—120.

Alken, S. C.	Evans	Jacoway	Redfield
Alexander	Faison	Johnson, Ky.	Rees
Anthony	Fergusson	Johnson, S. C.	Roddenbery
Bartlett	Finley	Jones	Rothermel
Beall, Tex.	Fitzgerald	Kinkaid, Nebr.	Rouse
Bell, Ga.	Flood, Va.	Kinkead, N. J.	Rucker, Colo.
Blackmon	Floyd, Ark.	Kitchin	Saunders
Boehne	French	Lee, Pa.	Scully
Booher	Gallagher	Lever	Sherwood
Borland	Garner	Lewis	Sims
Burnett	Goodwin, Ark.	Littlepage	Sisson
Byrns, Tenn.	Graham	Littleton	Small
Campbell	Gregg, Pa.	Lloyd	Smith, Tex.
Candler	Gregg, Tex.	McDermott	Stanley
Carter	Gudger	McGillcuddy	Stedman
Clayton	Hamlin	McKellar	Stephens, Nebr.
Cline	Hammond	Maguire, Nebr.	Stephens, Tex.
Conry	Hardwick	Mays	Stone
Covington	Hardy	Mondell	Sweet
Cravens	Harrison, Miss.	Morrison	Talcott, N. Y.
Curley	Hay	Moss, Ind.	Townsend
Davenport	Heflin	Oldfield	Tribble
Davis, W. Va.	Henry, Tex.	O'Shaunessy	Turnbull
Dent	Hensley	Padgett	Underhill
Dickinson	Holland	Page	Underwood
Dickson, Miss.	Houston	Patten, N. Y.	Webb
Dixon, Ind.	Howard	Pepper	White
Doughton	Hughes, Ga.	Pou	Witherspoon
Edwards	Hull	Rainey	Young, Kans.
Ellerbe	Humphreys, Miss.	Rauch	Young, Tex.

NAYS—92.

Ainey	Driscoll, M. E.	Lafferty	Post
Allen	Dwight	La Follette	Prince
Anderson, Minn.	Farr	Lenroot	Prouty
Austin	Focht	Longworth	Reilly
Barchfeld	Foss	Loud	Reyburn
Browning	Gardner, Mass.	McCall	Sloan
Buchanan	Gardner, N. J.	McKinney	Smith, J. M. C.
Bulkeley	Gillett	McLaughlin	Speer
Burke, S. Dak.	Good	Madden	Steenerson
Butler	Green, Iowa	Mann	Stephens, Cal.
Cannon	Hamilton, Mich.	Martin, Colo.	Sterling
Cary	Haugen	Matthews	Sulloway
Catlin	Hawley	Moore, Pa.	Switzer
Claypool	Hayden	Morgan	Taylor, Ohio
Cooper	Hayes	Mott	Vare
Copley	Henry, Conn.	Murdoch	Varstead
Crago	Howland	Needham	Warburton
Crumacker	Hughes, W. Va.	Nelson	Wedemeyer
Danforth	Humphrey, Wash.	Norris	Weeks
Davis, Minn.	Kahn	Patton, Pa.	Wilder
Difenderfer	Kendall	Payne	Willis
Dodds	Kennedy	Peters	Wilson, Pa.
Donohoe	Knowland	Pickett	Young, Mich.

ANSWERED "PRESENT"—10.

Foster	Lobeck	Russell	Smith, Saml. W.
Jackson	Parran	Shackelford	
Korbly	Richardson	Slayden	

NOT VOTING—169.

Adair	Draper	Kindred	Ransdell, La.
Adamson	Driscoll, D. A.	Konig	Riordan
Akin, N. Y.	Dupré	Konop	Roberts, Mass.
Ames	Dyer	Kopp	Roberts, Nev.
Anderson, Ohio	Esch	Lafean	Robinson
Andrus	Estopinal	Lamb	Rodenberg
Ansberry	Fairchild	Langham	Ruby
Ashbrook	Ferris	Langley	Rucker, Mo.
Ayres	Fields	Lawrence	Sabath
Barnhart	Fordney	Lee, Ga.	Sells
Bartholdt	Fornes	Legare	Sharp
Bates	Fowler	Levy	Sheppard
Bathrick	Francis	Lindbergh	Sherley
Berger	Fuller	Lindsay	Simmons
Bowman	Garrett	Linthicum	Slemp
Bradley	George	McCoy	Smith, Cal.
Brantley	Glass	McCreary	Smith, N. Y.
Broussard	Godwin, N. C.	McGuire, Okla.	Sparkman
Brown	Goeke	McHenry	Stack
Burgess	Goldfogle	McKenzie	Stephens, Miss.
Burke, Pa.	Gould	McKinley	Stevens, Minn.
Burke, Wis.	Gray	McMorran	Sulzer
Burleson	Green, Iowa	Macon	Taggart
Byrnes, S. C.	Greene, Mass.	Maher	Talbot, Md.
Calder	Griest	Malby	Taylor, Ala.
Callaway	Guernsey	Martin, S. Dak.	Taylor, Colo.
Cantrill	Hamill	Miller	Thayer
Carlin	Hamilton, W. Va.	Moon, Pa.	Thistlewood
Clark, Fla.	Hanna	Moon, Tenn.	Thomas
Collier	Harris	Moore, Tex.	Tolson
Connell	Harrison, N. Y.	Morse, Wis.	Towner
Cox, Ind.	Hartman	Murray	Tuttle
Cox, Ohio	Heald	Neeley	Utter
Cullop	Helgesen	Nye	Vreeland
Currier	Helm	Olmsted	Watkins
Curry	Higgins	Palmer	Whitacre
Dalzell	Hill	Plumley	Wilson, Ill.
Daugherty	Hinds	Porter	Wilson, N. Y.
Davidson	Hobson	Powers	Wood, N. J.
De Forest	Howell	Pray	Woods, Iowa
Denver	Hughes, N. J.	Pujo	
Dies	James	Raker	
Doremus	Kent	Randell, Tex.	

So the conference report was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. SLAYDEN with Mr. TILSON.

Mr. RIORDAN with Mr. ANDRUS.
 Mr. GLASS with Mr. SLEMP.
 Mr. HOBSON with Mr. FAIRCHILD.
 Mr. FORNES with Mr. BRADLEY.
 Mr. COLLIER with Mr. Woods of Iowa.
 Mr. FOSTER with Mr. KOPP.

Until further notice:

Mr. DENVER with Mr. LAFEAN.
 Mr. DIES with Mr. LAWRENCE.
 Mr. DANIEL A. DRISCOLL with Mr. McCREARY.
 Mr. FERRIS with Mr. MALBY.
 Mr. FOWLER with Mr. MILLER.
 Mr. FRANCIS with Mr. MOON of Pennsylvania.
 Mr. GOLDFOGLE with Mr. OLMSTED.
 Mr. GOULD with Mr. GUERNEY.
 Mr. HAMILL with Mr. POWERS.
 Mr. HUGHES of New Jersey with Mr. PLUMLEY.
 Mr. JAMES with Mr. PRAY.
 Mr. LAMB with Mr. ROBERTS of Massachusetts.
 Mr. LINTHICUM with Mr. SELLS.
 Mr. MCCOY with Mr. SIMMONS.
 Mr. MOON of Tennessee with Mr. TOWNER.
 Mr. NEELEY with Mr. UTTER.
 Mr. STEPHENS of Mississippi with Mr. VREELAND.
 Mr. SULZER with Mr. WILSON of Illinois.
 Mr. THAYER with Mr. Wood of New Jersey.
 Mr. CONNELL with Mr. HARRIS.
 Mr. COX of Ohio with Mr. HARTMAN.
 Mr. CULLOP with Mr. HELGESEN.
 Mr. DAUGHERTY with Mr. KENT.
 Mr. CLARK of Florida with Mr. HANNA.
 Mr. CARLIN with Mr. GRIEST.
 Mr. CANTRILL with Mr. FULLER.
 Mr. BURLESON with Mr. DE FOREST.
 Mr. BYRNES of South Carolina with Mr. DRAPER.
 Mr. BURGESS with Mr. DALZELL.
 Mr. BRANTLEY with Mr. CURRIER.
 Mr. BATHRICK with Mr. CALDER.
 Mr. AYRES with Mr. BURKE of Pennsylvania.
 Mr. ASHBROOK with Mr. BOWMAN.
 Mr. ANSBERRY with Mr. AMES.
 Mr. PALMER with Mr. HILL (with mutual privilege of transfer).

Mr. DAVIS of West Virginia with Mr. SAMUEL W. SMITH.
 Mr. SABATH with Mr. PORTER.
 Mr. COX of Indiana with Mr. SMITH of California.
 Mr. RUCKER of Missouri with Mr. DYER.
 Mr. FIELDS with Mr. LANGLEY.
 Mr. TALBOTT of Maryland with Mr. PARRAN.
 Mr. MURRAY with Mr. GREENE of Massachusetts.
 Mr. PUJO with Mr. McMORRAN.
 Mr. GARRETT with Mr. FORDNEY.
 Mr. BARNHART with Mr. MCKINLEY.
 Mr. BROUSSARD with Mr. NYE.
 Mr. SHEPPARD with Mr. BATES.
 Mr. CALLAWAY with Mr. THISTLEWOOD.
 Mr. RAKER with Mr. LANGHAM.
 Mr. HAMILTON of West Virginia with Mr. ROBERTS of Nevada.
 Mr. WATKINS with Mr. McGUIRE of Oklahoma.
 Mr. GODWIN of North Carolina with Mr. BARTHOLDT.
 Mr. COVINGTON with Mr. PROUTY.
 Mr. RICHARDSON with Mr. MARTIN of South Dakota.
 Mr. ADAIR with Mr. HINDS.
 Mr. KORBLY with Mr. HIGGINS.
 Mr. DUPRE with Mr. HOWELL.
 Mr. SPARKMAN with Mr. DAVIDSON.
 Mr. BURKE of Wisconsin with Mr. MCKENZIE.
 Mr. WILSON of New York with Mr. AKIN of New York.

Until June 21:

Mr. BROWN with Mr. HEALD.

Until July 1:

Mr. KONOP with Mr. ESCH.

Mr. SHACKLEFORD with Mr. RODENBERG (reserving the right to vote "present" to make a quorum).

Mr. RUSSELL. Mr. Speaker, I voted in the affirmative. I desire to withdraw my vote and to vote "present."

Mr. SLAYDEN. Mr. Speaker, I notice that I am announced as being paired with the gentleman from Connecticut, Mr. TILSON. As he did not vote and I am paired with him, I withdraw my vote and desire to be recorded as "present."

The result of the vote was announced as above recorded.

The announcement of the result was greeted with applause.

The SPEAKER pro tempore (Mr. SIMS). A quorum is present, and the doors will be opened.

On motion of Mr. HAY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil bill, with Mr. JOHNSON of Kentucky in the chair.

Mr. FITZGERALD. When the committee rose last night it was dividing on an amendment offered by the gentleman from Illinois [Mr. CANNON] to line 8, on page 77. I ask that that amendment be reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 77, line 8, strike out the figures "125,000" and insert in lieu thereof "150,000."

The question being taken on the amendment, on a division (demanded by Mr. FITZGERALD) there were—ayes 60, noes 85.

Accordingly the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, an amendment was offered yesterday by the gentleman from North Carolina [Mr. PAGE] to strike out the item for the traveling expenses of the President of the United States. I ask that that amendment be reported. It was passed over, to be taken up the first thing to-day in the consideration of the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 68, strike out lines 6, 7, and 8.

Mr. MANN. I ask that the language proposed to be stricken out be reported.

The Clerk read as follows:

Strike out the following: "For traveling expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, \$25,000."

Mr. PAGE. Mr. Chairman, in offering this amendment to the bill as reported from the Committee on Appropriations, as a member of that committee and as a member of the subcommittee having in charge the preparation of the bill, I wish to say for the information of the Committee of the Whole that both in the subcommittee and in the full Committee on Appropriations I reserved my right upon the floor of this House to move to eliminate this appropriation from the bill.

I have no desire and it is not my purpose to enter into any long discussion of the question that may be involved in this item of appropriation. When this language was written into the appropriation bill some five or six years ago I opposed it, and I have at every opportunity since that time voted against it.

My purpose primarily in this instance is not one of economy. The mere matter of the \$25,000 does not influence me in the position I have taken relative to this appropriation. But I do not believe that there is a man upon this floor who will question the statement that the dignity and esteem in which the great office has been held through a century has gone backward in the estimation of the people of the country during the years that this appropriation has been carried more than in all the history of this Government. [Applause.]

In fact, if this paragraph had a caption it should be "To enable gatherings in various places in the United States, including county fairs, to make Exhibit A the President of the United States," and thus to cheapen the great office for which we all have great reverence, no matter who may occupy it.

I do not think there is anyone here who will question the fact, whether he will admit it or not, that the privilege extended through this appropriation has been greatly abused, and I believe it is in the interest of the office itself, as well as of the man who may occupy the office, to say nothing of the esteem in which it is held by the great mass of the people in the country, that this appropriation should be stricken from the bill. [Applause.]

It has been said, and it will be said again, perhaps, during the discussion this afternoon, that this enables the President to accept invitations from various cities and organizations scattered over the country, to visit those cities, and to make speeches to this organization and the other.

I make the statement here to-day that there is not a city or organization in the United States that really desires the presence of the President of the United States and the occasion

for his presence is a fitting one that will not willingly and gladly pay the expense to have him visit the city.

Mr. MANN. Will the gentleman yield?

Mr. PAGE. I will.

Mr. MANN. Does the gentleman think it would be compatible with the office of the President of the United States to let somebody else pay his traveling expenses?

Mr. PAGE. To answer the gentleman frankly, I think it would be much more compatible with the dignity of the office than some things that have occurred under this appropriation. [Applause on the Democratic side.] It is not my intention to criticize the present President of the United States, or any other, and I am making this effort to eliminate this appropriation in face of the fact that I believe and you believe that a Democrat will occupy the White House during the next four years. I make that statement because I want the dignity of the office maintained when he is placed in that high position.

Mr. Chairman, I do not know what the sense of the country is about this matter and I do not care. There are times and there are matters that come before this House in which we are to exercise our judgment as Representatives, not of a particular constituency but as Representatives of the country as a whole, and to do what we can what in our judgment we believe will maintain the dignity of the Chief Magistracy of this great Republic. [Applause on the Democratic side.]

Mr. FITZGERALD. Mr. Chairman, I regret that this controversy has arisen in the House. I have a very high estimate of the importance and dignity of the office of President of the United States. It is always unfortunate whenever his conduct is such that it requires a statement of fact which in itself is a severe criticism of his conduct.

Prior to 1906 the President, when traveling, was the guest of various railroads in the United States. About that time the trip of one President of the United States, following the unbroken custom of the country, involved an expenditure by the railroads of this country in excess of \$200,000.

Then legislation was enacted which prohibited the granting of free transportation to the President and other public officials. That resulted in an act, approved June 23, 1906, authorizing the appropriation of \$25,000 to pay the traveling expenses of the President, which money was to be expended and accounted for upon his certificate solely. The Congress authorized this expenditure and reposed that complete confidence in the President which should be placed in him, and did not require the submission of detailed vouchers.

I supported the legislation at that time because I was one of those who were convinced that the President of the United States necessarily incurs certain expenses in travel that should not be made a personal charge. The limit of \$25,000 was fixed because at that time Mr. Roosevelt, as President, sent information to the Committee on Appropriations to the effect that when the President of the United States traveled he could not travel as an ordinary individual; that he could not take a seat in an ordinary Pullman coach, but required certain assistants to travel with him, and very frequently found it necessary to extend invitations to prominent persons or officials or to distinguished citizens to be his guests in traveling from place to place; that what ordinarily would seem to be a very large sum, in view of the circumstances surrounding the President, \$25,000 would not be excessive. And since 1906 \$25,000 a year has been appropriated. For 1910 the present Chief Executive set a very bad example and a very unjustifiable example of expending in excess of the amount limited by law. It necessitated action by Congress to permit him to expend out of the appropriation made for 1911 a certain portion during the fiscal year of 1910.

I criticized his action at that time because, as I then said, nothing was more important than that the President of the United States should set an example to everybody else in the Government of obeying the law and keeping within the limit fixed by the law. At that time, however, the abuses which have since been disclosed had not taken place; and although grave abuses have since taken place, and although it is to be deplored that a President of the United States should be a party to what has transpired since that time, I have that respect for and confidence in this great office that because of the dereliction of a single individual I am unable to vote to penalize whoever may hereafter be elected to that great and exalted place.

For the current year \$25,000 was appropriated. During the present fiscal year I believe that the country has been shocked at the manner in which the Chief Executive of the country has absented himself from this Capital City, traveling about here and there, seeking delegates and votes and denouncing his fellow citizens, members of a different political party or of factions of his own political party not in accord with himself, at

the expense of the people of the United States. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from New York has expired.

[Mr. FITZGERALD asked for and obtained unanimous consent for five minutes more.]

Mr. GILLETT. Will the gentleman from New York yield?

Mr. FITZGERALD. Yes.

Mr. GILLETT. Does the gentleman think these political journeys he speaks of had been paid for out of this \$25,000?

Mr. FITZGERALD. I have reason to believe that some of these speeches were delivered—

Mr. GILLETT. Then I can tell the gentleman—and I am authorized to do so—that he is mistaken. They were not.

Mr. FITZGERALD. Let us see about that. Last fall the President made a very extended trip through the western part of this country, and it was during that trip that he frequently denounced the so-called progressives or insurgents in the Republican Party. What was done in order to enable him to make that trip? The cost of a special train to be utilized by the President in that trip was figured out in advance. The persons who were to accompany him on the trip were counted.

The pro rata cost of each person was figured out, and every newspaper man who was on the train was requested to pay \$1,500 to the man in charge of it in order to pay for expenses. Out of the fund for the suppression of counterfeiting and the protection of the President of the United States \$4,500 was taken to defray the expenses upon the train of three employees of the Secret Service, against the protest of the Acting Chief of the Secret Service that to do so would create a deficiency in that appropriation.

I have not been able to ascertain, but from the investigation I have made I am inclined to believe that those Army officers who accompanied the President upon that trip as members of the party contributed their \$1,500 each, and if they did so it was because they received 7 cents a mile for their transportation out of the appropriation for the transportation of the Army.

I think it is deplorable that it is necessary to state these facts to the House and to the country, and I do not believe the President's action can be justified in what has been done in this respect. I can overlook the President's statements and denunciations of members of the political party of which I am a member and of his opponents in his own party, because, judging by results, it would pay the Democratic Party to keep him traveling all the year round. [Laughter.] But that does not justify the President of the United States in making a partisan of himself on these trips about the country, indulging, as the Chief Executive, in denunciation of any part of the citizens of the country simply because they are not in accord with him politically.

But, Mr. Chairman, in spite of these abuses, in spite of these conditions, so deplorable, I favor the appropriation of the money necessary to pay the expense of the President in traveling about the country when necessary. I am one of those who believe that, as a result of the occurrences of the present year, hereafter, the President of the United States will not be considered merely as an attraction to make successful every county fair, every charitable entertainment, every banquet, and every other money-making enterprise at which it is necessary to have some superior attraction to bring the people there.

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

Mr. FITZGERALD. Certainly.

Mr. HARDY. I want information, and that is the reason I ask the question. My recollection is that when the matter of raising the President's salary from \$50,000 per year to \$75,000 per year first came before the House, the understanding then was that the traveling expenses which had been allowed before that, the \$25,000 per annum, would not be asked, if the salary were raised as requested.

Mr. FITZGERALD. That was the understanding of the House.

Mr. MANN. Oh, I think not.

Mr. FITZGERALD. I think yes; but I am not criticizing on that account.

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

Mr. FITZGERALD. Just one moment. I think that was the understanding of a great many Members, but at the same time I do not believe that a compensation of \$75,000 a year, with \$25,000 additional for traveling expenses, is an exorbitant or an extravagant amount.

Mr. MADDEN. Mr. Chairman, I would ask the gentleman from New York whether he thinks he could afford to be for an appropriation of \$25,000 for traveling expenses of the President of the United States, in view of the attitude which he assumed against the proposition?

Mr. FITZGERALD. Mr. Chairman, the best proof that I can afford to be in favor of it is that I am, and I am saying so.

Mr. MADDEN. If I felt the same as the gentleman from New York does about the proposition, I would vote against it.

Mr. FITZGERALD. Mr. Chairman, if the gentleman cares to he can vote against it. I propose to vote for it; but still, Mr. Chairman, I would not favor the appropriation and support it and at the same time conceal from the House these facts which have come into my possession in the discharge of my official duties as the head of the Committee on Appropriations.

Mr. MADDEN. But the gentleman is trying to make a political speech on the floor of the House in connection with a great appropriation bill.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CANNON. Does the gentleman desire further time?

Mr. FITZGERALD. I might occupy a minute or two more.

Mr. CANNON. I ask that the gentleman's time may be extended five minutes.

The CHAIRMAN. Without objection the time of the gentleman from New York will be extended for five minutes. [After a pause.] No objection is heard.

Mr. CANDLER. Will the gentleman permit me to ask him a question?

Mr. FITZGERALD. Yes.

Mr. CANDLER. Is it not a fact prior to the time that the salary of the President of the United States was increased to \$75,000 that there was not any appropriation for traveling expenses at all.

Mr. FITZGERALD. There was an appropriation made in 1906 for traveling expenses, and the increase of the President's salary was made just prior to the beginning of President Taft's present term. The former occupant of the White House could not have enjoyed the increase of compensation during his term of office.

Mr. CANDLER. This increase of the traveling expenses was made, I understood the gentleman to say, just prior to the time President Taft was elected in 1907. Then is it not a fact that at the time the President's salary was increased there was an attempt to increase it to \$100,000 from \$50,000 and that there was an agreement arrived at fixing it at \$75,000 with the understanding that that would be the only compensation which the President would receive?

Mr. FITZGERALD. Mr. Chairman, I have already stated many Members believe that was the understanding. Since that time Congress has appropriated the \$75,000 salary and has appropriated the \$25,000 for traveling expenses and I do not believe in view of what has happened in that respect that whatever our understanding might have been has much effect.

I stated, Mr. Chairman, that in my opinion neither the compensation nor the allowance for the traveling expenses of the President is either extravagant or excessive, and I believe it desirable that the President be in a position whenever those great occasions arise that it was desirable that he should leave the Capital, or to leave the Capital for any reason, that he should have the means with which to travel. I think it is to be deplored that the course that has been pursued has been followed by the present Chief Executive. I am not indulging in a cheap political speech. I could much more severely criticize the President for his action in this respect than I have done. I regret it not as a partisan, but I regret it as a citizen of the United States that such statements can be made regarding the conduct of any man who happens to be President of the United States, and yet, regardless of what has happened, having that high esteem for this office, respecting every man whom I have had the pleasure or advantage of being personally acquainted with who occupied that position, I believe it would be much better that the President himself should most scrupulously observe the law and not by any indirect or round-about manner attempt to evade it, particularly in a matter which many believe would result to his pecuniary advantage.

Mr. Chairman, this is not a question upon which men will divide upon partisan lines. It is a question that we must determine regardless of politics. I should prefer to have the President of the United States held in that high esteem that there would never be possible any criticism of his conduct of the office; that whatever differences there might be might be differences regarding matters of policy, matters of administration apart from the individual. It is unfortunate and it tends to the tearing down of the respect that is universally had for important officials of this country and which is so important a need of our system of government that men occupying these very high offices should permit themselves so far to ignore either the letter or the spirit of the law as to make necessary

statements about their conduct that all good citizens must deplore. [Applause.]

Mr. CANNON. Mr. Chairman, the salary fixed at the adoption of the Constitution for the President was \$25,000 a year. Then we had about 4,000,000 of people in the United States, there was not a mile of railroad, our vessels were small sailing ships, our forebears were awfully proud of what they had achieved in establishing a Republic, weak but hopeful, a bankrupt Treasury, with troubles on the borders with the Indians and troubles at home, war threatened in the great countries in Europe, especially between France and Great Britain, and almost ready to break out, the laughing stock of the rest of the world from their standpoint. The salary remained \$25,000 a year until the time of President Grant, when it was increased to \$50,000 a year. It remained that until it increased under Roosevelt to \$75,000, to take effect under Taft. The practice grew up after the railroads came and population increased until there are now nearly 96,000,000 of people stretching across 3,000 miles from one ocean to the other—the greatest Nation on earth in population, save one, which is Russia, and we are really greater in population than Russia proper. We are the wealthiest Nation on earth. We have half of the railroads on earth. We are a happy and a prosperous people. While we have our disagreements and party peanut politics here and there, and we say the end of the Republic is to come because this thing is to happen and that thing is to happen, some of us grow pessimistic, taking counsel from our fears and others for political effect. Yet we know, in fact, that much of this talk is leather and prunella.

A few years ago by law we prohibited, so far as we had power, under the power of regulating commerce among the States, the granting of free transportation by common carriers. Prior to that time all the Presidents, certainly since 1868, had the courtesy of free special trains and provisions—a great sum. After all, we were glad they could pass about the country, especially if they were poor and not able to pay. But I was glad to vote to prohibit free transportation. A little later on we made an allowance of \$25,000 a year to pay the expenses of travel of the President of the United States. Some gentlemen then criticized; some gentlemen now criticize. After all, I am here to say that \$75,000 a year and \$25,000 for traveling expenses now, all things considered, is not one-half as much as was \$25,000 when the Constitution was adopted and Washington was elected.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. CANNON] has expired.

Mr. CANNON. Mr. Chairman, I would like a few minutes longer; say, about 10 minutes.

Mr. BOOHER. Mr. Chairman, I ask that the gentleman's time be extended 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. I voted for an increase of salary to the President, and I voted for the travel pay. I am glad of it. He is our President, and whoever may be elected next November will be our President. This is a great Republic. Some gentlemen say, "Oh, I do not like the President to run around." Let me say to you that with this ninety and odd millions of people the great bulk of them will never see a President unless he passes through the country; and I am glad that the Presidents, from time to time, Cleveland, Harrison, Arthur, Grant, McKinley, Roosevelt, and Taft—Lincoln did not travel much; he could not, you know, under all the conditions very well, but was compelled to stay at the Capital—I am glad that they traveled. And I want to look the gentlemen from south of the Mason and Dixon's line in the eye. You have welcomed the President, whether Democrat or Republican, quite as joyously as we north of the Mason and Dixon's line. I believe it is right and proper and sound policy that they should travel, and should travel at the expense of the Government. Think of it! Commander in Chief of the Army and the Navy—a coordinate branch of the Government! It is true he has a house to live in. But I am satisfied, without knowing it, the expenses of entertainment alone come pretty near eating up a large part of the salary.

I know something about it in an humble way. I had the honor to be Speaker for eight years. I have no expensive habits. I fancy I do not put on any style; but even in that position, by the time I had answered the legitimate demands that were made upon me in entertaining, from the public standpoint, people who would come to Washington from the various States and sometimes those who would cross the ocean, I expended in being halfway decent more money than I care to tell. I paid that expense. I am not a rich man, but

I happened to have enough income, with my salary, to do it, and I was glad to do it.

Now, a man in a position like that of the President ought not to be required to have a private income that would enable him to pay from that income the great expenses that the President ought to bear; and if he did not bear them we would be mortified and humiliated all the while.

My constituents occasionally come down here—not often, but once in a lifetime, some of them—farmers and shopkeepers and others. They call on me; they pass to and fro about the city. I visited with one who had never seen Washington before, and I took him over to the Library of Congress here. I had a little leisure. It was an off day. We passed through the Capitol. I wrote him a note, so that he could go through the departments and receive prompt attention; but the day I took him to the Capitol I said, "I want to take you over to the Library of Congress." He had never been in Washington before. He was not worth to exceed \$10,000, but he had made it by honest labor on a farm, and he had raised a family respectably, and given his children an ordinary education, and he was one of the most valuable citizens of my acquaintance; and, knowing that he had worked for every dollar that he ever received, I took him over to the Library. We passed through that magnificent building, and he looked at it, and looked at the books and at the works of art, the paintings and frescoes upon the wall.

When we went in, I said, "Mr. Johnson, they say it costs \$1.75 every time a book is lifted off these shelves." Said he, "You don't tell?" "Yes," I said; "that is what they say, and I guess that is pretty nearly correct." He said, "I own a little bit of this library, and a little bit of all this public property, as a citizen, and I want to tell you that no matter what it costs, no man can go through the Capitol and go through the Library of Congress who will not step higher and feel grander than before." [Applause.]

Oh, gentlemen, do not mistake public sentiment. Do not mistake and misjudge the man on the farm or the man in the shop or the man in the factory. Do not imagine that they regret the expenditures. Compared with the expenditures elsewhere in the world, they are a mere bagatelle. Where we pay a dollar, substantially all the other great governments of the world—and I do not justify it—pay hundreds of dollars.

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

The CHAIRMAN. Does the gentleman yield?

Mr. CANNON. With pleasure.

Mr. PAGE. I quite agree with what the gentleman from Illinois has said of the value of having people come to Washington from other sections of the United States, and I think it helps very greatly to inspire them with patriotism and love of country. I merely wanted to ask the gentleman if he did not think that, instead of making this appropriation of \$25,000 to allow the President to make an exhibit of himself in various parts of the country, we should make an appropriation sufficient to bring the people here, and exhibit not only the President, but all the glories of Washington.

Mr. CANNON. Now, let us see about that, and see how much good faith there is in that suggestion. There are ninety-four or ninety-five millions of people in the United States.

Mr. BUTLER. Ninety millions.

Mr. CANNON. Oh, somebody has even said 96,000,000. I suspect there are 96,000,000 men, women, and children. On the average, the earning capacity of these people, I suppose, counting the children, is about a dollar a day; maybe not more than three-fourths of that.

The gentleman well knows it is impossible for great numbers of them to come here, and the gentleman could not have been speaking in good faith when he said he thought we had better appropriate money to bring them all here.

Mr. PAGE. I did not say I thought we had better do it. I asked the gentleman from Illinois to express himself on the proposition.

Mr. CANNON. I have great respect for the gentleman from North Carolina [Mr. PAGE], who is my colleague on the Appropriations Committee and in this House; but I want to say that I can not indorse his motion or his criticisms touching this appropriation. As to my other colleague, Mr. FITZGERALD, I will not say, "Beware of the Greeks bearing gifts," but his advocacy of this appropriation was a Parthian shot.

I want to say that in many things, from the standpoint of policy as a Republican, the President of the United States has not at all times seen things as I have seen them. He has advocated some policies that I do not advocate. But after all, he is my President and our President, and in justice to him I want to say that I think when history comes to write up his part in

it it will be said that if he sinned at all it was in not paying proper attention to organization; but nevertheless it will be said that he was an able, an efficient, and a great President. [Applause on the Republican side.]

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

Mr. CANNON. I should like a few minutes more. I have just got in the way of speaking, and I should like a little time in which to close.

Mr. FITZGERALD. I ask unanimous consent that the time of the gentleman from Illinois be extended for five minutes.

Mr. LONGWORTH. I ask unanimous consent that the gentleman's time be extended 10 minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Illinois be allowed to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. CANNON. He is the only President who in making his nominations for the Federal judiciary has crossed over and found some of his nominees among those who held a different political faith. Some Republicans say he might have found Republicans just as good. Yes, but after all I do not believe any man will arise in his place here and criticize his nominations in the filling of vacancies in that great court of last resort, which is, I think, perhaps as great as it has been in my time, with a Chief Justice quite as strong, in my opinion, as any Chief Justice since the days of Marshall. [Applause.]

The gentleman says that the President exhausted the \$25,000 so that the next \$25,000 had to be made available a short time before the fiscal year expired. I did not know that, but I suppose he did. It was made available before the fiscal year expired. That very frequently happens. Why, to-day the revenue cutters are on their way with rations galore to the volcano-stricken country in the far Northwest. When the lives of men, women, and children were imperiled and property was endangered by the floods in the Mississippi Valley, there was no money for the purposes of relief, yet the President violated the law with the assent of the gentleman from New York [Mr. FITZGERALD] and with my assent in sending rations to those stricken people, as he is violating the law now with our approval in sending the revenue cutters as fast as they can be propelled up to the scene of the volcanic devastation, having behind him the assurance that that violation of the law will be made good. After all, while I believe in the observance of law, I do not believe in what seems to me to be unfair criticism in the matter. So far as I am concerned, while I am a Member of this House, whoever is President, although I may not be upon speaking terms with him, he will be my President, and he stands for me as he stands for all the people in one of the co-ordinate branches of the Government; and while I am a Member of this House I will continue to vote for \$25,000 a year for his traveling expenses. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the debate on this amendment close at 6 o'clock. [Cries of "Vote!" "Vote!"]

Mr. SHERLEY. Mr. Chairman, I suggest that unless some one else desires to be recognized the gentleman from North Carolina [Mr. PAGE] be given five minutes in support of his amendment, and then I will ask for five minutes in reply.

Mr. MANN. I hope the gentleman will ask unanimous consent that debate on this amendment shall proceed for not more than 15 or 20 minutes.

Mr. GILLETT. I should like five minutes.

Mr. FITZGERALD. Who else?

Mr. MANN. I suggest that the gentleman say not later than 6 o'clock.

Mr. FITZGERALD. I ask unanimous consent that the debate on this amendment close not later than 6 o'clock.

The CHAIRMAN. Unanimous consent is asked that debate upon this amendment close not later than 6 o'clock. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Chairman, a speaker in the House of Commons once had supported a measure so half-heartedly and dejectedly that the opponent who followed him suggested that he ought to have used the words of Marc Antony, "I come to bury Cæsar, not to praise him." [Laughter.] I think that is very appropriate to the argument of the gentleman from New York [Mr. FITZGERALD]. While I agree with his conclusion I entirely differ from the logical or rather the illogical process by which he reached it. After his powerful and enthusiastic support of this proposition it is perhaps superfluous to further defend it, but I wish to comment a little on the reasons he set forth for criticizing the President.

His first criticism was for using this money for a political trip. I set him right before he had gone far on that, for it is a fact that the President's trips to Ohio and Massachusetts and New Jersey were not paid for out of this fund.

Mr. FITZGERALD. I did not say that those trips had been paid for out of this fund, but I said, in the President's trips paid for by this fund he had indulged in denunciation of the other party.

Mr. GILLETT. I think the gentleman had these trips in mind from his description of them. The next criticism that he made was that the President was an attraction at county fairs, and so forth. If I wished to be as partisan as he I might respond that if the Democratic Party should elect their President, he probably would not be an attraction at any fair. But I do not wish to be so unfair and fallacious as the gentleman from New York. I think the President of the United States is, and I hope he always will be, an attraction at any and every meeting. I think it is well for the people and for the President himself, and that is the reason I have always supported this travel fund, to traverse the country and become acquainted with the people in the different sections. It is well for the people of the country, it promotes unity and patriotism and nationalism for them to see the President. But it is not seemly I think that the President's expenses should be paid by the cities that he visits. He could not afford to pay them himself, and the cities would doubtless be glad to, but I think it would inaugurate a bad system. I presume every Member of this Congress feels that when he visits towns in his district and attends celebrations he does not want them to pay his expenses. He wishes to be independent and not to have them feel or feel himself that he is under obligations, and the President is in exactly the same condition. If the President is to travel at all, as I think he ought to, it is the Nation that should pay the expenses.

The next criticism was that the expenses of the Secret Service men were paid out of this appropriation.

Mr. FITZGERALD. I did not say, Mr. Chairman, that the Secret Service men were paid out of this appropriation. I said that the Secret Service fund was depleted to pay the expenses of the trip.

Mr. GILLETT. And it ought to be. It may not be technically correct that the Secret Service men, who are nominally employed to prevent counterfeiting, should protect the life of the President; but he must be protected in some way, and for years it has been acquiesced in by this House and by the Appropriation Committee that the fund of the Secret Service should be employed for the protection of the President, although appropriated for a different purpose, and when this trip was made to the far West, if the President had tried to pay the expenses of all the newspaper and Secret Service men out of his appropriation, that one trip would have more than exhausted the whole appropriation. I see nothing improper in arranging that the newspaper men should pay their share of the expenses. The Secret Service men, in going on that trip, should also have their expenses paid out of the Secret Service fund, for it is well understood that guarding the President is one of the purposes of that fund. So it seems to me that all the criticism that the gentleman from New York has made of the President is unjustified and unfair.

It is well for the President of the United States to travel through the country and that he should have a sufficient appropriation by Congress to provide for it. I approve heartily of the payments in this administration, and I trust that the same system will be preserved, no matter who is to be President. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM. Mr. Chairman, I ask that the gentleman from Massachusetts have one minute more to answer a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GRAHAM. Does the gentleman think it is fair that the Democrats of the United States and all who are not Republicans should be taxed to pay the expenses of the President's trip during which he made the Winona speech and other speeches absolutely and entirely in the interest of his party?

Mr. GILLETT. We can not expect the President to go on a trip without occasionally making a speech in which he uses political expressions. I do not think a political trip ought to be paid for from this fund.

Mr. GRAHAM. Was not this a political trip?

Mr. GILLETT. I do not remember whether it was or whether it was not, or whether it was paid from this fund.

Mr. LLOYD. Will the gentleman from Illinois yield?

Mr. GRAHAM. Yes.

Mr. LLOYD. Does the gentleman deny that the Winona speech was in the interest of the Democratic Party. [Laughter.]

Mr. GRAHAM. It was not designed to be in the interest of that party.

Mr. SHERLEY. Mr. Chairman, the provision providing \$25,000 for the President's traveling expenses was passed through this House in 1906 under a suspension of the rules, thereby requiring a two-thirds vote to carry. I was one of the Democrats who voted in favor of that provision, and the reasons that I stated then for my action appeal to me as strongly to-day as they did at that time, notwithstanding what has been said touching the use that has been made of this fund by the President of the United States. The whole proposition comes down to the question not whether you consider an individual President has properly used this fund, because you should not predicate a policy upon the action of one man, even a President of the United States, but whether you desire the President of the United States to travel about the country during his term of office. I can understand how some gentlemen like the gentleman from North Carolina, Mr. PAGE, may believe that it is more in keeping with the dignity of the Presidency and more in accord with a complete fulfillment of his duties that he should stay at the seat of government. I have no quarrel with that view, though I do not share it. I have always believed that it was of value to the President of the United States and of value to the people of America that he should travel among them during his term of office and should thereby come more in contact with them. I have believed that it would be a good thing if the membership of this House knew by personal contact a little more of the sections other than those they live in. I believe men on that side of the aisle would frequently have a better understanding of our problems in the South if they came there among us, and I am sure that we of the South might have a better appreciation of the viewpoint of the men of the North on some questions if we went among them.

I believe that the American people thoroughly desire the opportunity of seeing their President among them, in their own midst. It may be that invitations have been extended and have been accepted by the President in the past that you and I think ought not to have been extended or accepted, but I repeat that this question should not be determined upon your opinion as to whether the present Executive has wisely or otherwise used this fund.

In all human probability the man who shall occupy the White House in the next four years will not be the present Executive, but whether it be him or some one else I am not willing to force the occupant to either stay in Washington or to travel at somebody's expense. I do not believe that it is in keeping with the dignity of the office that the President should travel at the expense of any person or persons other than the entire people of this country. [Applause.] Only the American people as a whole have the right to pay for the traveling expenses of the President of the United States. [Applause.] If he is not to have this money, then I for one say that he ought not to travel at all.

Something has been said as to the extent of his salary. I have never believed in extravagant government. I believe there is a value in having the official representatives of the people live simply and set an example of simplicity in their lives, but no man knowing the necessary expense connected with the Presidency can allege that we have done aught to bring extravagance or undue expenditure in connection with that high office, and I do not believe that we at this time can afford to adopt the motion offered by the gentleman from North Carolina [Mr. PAGE]. [Applause.]

Mr. PAGE. Mr. Chairman, it is not my purpose to prolong this discussion, and unless I am more successful in obtaining votes than I have been in obtaining the voices of my colleagues in support of my amendment, the votes will indeed be few.

I believe that there are a great many men who think as I do about this question. I disclaim here and now, as I did before, that any political motive has prompted me in offering this amendment. I did not intend to utter one word of criticism even of the abuse in the expenditure of this money that is admitted by other gentlemen, and I should never have done so except for a question by the gentleman from Illinois.

But in conclusion I shall be entirely satisfied when this proposition has been submitted to a vote of the House, and a determination of the House will be final, so far as I am concerned, now that I have expressed my opinion and belief.

Mr. Chairman, I would like to have a vote.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from North Carolina.

The question was taken, and on a division (demanded by Mr. MANN) there were—ayes 55, noes 63.

Mr. PAGE. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. PAGE and Mr. CANNON) reported that there were—ayes 55, noes 78.

So the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25069, the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

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

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and to certain widows and dependent children of soldiers and sailors of said war;

H. R. 23799. An act to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands";

H. R. 13041. An act to provide for the support and maintenance of bastards in the District of Columbia;

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TAYLOR of Alabama, for 10 days, on account of important business.

To Mr. VARE, for 10 days, on account of important business.

To Mr. HOWELL, for 10 days, on account of important business.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House adjourned to meet to-morrow, Friday, June 14, 1912, at 11 o'clock a. m.

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. DAVIS of West Virginia, from the Committee on the Judiciary, to which was referred the bill (S. 6380) to incorporate the American Hospital of Paris, reported the same without amendment, accompanied by a report (No. 884), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FRENCH, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6603) authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes, reported the same without amendment, accompanied by a report (No. 887), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 325) proposing an amendment to the Constitution of the United States, reported the same without amendment, accompanied by a report (No. 885), which said bill and report were referred to the House Calendar.

Mr. CLAYPOOL, from the Committee on the Public Lands, to which was referred the bill (H. R. 19409) granting certain lands to the town of Yuma, Ariz., reported the same with amendment, accompanied by a report (No. 886), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (S. 458) for the relief of the Turner Hardware Co., reported the same without amendment, accompanied by a report (No. 881), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill (S. 1754) to correct the military record of William F. McKim, reported the same with amendment, accompanied by a report (No. 882), which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Mississippi, from the Committee on Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 25304) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 879), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill (S. 897) for the relief of Alfred L. Dutton, reported the same without amendment, accompanied by a report (No. 883), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PEPPER: A bill (H. R. 25305) to regulate the method of directing the work of Government employees; to the Committee on Labor.

By Mr. CARTER: A bill (H. R. 25306) to amend an act entitled "An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes"; to the Committee on Indian Affairs.

Also, a bill (H. R. 25307) to establish a fish-hatchery and fish-culture station in the fourth congressional district in the State of Oklahoma; to the Committee on the Merchant Marine and Fisheries.

By Mr. LOUD: A bill (H. R. 25308) to provide for improvement of the outlet of Au Gres River, Mich.; to the Committee on Rivers and Harbors.

By Mr. PARRAN: A bill (H. R. 25309) requiring the flag of the United States to be displayed on all lighthouses of the United States and insular possessions; to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: A bill (H. R. 25310) to amend section 4 of an act entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906," approved June 23, 1910, and to repeal said original section; to the Committee on Interstate and Foreign Commerce.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 25311) granting an age pension to widows of deceased soldiers; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 25312) to increase the pension of certain pensioned soldiers and sailors who lost the sight of one eye or the sight of both eyes in the service of the United States, and to provide a rate of pension for those who have lost the sight of one eye and partial loss of sight of the other eye; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 25313) establishing the Marvel Cave National Park; to the Committee on Appropriations.

By Mr. SIMMONS: A bill (H. R. 25314) for the protection of certain established societies, fraternal orders, and associations against the unlawful use of the name or names of such

societies, orders, and associations; to the Committee on the Judiciary.

By Mr. CARTER: Resolution (H. Res. 583) providing for the printing of certain decisions of the Supreme Court of the United States; to the Committee on Printing.

By Mr. BURNETT: Resolution (H. Res. 584) setting date for consideration and vote on Senate bill 3175; to the Committee on Rules.

By Mr. BEALL of Texas: Resolution (H. Res. 585) authorizing the Committee on Agriculture to have printed additional copies of the hearings on antioption bills; to the Committee on Printing.

By Mr. SPARKMAN: Joint resolution (H. J. Res. 329) for the relief of P. J. McMahon; to the Committee on Naval Affairs.

By Mr. FERGUSSON: Memorial of the Legislature of the State of New Mexico, praying Congress to levy a specific duty on wool; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of New Mexico, praying that the United States build a Government road across the Pecos Forest Reserve; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of New Mexico, asking that additional judicial circuits be created; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New Mexico, asking Congress to create two judicial circuits of the State of New Mexico in lieu of one; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New Mexico, requesting Congress to modify the law in relation to the Pueblo Indians; to the Committee on Indian Affairs.

Also, memorial of the Legislature of the State of New Mexico, asking that the Navajo and other Indian reservations be allotted and opened to settlement; to the Committee on Indian Affairs.

By Mr. PATTEN of New York: Memorial of the Legislature of the State of New Mexico, requesting Congress to modify the law in relation to the Pueblo Indians; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DICKSON of Mississippi: A bill (H. R. 25304) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ANDERSON of Ohio: A bill (H. R. 25315) granting an increase of pension to Lewis Slyker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25316) granting an increase of pension to William Goodin; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 25317) granting an increase of pension to Samuel L. Tate; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 25318) for the relief of Robert T. Martin; to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 25319) granting a pension to W. S. Miller; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 25320) granting a pension to Keziah D. Cole; to the Committee on Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 25321) to correct the military record of S. C. Baxter; to the Committee on Military Affairs.

By Mr. MORGAN: A bill (H. R. 25322) for the relief of Mrs. M. J. Shirley, widow of Dr. John Shirley, and for other purposes; to the Committee on Claims.

By Mr. NEEDHAM: A bill (H. R. 25323) granting an increase of pension to Clarissa J. Freeman; to the Committee on Pensions.

By Mr. PEPPER: A bill (H. R. 25324) for the relief of Mary Abel; to the Committee on Claims.

By Mr. REILLY: A bill (H. R. 25325) for the relief of John G. Chapman; to the Committee on Claims.

By Mr. J. M. C. SMITH: A bill (H. R. 25326) granting an increase of pension to Charles A. Lee; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 25327) granting a pension to William Miller; to the Committee on Pensions.

Also, a bill (H. R. 25328) granting an increase of pension to Mathew Burnett; to the Committee on Pensions.

Also, a bill (H. R. 25329) granting an increase of pension to James B. Sheffield; 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 the National Association of Boards of Pharmacy, the American Pharmaceutical Association, and the National Association of Pharmacologists, favoring bill to allow graduated pharmacists of the United States to practice pharmacy in Cuba; to the Committee on Interstate and Foreign Commerce.

Also (by request), petitions of members of societies of the Polish Roman Catholic Union of America of the States of Michigan, New York, Massachusetts, Illinois, Indiana, and Missouri, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Memorial of St. Alberts Society, No. 398, of New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BARTHOLDT: Petition of the Burrow, Jones & Dyer Shoe Co., St. Louis, Mo., favoring passage of Senate bill 6810; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Sutherland, Pedigo, Farwell Shoe Co., of St. Louis, Mo., protesting against the passage of the Thayer-Lenroot bills relative to the United Shoe Machinery Co.; to the Committee on the Judiciary.

Also, petition of the King Brinsmade Mercantile Co., St. Louis, Mo., praying for 1-cent postage rate on letters; to the Committee on the Post Office and Post Roads.

Also, petition of 23 citizens of St. Louis, Mo., protesting against increase of postage on second-class mail; to the Committee on the Post Office and Post Roads.

By Mr. CATLIN: Memorial of St. Stanislaus Kostka Society, No. 450, of St. Louis, Mo., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Petition of Versailles Council, Order of Independent Americans, and citizens of McKeesport, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Daughters of Liberty of Pittsburgh, Pa., and Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DANFORTH: Resolution of St. Joseph Society, No. 555, Polish Roman Catholic Union of America, of Rochester, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DANIEL A. DRISCOLL: Petition of St. Dominic Society, No. 610, of Buffalo, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the New Orleans Cotton Exchange, favoring National Government protection of the lives and property of the people of the Mississippi Valley; to the Committee on Rivers and Harbors.

By Mr. MICHAEL E. DRISCOLL: Petition of the Women's Auxiliary of the Board of Mission in the Diocese of Central New York, relative to the relief of the natives of Alaska; to the Committee on the Territories.

By Mr. FLOYD of Arkansas: Papers to accompany House bill 25248, for the relief of David Steers; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Thomas J. O'Gorman and Henry Metzger, of Ottawa, Ill., favoring the creation of a national bureau of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Legislature of the State of New Mexico, for the construction of a Government road across the Pecos Forest Reserve, etc.; to the Committee on Agriculture.

By Mr. GARDNER of Massachusetts: Petition of prominent educators, labor leaders, and financiers of Massachusetts, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Resolutions of citizens of New Britain, Conn., against appointment of commission and appropriation for celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, resolutions of St. Lucyana Society, No. 286, of New Britain, Conn., and Immaculate Conception Society, No. 437, of Rockville, Conn., against passage of House bill 22527, for literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. HILL: Petition of members of Women's Auxiliary of St. James Parish of Winsted, Conn., relative to improvement of sanitary conditions in Alaska; to the Committee on the Territories.

Also, memorial of citizens of Danbury, Conn., against passage of the Burton-Littleton bill, to celebrate 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, memorial of Hebrew associations of Stamford, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the Military Order of the Loyal Legion of the United States, New York, protesting against Senate bill 2025, for the construction of a memorial in the Vicksburg National Military Park; to the Committee on Military Affairs.

By Mr. LOBECK: Petition of the Omaha Central Labor Union, of Omaha, Nebr., favoring passage of House bill 22339 and Senate bill 6172, against the stop watch for Government employees; to the Committee on the Judiciary.

By Mr. LOUD: Petitions of members of societies of Polish National Union of America, of Alpena, Mich., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Petition of Tow Sw. Kazimierz Society, of Philadelphia, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petitions of Liberty Bell Council, No. 76, and James G. Blaine Council, No. 2, Daughters of Liberty, and citizens of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Petition of the Workmen's Circle of New York, N. Y., and the Jewish Community of New York, N. Y., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Trenton Chamber of Commerce, Trenton, N. J., protesting against passage of Senate bill 5458, relative to building bridge across the Delaware River south of Trenton by the Pennsylvania Railroad Co.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the United States Civil Service Retirement Association, New York, N. Y., favoring passage of the Hamill pension bill; to the Committee on Pensions.

Also, petition of the Crocker Grocery Co., Wilkes-Barre, Pa., favoring passage of the Stevens weight and measure bill (H. R. 4067); to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Bank of Savannah, Ga., favoring passage of House bill 4726, making railroads responsible for the acts of their agents in connection with bills of lading; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN of New York: Memorial of the Military Order of the Loyal Legion of the United States, against passage of Senate bill 5991, to construct a navy memorial in the Vicksburg National Military Park; to the Committee on Military Affairs.

By Mr. RAINEY: Petition of the Woman's Christian Temperance Union of Carrollton, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. REILLY: Petition of citizens of the United States, favoring passage of the old-age pension bill (H. R. 13114); to the Committee on Pensions.

Also, petitions of the Daughters of Liberty of New Haven, Conn., and educators, labor leaders, and financiers of the United States, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. J. M. C. SMITH: Papers to accompany bill granting increase of pension to Charles A. Lee; to the Committee on Invalid Pensions.

Also, petition of the Albion Malleable Iron Co., Albion, Mich., protesting against the passage of the Borah 8-hour bill; to the Committee on Labor.

By Mr. SAMUEL W. SMITH: Petition of citizens of Michigan, protesting against passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Michigan, requesting legislation that will give the Interstate Commerce Commission further power toward regulating express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of the Committee of Wholesale Grocers, of New York City, N. Y., favoring reduction in the duty on raw and refined sugar; to the Committee on Ways and Means.

Also, memorial of the Military Order of the Loyal Legion of the United States, against passage of Senate bill 5991, relative to construction of a Navy memorial in the Vicksburg National Military Park; to the Committee on Military Affairs.

Also, petition of the Los Angeles Chamber of Commerce, of Los Angeles, Cal., favoring passage of House bill 22589, for improvement of foreign service; to the Committee on Foreign Affairs.

Also, memorial of the New York City Christian Endeavor Union convention, favoring passage of bill to prohibit interstate sale or rental of moving pictures of prize fights; to the Committee on Patents.

Also, petitions of the Amalgamated Society of Carpenters and Joiners and Allied Printing Trades Council, of New York City, N. Y., favoring passage of the seamen's bill (H. R. 23673) to promote safety of life at sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Kops Bros., of New York City, N. Y., against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

Also, resolution of the Evangelical Ministers' Alliance, of Washington, D. C., against intervention by United States in Cuba; to the Committee on Military Affairs.

SENATE.

FRIDAY, June 14, 1912.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, thanks sincere we render unto Thee that Thou hast brought us to this time when with grateful hearts we commemorate the day that gave to our blessed land the symbol of our Union. We pray, O God, that our flag may ever be unstained and unconquered. May they prosper who put their trust in its benign shadow. May it bring peace to them that are afar and to them that are near. Bless, we pray Thee, its defenders on land and on sea. To our fellow citizens dwelling in city and in country and toiling in the field and in the mine grant, we beseech Thee, that this sacred emblem may be the symbol and the pledge of liberty, of justice, and of union. As we stand in Thy presence, we pray Thee to consecrate us anew to the service and devotion of our country.

And unto Thee, our Father, who rulest over the kingdoms of men and whose dominion endureth throughout all generations, will we offer the grateful praise of adoring hearts now and for evermore. Amen.

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

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

ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H. R. 18041. An act to provide for the support and maintenance of bastards in the District of Columbia;

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 23799. An act to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts across the waters between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands."