

the court shall have the power to issue its process for said claimants, returnable at such time as the said court or a judge thereof shall determine, which shall be addressed to and served by the United States marshals for the respective districts wherein said claimants reside or may be found; to hear said bill of interpleader and decide thereon according to the practice in equity; to discharge said complainant from further liability upon the payment of said insurance or benefit as directed by the court, less complainant's actual court costs; and shall have the power to make such orders and decrees as may be suitable and proper and to issue the necessary writs usual and customary in such cases for the purpose of carrying out such orders and decrees: *Provided*, That in all cases where a beneficiary or beneficiaries are named in the policy of insurance or certificate of membership or where the same has been assigned and written notice thereof shall have been given to the insurance company or fraternal benefit society, the bill of interpleader shall be filed in the district where the beneficiary or beneficiaries may reside.

Mr. POMERENE. Mr. President, I do not like to object to the consideration of this matter, but I have had so many letters about it that I feel that it ought to go over. It is a matter that will require some discussion.

Mr. SHIELDS. Are the Senator's letters in favor of the bill?

Mr. POMERENE. A good many of them favor it; yes. They come from the insurance societies. The objection, as I see it, is this: They seek to have all of this litigation in the Federal courts, and it will compel poor litigants who may be beneficiaries under this legislation to go perhaps a hundred or two hundred or three hundred miles in order to litigate their claims, and in my judgment it will operate as a substantial denial of justice to many of those people.

Mr. SHIELDS. Mr. President, the Senator's objection is based upon the bill as it passed the House, and in my opinion is entirely sound; but the Committee on the Judiciary has reported an amendment to obviate that very trouble.

Mr. POMERENE. Mr. President, I do not believe my attention has been called to the amendment. I should like an opportunity to go over it.

Mr. SHIELDS. The amendment requires the suit to be brought in the district where the beneficiary named upon the face of the policy resides.

Mr. POMERENE. Oh, yes; but even in that instance, Mr. President, in my own State, for example, many of these poor people—who may be workmen, or may be widows, or may be orphans—will have to go 200 miles to court to have their claims adjudicated. Now, I realize that the associations are put to some inconvenience; but they have their staffs of attorneys and agents all over the country everywhere.

Mr. SHIELDS. Mr. President, I again desire to suggest to the Senator that this does not confer upon the district courts jurisdiction of any case where such jurisdiction does not now exist under the present laws, but it only provides for practice in cases of which those courts now have jurisdiction; and the objection which he states does not appear upon the face of the bill.

Mr. POMERENE. If the Senator's position is correct, I think later on I will withdraw the objection.

The PRESIDING OFFICER. Does the Senator insist upon his objection?

Mr. POMERENE. I do insist upon my objection at this time.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

#### LANDS IN GUNNISON COUNTY, COLO.

The bill (H. R. 20) authorizing the county of Gunnison, Colo., to purchase certain public lands for public park purposes was considered as in Committee of the Whole.

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

#### LANDS FOR CEMETERY AND PARK PURPOSES.

The bill (H. R. 11162) to amend an act entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes," approved September 30, 1890, and for other purposes, was considered as in Committee of the Whole.

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

#### CRATER LAKE NATIONAL PARK, OREG.

The bill (H. R. 14868) to accept the cession by the State of Oregon of exclusive jurisdiction over the lands embraced within the Crater Lake National Park, and for other purposes, was considered as in Committee of the Whole.

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

#### WILLIAM H. INGLE.

The bill (S. 6381) authorizing the Secretary of the Interior to issue patent to William H. Ingle for homestead entry in Colorado was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That homestead entry 014310, Sterling series, made by William H. Ingle for the southeast quarter of section 6, township 1 north, range 49 west, sixth principal meridian, Colorado, be, and it is hereby validated and permitted to remain intact, in the same manner as though said Ingle had not, in the year 1873, made a homestead entry for 180 acres and perfected title thereto.

The amendment was agreed to.

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

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

#### ELISHA A. CRANDALL.

The bill (H. R. 7419) granting a patent to a certain strip of land to Elisha A. Crandall was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to issue to Elisha A. Crandall a patent to a strip of land formerly occupied by the Northern Pacific Railroad Co. as a right of way and embraced within the homestead entry of the said Elisha A. Crandall to the east half of the southwest quarter and lots 6 and 7, section 6, township 56 north, range 2 east, Boise meridian, for which patent was issue to entryman on October 16, 1903, the said strip of land having been abandoned by the said Northern Pacific Railroad Co.

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

#### NATIONAL PARK SERVICE.

The bill (H. R. 15522) to establish a national park service, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, line 1, to strike out the words "Congress may from time to time provide for by appropriation or other act" and to insert "the Secretary of the Interior shall deem necessary," so as to read:

That there is hereby created in the Department of the Interior a service to be called the national-park service, which shall be under the charge of a director, who shall be appointed by the Secretary, and who shall receive a salary of \$4,500 per annum. There shall also be appointed by the Secretary the following assistants and other employees at the salaries designated: One assistant director, at \$2,500 per annum; one chief clerk, at \$2,000 per annum; one draftsman, at \$1,800 per annum; one messenger, at \$900 per annum; and, in addition thereto, such other employees as the Secretary of the Interior shall deem necessary: *Provided*, That not more than \$3,100 annually shall be expended for salaries of experts, assistants, and employees within the District of Columbia not herein specifically enumerated unless previously authorized by law.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I will ask the Senator from Utah if this is creating another bureau in one of the departments?

Mr. SMOOT. Mr. President, this bill is intended to do away with the appropriation of money to four or five different departments now for caring for the parks. It will save expense to the Government, and it will put the parks under one control. The bill ought to be passed. The way it is now, some of the parks are under the War Department, some are under the Interior Department, appropriations are made for other departments, and we can hardly keep track of the expenses.

Mr. GALLINGER. Does the bill in terms or in any way abolish the supervision that is now being exercised?

Mr. SMOOT. It places the supervision of all of the parks in the service. It is simply a service here in the Interior Department, and one head will direct the parks of the country.

Mr. GALLINGER. Will that head have a corps of clerks?

Mr. SMOOT. We provide here—and there will not be nearly the expense attached to this that there is to-day—for appropriations, as the Senator knows, in the legislative appropriation bill and the sundry civil appropriation bill for the care of these parks and the payment of the employees in each of them.

Mr. GALLINGER. But those employees are already provided for in the sundry civil appropriation bill and the money appropriated. Of course, they will not be disturbed, I take it.

Mr. SMOOT. After this bill passes they will either be placed under this bill or else the appropriation made for them will not be used. I assure the Senator that if I had the time now I could demonstrate to him that it will result in a saving of money to the Government of the United States.

Mr. GALLINGER. It doubtless will if the Senator's contention is right, that these officials will not continue in their present places and draw from the Government the money that has been already appropriated in the sundry civil appropriation bill.

Mr. SMOOT. I assure the Senator that that will be the case.

Mr. GALLINGER. Then I have nothing more to say.

Mr. OVERMAN. Mr. President, the Clerk read so fast that I could not understand the bill. I hope he will begin to read a little slower, so that I can understand what the bill provides.

The PRESIDING OFFICER. The Secretary will read the bill again.

The Secretary again read the bill.

Mr. GALLINGER. Mr. President, I have a great deal of sympathy for the Reading Clerk. I have often wondered how he stands up under the strain to which he is subjected, and I never have objected to the Clerk not reading the text, for instance, of appropriation bills; but I do think that when we are considering the calendar the bills ought to be read. My attention was attracted to the fact that this bill provided for a director—I believe that that is the title—and I wondered whether that man was going to perform all the duties of this bureau, because that is what it is; and had the Secretary read the bill, I perhaps would not have asked the question at all.

I am satisfied, Mr. President, that this is to be another great bureau in one of the departments, and if it does not grow to be as large a bureau as the Forestry Service I shall be disappointed. But I am an eastern man and am not supposed to interfere in western affairs, and for that reason I simply content myself with the suggestions I have made about the bill.

Mr. SAULSBURY. Mr. President, I only want to be assured by the Senator from Utah, who has this measure in charge, as to the scope of the bill. As I understand, this only refers to the large western parks. I can see the few lines of section 2, but I wanted to be sure that it was not interfering with the parks in the District of Columbia.

Mr. SMOOT. It does not affect the parks in the District of Columbia at all.

Mr. SAULSBURY. It simply refers to the national parks now under the control of the Interior Department and the Hot Springs Reservation, as I understand.

Mr. SMOOT. It refers to the Yellowstone National Park, the Yosemite National Park, the Sequoia National Park, the Gen. Grant National Park, the Mount Rainier National Park, the Mesa Verde National Park, the Crater Lake National Park, the Wind Cave National Park, the Platt National Park, the Sullys Hill National Park, the Hot Springs Reservation, the Glacier National Park, and the Rocky Mountain National Park.

Mr. SAULSBURY. I am much in favor of treating the parks of this city in a very similar way, so far as this area is concerned; but I wanted to be sure as to whether they were or were not included, so that I could examine the bill more carefully.

Mr. OVERMAN. What is the director getting now?

Mr. SMOOT. The director is getting \$4,500 at the present time. I will say that the department recommended that the amount be \$5,000; but the committee have simply allowed him what he is drawing to-day.

Mr. OVERMAN. I remember that we had the matter up in another bill.

Mr. SMOOT. Yes; the Senator will remember that.

Mr. OVERMAN. Now, the question is, with one assistant director at \$2,500, and other items making \$8,100 provided for here, is that amount appropriated now in the bill?

Mr. SMOOT. About that same amount, only this specifically states what their office shall be. The Senator will remember that the Secretary of the Interior recommended an appropriation of something like \$12,100, as I remember, and we compromised on something like \$8,000 for it. That is outside of the director's salary; and this simply specifically states the positions, and will take the place of the appropriation already made.

Mr. OVERMAN. Had you not better have a provision here that on the approval of this act the offices provided for in the legislative bill are abolished?

Mr. SMOOT. There is no necessity for it.

Mr. OVERMAN. If the Senator thinks the Secretary of the Interior can take those men over into this bureau, if that is what it is—

Mr. SMOOT. I know that is just what he will do.

Mr. OVERMAN. If the Senator knows that, then I have no more to say. I will rely on the Senator, who says he knows it will be done.

Mr. SMOOT. I do know it; and I know that it is just exactly what the Secretary of the Interior intends to do.

Mr. CLARK of Wyoming. Mr. President, is the bill under consideration?

The PRESIDING OFFICER. It is.

Mr. CLARK of Wyoming. I have an amendment that I want to propose to the bill, if it is now subject to amendment.

The PRESIDING OFFICER. No objection has been made to its consideration up to this time. Consequently the bill is

now being considered by the Senate as in Committee of the Whole, and is open to amendment.

Mr. CLARK of Wyoming. I move to strike out the proviso in section 3, on page 4.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. On page 4, line 5, it is proposed to strike out the following words:

*Provided, however,* That the Secretary of the Interior may, under such rules and regulations and on such terms as he may prescribe, grant the privilege to graze live stock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created.

Mr. SMOOT. Mr. President, I do not know whether the grazing privileges are granted at the present time or not, but I think they are. I am perfectly willing, however, to accept the amendment and allow it to go to conference, and then we shall see exactly to what extent the privilege is granted now.

Mr. CLARK of Wyoming. I do not want it to go with that consideration. I have special reference to the Yellowstone National Park. The Yellowstone National Park is the habitat of wild game which is being attempted to be very carefully preserved. The only grazing privilege they are now allowed is a grazing privilege of some acreage allowed to certain transportation companies, and the mere picnic privilege of campers; but I do not want a provision in here that will allow the Yellowstone National Park to become a grazing ground of great sheep and cattle industries, as would be allowed by this provision.

Mr. SMOOT. I am perfectly willing that it shall go out, Mr. President.

Mr. CHAMBERLAIN. Mr. President, I should like to ask a question. Does the Senator intend that the system of leasing lands within these parks shall be abolished?

Mr. CLARK of Wyoming. There is no system of leasing lands within the parks.

Mr. CHAMBERLAIN. Within the national forests, I mean.

Mr. CLARK of Wyoming. Oh, this has no reference to the national forests. This has reference only to the national parks.

Mr. CHAMBERLAIN. Does the Senator know whether any grazing privileges are extended within any of the national parks?

Mr. CLARK of Wyoming. I can only answer as to the Yellowstone Park; and, as I understand it, the privilege there is as I have already indicated.

Mr. CHAMBERLAIN. I shall not make any objection.

Mr. SMOOT. I do not believe there ought to be any grazing in the Yellowstone Park.

Mr. CLARK of Wyoming. I hope when this bill goes into conference it will be so arranged that there will not be any indiscriminate grazing in the national parks.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wyoming.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, the suggestion that some Senator made strikes me with great force—that we ought to provide for the transfer of these officials. I think that has been our custom heretofore. Here are certain men appropriated for in the sundry civil act. They are performing, I suppose, substantially the same service that will be required of them if this bill should pass; but in this bill we are providing for another force, and I know of no reason why the Secretary of the Interior, unless he chose to do so, should transfer those men.

Mr. SMOOT. Mr. President, I want to call the Senator's attention to the fact that we are not appropriating a dollar in this bill. We are not asking for the appropriation of a dollar. We are simply providing for those positions, and they will be appropriated for in the next sundry civil bill or the next legislative bill, just as in the case of other positions. I will say to the Senator that if we were appropriating the money in this bill, it would be a different thing; but we are not. We are just naming the positions. I simply said to the Senator from North Carolina that the positions named here will take no more money than we have already appropriated for the work that is being done now, and not quite so much.

Mr. GALLINGER. Perhaps that is so, Mr. President, but I never have discovered that there is any reduction in the force in any of the departments of the Government, no matter what we do here; and I shall be very greatly disappointed if we do not find that we will have an added force if this bill passes. However, I shall not raise an objection to it. I have said all I care to say about it. I believe it is going to be a great bureau in the near future.

The PRESIDING OFFICER. If there are no further amendments to be proposed, the bill will be reported to the Senate.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ESTATE OF MARY H. S. ROBERTSON, DECEASED.

The bill (H. R. 12248) for the relief of the estate of Mary H. S. Robertson, deceased, was considered as in Committee of the Whole.

Mr. SMOOT. Mr. President, I should like to ask the Senator reporting this bill to explain it more in detail than it is explained in the report made by him to the Senate.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. BECKHAM] is called upon by the Senator from Utah to explain the bill.

Mr. BECKHAM. The report accompanying the bill contains the substantial facts in the case. It is a House bill and came before the Committee on Claims and was considered there and favorably acted upon.

Mr. SMOOT. I should like to ask the chairman of the Committee on Claims if this is one of the thousands of claims that have come before the committee for the occupation of property during the Civil War.

Mr. BRYAN. The report of the House committee shows clearly what it is. It says:

This is a claim for rent of a dwelling situated in Paducah, Ky., from September 10, 1861, to October 8, 1865, by the United States forces under the command of and used by Brig. Gen. Lew Wallace as his headquarters from September 10, 1861, till about the time of the Fort Donelson fight, in February, 1862. As soon as he vacated it it was taken by the military authorities in command of the post at Paducah, and occupied and used by them as a convalescent hospital continuously up to the 8th day of October, 1865.

It seems, therefore, there is no doubt but that Gen. Wallace and other authorities did take the building and agree to pay rent for it, which has never been done. In that respect it differs very widely from the general run of the cases which have been before the Committee on Claims for the use and occupation of property.

Mr. SMOOT. The committee has generally referred these bills to the department and asked for a report from the department. In this case was that followed?

Mr. BRYAN. The House report states that the case had been investigated by the Third Auditor and that—

There is sufficient evidence upon which to imply a contract to pay rent in this case.

Mr. SMOOT. The department does not recommend the payment of it, nor does it say anything that involves the justice of the claim.

Mr. BRYAN. The report shows the fact that it was investigated by the Third Auditor.

Mr. BECKHAM. It was approved by the quartermaster and then went to the Third Auditor and he allowed the amount, but for some reason the comptroller disallowed it. The House report states that a thorough investigation was made of all the facts.

Mr. SMOOT. If the chairman of the committee says this is differentiated from the thousands of claims that come here and have been pressed here for the last 45 years for property occupied during the Civil War, I shall not object to the consideration of the bill.

Mr. BRYAN. Yes; the War Department reports that Gen. Wallace did take charge of this building in 1861, and that it was not returned to the owner until 1865. Undoubtedly they used the building for over four years.

Mr. GALLINGER. Mr. President, what puzzles me about this claim is how it escaped the scrutiny of these diligent attorneys who are looking after these claims and presenting them here in the form of an omnibus bill from time to time. This seems to have escaped them in some way.

Mr. BRYAN. I think that is true about this. Those people get hold of a claim and sit down, and if Congress passes it, then they claim that they did it.

Mr. SMOOT. There is not anything in the report which states whether the claim has been paid before or not. The department does not say anything whatever in relation to it. It seems to me that it is very loosely reported.

Mr. BRYAN. The Senator has not read the report in the Fifty-fifth Congress. The committee was governed largely by the fact that the members of the House committee in their report say:

The claim is proved beyond a shadow of a doubt.

Mr. SMOOT. As the Senator knows, the House committee is passing all kinds of claims bills now. I think there have been more that have come to the Senate from the House thus passed

by the House this year than perhaps there have been in the last 12 years.

Mr. BRYAN. Most of them are on the calendar, and most of them are claims for injuries that have been suffered by people in the employment of the Government, revenue agents who have been killed in the discharge of their duties, and cases like that.

Mr. SMOOT. Those ought to be paid.

Mr. BRYAN. I believe a good many of those bills have gone to other committees. The Committee on Claims sat for three or four hours some two or three weeks ago and went very carefully through the House bills that appear on the calendar.

Mr. GALLINGER. Mr. President, I am not going to object to this bill, but I wish to ask the Senator from Florida, the chairman of the committee, a question. Near the close of the last session we had an omnibus claims bill paying a long list of claims for occupation and damage by the Federal forces to property in the South. That was a House bill. At the same time we had a bill reported from the committee to pay overtime claims for employees in the navy yards and other similar occupations. The Senator and I had a little colloquy about it, and the Senator gave me to understand that that bill would be taken care of at this session. The bill passed at the close of the last session, but it was a Senate bill. I reintroduced that bill some time ago, and it is in the Committee on Claims. I will ask the Senator if he has given attention to that bill.

Mr. BRYAN. Mr. President, I noticed that when the calendar was up last the Senator from New Hampshire made a statement with reference to the overtime pay cases. The Senator read a statement from the Record, in which I assured the Senator that the bill would be taken up. The Senator said it was at a time nearing the close of the session, perhaps nearer the close of the session than this time. Mr. President, it was on the afternoon before Congress adjourned when the Senator asked me that question. However, the bill was taken up that night and it passed the Senate.

So I do not know what purpose the Senator had in view in reading that into the Record. The bill has not been reported upon by the committee at this session.

Mr. GALLINGER. When I made the statement on the former occasion I overlooked the fact that the bill had been passed. I knew what the southern Senators had done. I have since ascertained what I did not know, that it passed the Senate; but that did not do any good.

Mr. BRYAN. The Senator read from the Record a statement I made and seemed to draw the conclusion from that statement that I had not kept my word with him.

Mr. GALLINGER. I did not mean to say that. I meant to say the bill had not been reported at this session.

Mr. President, we are passing a great many private bills, it is true, for claims. As the Senator from Utah says, there have been a great many more at this session than usual, and inasmuch as that bill was reported at the last session and passed the Senate there seems from my viewpoint to be no reason why it should not be reported again.

Mr. BRYAN. Mr. President, I do not want to take up time unnecessarily, but since the Senator has raised that question I wish to make a statement. Those claims are known as overtime pay claims in the navy yard. They are technically claims. They originally arose from this state of facts: Men in port claimed that they were on sea duty; that they were on the ship. The result here depends on the constitution of the committee. Sometimes the committee believe that they ought to be paid and sometimes a majority of the committee have been opposed to them.

Mr. GALLINGER. I think the Senator misunderstands the bill I have reference to. It is not the difference between land and sea pay. There is a list of those.

Mr. BRYAN. It is overtime pay in navy yards?

Mr. GALLINGER. It is claims for overtime in the navy yards, largely.

Mr. BRYAN. The Court of Claims passed on those claims and found the facts, what amount would come to each of these individuals if overtime payment was made. It was a simple finding of facts. My recollection is that two Congresses ago the majority of the committee were opposed to the payment of the claims included in that omnibus bill.

Mr. GALLINGER. How could they be when they had been found by the Court of Claims to be just claims?

Mr. BRYAN. They had not been found by the Court of Claims to be just claims. The Court of Claims found the fact that if we paid for overtime the men had performed so much overtime work and would be entitled to so much pay, and that is what the court held. But I was stating the fact that four years ago the majority of the committee were opposed to the payment of the claims. New members came upon the com-