

feet, holding action in subjection, on the very threshold of duty; one who, amid all the trials and tribulations, the vexations and vanities of a long life,

Had kept  
The whiteness of his soul.

[Mr. HARRISON addressed the House. See Appendix.]

[Mr. SISSON addressed the House. See Appendix.]

Mr. QUIN. Mr. Speaker, our deceased colleague, Mr. WITHERSPOON, was almost a father to me. When I came to Washington, about the 20th of February, 1913, he and my friend Sisson, the gentleman who last addressed you, took me under their wings. All my other colleagues from Mississippi were kind to me, but these two Members made me feel at home. I had no office until late in March and Mr. WITHERSPOON and Mr. Sisson gave me the privileges of their offices and the use of their secretaries. I had an office assigned me next to Mr. WITHERSPOON'S. We boarded at the same hotel until October of that year. After I brought my wife to the city of Washington he was a constant visitor at my home; a welcome always awaited him there. He dined with us many Sundays and evenings in the week. I learned to love the man. I realized that he was a real friend and a champion of the plain people of this Republic.

The last time I ever saw him was at the State fair at Jackson, Miss., on the 26th day of last October. We went through the fair and looked at all the farm exhibits. He had dinner with me on the grounds that day. He discussed the fact that while the farmers were producing all of those splendid products from mother earth they were being robbed by the special interests and through different forms of taxation. The man out on the hillside with a small farm and a little box house was always first in the thoughts of Mr. WITHERSPOON. The poor, the wealth-producing masses of this Republic, had a staunch champion in the distinguished gentleman from the fifth district of Mississippi, and when I was called as one of his colleagues to be at that sad funeral late in November of last year I could not help weeping like a woman when I saw his bier in front of me. And I feel that same heavy heart here to-day, because I know that in the loss of SAMUEL A. WITHERSPOON the plain people of this Republic, of his district, and of his State have lost a good man, a great champion, a strong gladiator who always fought in their behalf. Christianity has lost a potential exponent, the world has lost a great statesman, a profound thinker, a philosopher, and a true patriot.

SAMUEL A. WITHERSPOON is not dead; he has simply gone to meet his God. His influence will live for centuries in this Republic; yes, so long as the United States Government shall stand. Who is he who will read the CONGRESSIONAL RECORD who can fail to be impressed with the great patriotic utterances of SAM WITHERSPOON? To-day his work in the Committee on Naval Affairs is ringing around the entire world. Every newspaper that discusses the subject at all refers to SAMUEL A. WITHERSPOON. He proved as a member of that committee as conclusively as any mathematician ever proved a problem in mathematics that we have the second navy in the world. No man who studies the subject and who will accept SAMUEL WITHERSPOON'S questions to the experts before that committee at the last session of Congress can fail to reach the same conclusion that SAMUEL WITHERSPOON reached, and his great speech on the floor of this House, demonstrating his understanding on that proposition, will live as a classic and will be read a hundred years from now. In him Mississippi and the Nation had a champion. In Mr. WITHERSPOON the producing masses of America had a staunch champion whose place is hard to fill. Whether one agreed with the man or not, all loved him and admired him. SAM WITHERSPOON stood out as a strong, singular character. Every man has his fault, but for one, I new saw any faults, because I loved the man. Oftentimes he would say to me, "Percy, excuse me", and he would not let me interrupt him in his process of reasoning.

I sometimes thought I could reach a conclusion or interject something in his argument, but he would always say "Excuse me." I sat still and listened and I always knew more at the end of his conversation than I did when he started. He had the most analytical mind I ever listened to or read after. In my judgment he was the greatest reasoner who ever stood on the floor of this House since I have been here. Mr. WITHERSPOON did not make many speeches on this floor, but he made them in the Democratic caucuses and in his office; he made them in the cloakroom, and what democracy there is in this House to-day is bound to have a real veneration and admiration for the memory and teachings of our departed colleague. Men from every State in this Union so soon as I returned to Washington a few days before Congress assembled expressed their deep regret and sor-

row at the death of Mr. WITHERSPOON. Irrespective of party, Republicans who fought every inch of the ground on which Mr. WITHERSPOON stood absolutely admired and loved the man. They knew his character; they knew that he stood out a giant oak almost alone in his position. I could not follow Mr. WITHERSPOON'S reasoning on all of these great questions, but there never was a question that came before this House that I did not go into his office and argue it out with him. The important ship-purchase bill which was before the Senate for weeks before it came over to the House Mr. WITHERSPOON and I discussed in his office and in my office and in the little car when I would carry him out to my house, and there in my home in the presence of my wife we would argue. It was the same way on every deep question confronting the American people, and when it came for him to vote he voted his conscientious convictions, regardless of party whip, regardless of the effect of his vote so far as his popularity might be concerned in his district or in the State or in the Nation; he voted his honest convictions and voted, as he understood it, for the best interests of the American people.

He had a horror of the special-privilege legislation that had been in vogue in this Republic. He wanted to see all the American people put upon the same footing. He wanted equal justice to the poor, the rich, the high, and the low alike. A natural-born aristocrat, adorned with culture and refinement and deep learning, yet he was an absolute democrat in his manner, modes of life, conduct, and thought. No man had a deeper feeling for the toiling masses of this Republic than did Mr. WITHERSPOON.

And I for one know that my State, the State of Mississippi, has lost a great man, a great statesman, a philosopher, a Christian gentleman. I know that he is a loss to this body and a loss to the American people.

#### EXTENSION OF REMARKS.

Mr. VENABLE. Mr. Speaker, I ask unanimous consent that any Member of the House who wishes to do so may be given the privilege of printing his remarks in the RECORD on the life, character, and work of the late Mr. WITHERSPOON, and also that any Member who has spoken shall have the privilege of extending his remarks in the RECORD.

The SPEAKER pro tempore. The question is on the motion by the gentleman from Mississippi [Mr. VENABLE].

The motion was agreed to.

#### ADJOURNMENT.

And then, in accordance with the resolution previously agreed to, the House (at 2 o'clock and 58 minutes p. m.) adjourned until Monday, March 6, 1916, at 12 o'clock noon.

## SENATE.

MONDAY, March 6, 1916.

(Legislative day of Friday, March 3, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The Vice President being absent, the President pro tempore took the chair.

#### PRINTING OF SENATOR KENYON'S SPEECH ON CHILD LABOR.

Mr. NORRIS. Mr. President, on the 24th of February the junior Senator from Iowa [Mr. KENYON] made an address here in the Senate on the child-labor question, and it included a great many documents bearing on that subject. It seems to me his address becomes very valuable to one who wants to study the question. I ask unanimous consent that the address be printed as a Senate document.

Mr. SMOOT. Mr. President, it has always been against the rule of the Senate to make a public document of an address delivered by a Senator in the Senate. I will say to the Senator from Nebraska of course it can be printed at the Government Printing Office just as it is, by itself, and distributed by any Senator who wishes to send it out.

Mr. NORRIS. I know it can, but the Senator will appreciate this fact. I presume every Senator is getting a great many requests for copies, and no one Senator would have a sufficient number nor would he feel justified in going to the expense of having it printed. The printing would be quite expensive.

Mr. SMOOT. Any Senator can have as many copies printed as he wants. If the Senator from Iowa desires to have it printed in pamphlet form by itself—

Mr. NORRIS. I do not know.

Mr. SMOOT. I say if he does, he can have just as many copies printed in that way as if it was printed as a public document.

I will say to the Senator it has been the universal rule, understood not only by the members of the Joint Committee on Printing upon the part of the Senate but also by the members on the part of the House, that the course proposed by the Senator shall not be adopted. I sincerely hope the Senator—

The PRESIDENT pro tempore. Does the Senator from Utah object?

Mr. SMOOT. On that ground I shall have to object, Mr. President; but—

The PRESIDENT pro tempore. No matter about the ground. The Senator objects.

Mr. SMOOT. I do not want to be placed in a false position. The PRESIDENT pro tempore. The Senator from Utah objects. The Senate resumes the consideration of the unfinished business, and the Secretary will report the pending amendment.

#### DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the use of interstate and foreign commerce.

The PRESIDENT pro tempore. The pending amendment is that proposed by the Senator from Montana [Mr. WALSH]. It will be read.

The SECRETARY. On page 10, at the end of line 23, after the word "granted," it is proposed to insert:

Nor for the diversion or generating works or appurtenances or the land on which the same may be situated beyond the cost of the same, with all proper deductions for depreciation; nor shall more than the cost be claimed or allowed for any water rights or rights of way used in connection with the property to be acquired.

So as to read:

In the determination of the value of said property for any purpose as between such grantee and the United States or any State no value shall be claimed by or allowed to the grantee for the rights hereunder granted nor for the diversion or generating works or appurtenances or the land on which the same may be situated beyond the cost of the same, with all proper deductions for depreciation; nor shall more than the cost be claimed or allowed for any water rights or rights of way used in connection with the property to be acquired.

Mr. SMOOT. Mr. President, I know there are a number of Senators interested in this amendment who are not in the Chamber. As there are very few Senators present, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Nelson	Smith, Ariz.
Bankhead	Hughes	Norris	Smith, Ga.
Brandegee	Husting	Oliver	Smith, Mich.
Chamberlain	Johnson, Me.	Overman	Smoot
Chilton	Jones	Owen	Sterling
Clapp	Kenyon	Page	Stone
Clark, Wyo.	Kern	Pittman	Swanson
Clarke, Ark.	Lane	Polindexter	Thompson
Colt	Lea, Tenn.	Ransdell	Tillman
Culberson	McCumber	Robinson	Vardaman
Cummins	McLean	Shafroth	Walsh
Curtis	Martin, Va.	Sheppard	Warren
Fall	Martine, N. J.	Shields	Williams
Gallinger	Myers	Simmons	Works

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of illness.

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably absent from the Senate because of serious illness in his family. I desire this announcement to stand for the day. He is paired, however, with the junior Senator from Florida [Mr. BRYAN]. I should like that announcement to stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY], who is paired with the Senator from Maine [Mr. BURLEIGH]. I also desire to announce the unavoidable absence of the Senator from Delaware [Mr. SAULSBURY]. This announcement may stand for the day.

Mr. RANSDALL. I have been requested to announce that the Senator from North Dakota [Mr. GRONNA] and the Senator from New York [Mr. WADSWORTH] are absent on business of the Senate.

Mr. CHILTON. My colleague [Mr. GOFF] is absent on account of illness. He is paired with the the Senator from South Carolina [Mr. TILLMAN]. I should like to have this announcement stand for the day.

The PRESIDENT pro tempore. Fifty-six Senators having answer to their names, a quorum of the Senate is present. The question is on the amendment of the Senator from Montana [Mr. WALSH]:

#### ARMED MERCHANT SHIPS.

Mr. McCUMBER. Mr. President, I desire to have read an editorial from the New York Times of Sunday, March 5, bearing upon the subject which was under consideration last Friday, which, it seems to me, it would be very appropriate to answer in a very few words.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota? The Chair hears none. The Secretary will read.

Mr. McCUMBER. The subject is under the heading "The flag on the Capitol."

The Secretary read as follows:

#### THE FLAG ON THE CAPITOL.

For some days, thanks to the multitudinous lies radiated over the country from the central source at Washington, Americans have been boiling with anger at the thought that not an American but a German Congress was sitting there. They knew that foreign intrigue and domestic malice were doing their worst to set the legislative branch against the Executive, to flch from the latter one of his constitutional powers, to weaken the President in a grave moment of international difficulty, to create the impression abroad that the United States Government was divided in opinion, that the people were on one side and the President on another.

They saw Senators and Representatives eager for a cowardly surrender of the right of Americans to travel on the high seas. They read the concocted tabulations showing a majority in Congress—in the House a majority of two to one—in favor of that surrender. They saw, with shame and anger, a Senator in the Senate Chamber rolling out unctuously a falsehood, which he took good pains not to inquire into, about the President's wish for war. They heard from the American ambassador to Germany of the erroneous or sophisticated opinion prevailing in Germany, of the injury done to the United States by replication in Berlin of the studiously propagated report that Congress was hostile to Mr. Wilson's submarine policy.

Not even in the days when earlier aliens and fomenters of sedition were making the United States the football of foreign interests has the United States seemed so pitiable. Then it was young, weak, uncondemned, full of generous recent friendships and emities. Now, in its height of power, had it become the puppet of a foreign influence, a child in the hands of a foreign master? Was its Congress not its own, but that master's? Dark days for Americans.

It seemed as if the Congress was ready to haul down the American flag from the Capitol, spit on it, run the black, white, and red up in its place. But Tuesday the President called on the Germans in Congress to stand up and be counted. They stood up in the Senate Friday, 14 in all, a sorry lot. The Senate stamped on the counsel of division and dishonor. The Senate was American. The German flag was not going up on the Capitol. There was still an America, instinct with national patriotism, hot to resent and prevent the sacrifice of the least tittle of American rights, calm and majestically strong in upholding the President, who was striving in stormy times to maintain peace, but with no diminution of national right, no stain upon national honor.

The Senate is American. It is for the House to prove amply and unmistakably by its vote on the McLemore resolution that it is also American. The cloud of lies is not yet wholly scattered. The German flag will still seem to be dangling from the Capitol staff until the House has acted.

Mr. McCUMBER. Mr. President, I have always read with a great deal of interest the editorials of the New York Times. They are always aggressive, always strong. In this particular instance I must say, however, the editorial does not fairly represent the sentiment and the basis of the vote of those 14 Senators in the Chamber who believe that it is a high patriotic duty of the American people to do no act that would needlessly force this country into armed conflict.

Whenever we get ready for war, Mr. President, the editorial writer for the New York Times will find no divided sentiment in the Senate of the United States, and in my opinion very little division of sentiment among the people of the United States. But, Mr. President, if the writer of this article thinks for a single moment that the American people are hunting for an excuse to get into this European war, that they want Americans to expose themselves and to be killed so that we may be compelled to assert ourselves by armed conflict, he is sadly misinformed.

No, Mr. President; the country, while ever ready to defend our undoubted rights, does not want its citizens to needlessly lead it into this war. The sentiment of the people is patriotic, but it is not jingoistic. And, Mr. President, if this country is ever forced into war its victories will be achieved not by the bully or braggart, not by the jingo declaimers, but by the great army of true American patriots who are more concerned that their cause shall be a just right, approved by their hearts and their consciences, than a mere naked legal right.

Mr. President, no American has ever condoned or will condone the sinking of an unarmed indefensible merchant ship without first signaling for surrender, and without adequate protection of the lives of passengers and crew. That has now been conceded by all belligerents. The controversy has now narrowed down to a question as to whether an armed merchant vessel or a submarine should be permitted to shoot first. And without passing judgment on that question, but leaving it in the hands of the President, I insist that true American patriotism demands that so long as that disputed question has not been

settled, so long as it is the subject of diplomatic negotiation and conference, no American citizen should by his needless act jeopardize the peaceful settlement of the question or precipitate a crisis, and no American who purposely does so, and no one who advises him to do so can claim to be governed by real, true patriotic motives toward his own country. The highest patriotism of the American people to-day is to prevent precipitating the country into an armed conflict during the negotiations concerning this most delicate question.

Mr. JONES. Mr. President, when I heard the editorial read that the Senator from North Dakota sent to the Secretary's desk I wondered whether the writer of it belonged to a certain league that seems to be organized in the city of New York for a certain purpose, which is sending out documents urging that all means be taken possible to bring about a diplomatic rupture between this country and some of the belligerent nations.

This league is called "Citizens' League for America and the Allies," and one of its purposes is thus expressed:

This league is formed to use all lawful means to put this Nation in a position of definite sympathy with the allies, and in an equally definite position of moral disapprobation of the purposes and methods of the Central Teutonic Empires.

Then it gives the names of the members of the committee, which I will ask may be printed in the Record.

The PRESIDENT pro tempore. In the absence of objection, it will be so ordered.

The names referred to are as follows:

Holker Abbott; Rev. W. H. van Allen, D. D.; William D. Austin; Gaspar G. Bacon; Phillip Cabot; Richard C. Cabot, M. D.; Stephen Chase; William T. Councilman, M. D.; Rapp Adams Cram; Rev. H. R. Deming; James V. Donnaruma; Rev. P. R. Frothingham; Henry Copley Greene; William Ernest Hocking; Charles C. Jackson; F. F. McLeod; Joseph B. Millet; Ralph Barton Perry; Arthur Stanwood Pier; Edgar Pierce; Chandler R. Post; Morton Prince, M. D.; George Haven Putnam; Josiah Royce; Alexander Sedgwick; Frederick C. Shattuck, M. D.; William Roscoe Thayer; George B. Upham; H. Langford Warren; Leo Wiener.

Mr. JONES. Mr. President, this document which this league sends out is an address delivered at Tremont Temple, Sunday, January 30, 1916, by Josiah Royce, LL. D., professor in Harvard University. He closes with these words—and I simply ask the people to judge whether or not he is working in the interest of the United States and of the people of the United States and of the neutrality which our President so wisely and patriotically urged us all to maintain some time ago:

Let us do what we can to bring about at least a rupture of all diplomatic relations between our own Republic and those foes of mankind, and let us fearlessly await whatever dangers this our duty as Americans may entail upon us, upon our land, and upon our posterity. We shall not thus escape suffering, but we shall begin to endure as Belgium to-day endures, for honor, for duty, for mankind.

Mr. President, the 14 Senators referred to in this editorial have no other desire and no other purpose than to promote the welfare, the happiness, the peace, and the prosperity of the American people. They are not interested as citizens of this country in either side of this great controversy, but are trying to keep their country out of just what this league is trying to get us into.

Mr. OLIVER. Mr. President, as one of those not numbered among "the immortal fourteen," I wish to say that in my opinion the editorial which was read at the request of the Senator from North Dakota [Mr. McCUMBER] does not reflect the views and was not written by a legitimate champion of the men—the sixty and odd Senators—who voted with the majority a few days ago. I am satisfied, Mr. President, that every Senator who then voted, no matter on which side, voted in accordance with what he thought was best for the American people.

I voted as I did because I think the Congress is not the proper forum at this time for the discussion of this question. The Constitution places in the hands of the President the responsibility for dealing with our foreign affairs; and I, as a Member of the Congress, no matter how I may differ from the President and from his administration on domestic questions, feel that it is not up to me to interfere in any way with his conduct of foreign affairs in accordance with the dictates of the Constitution and of the duties which the people have called upon him to perform.

Mr. GALLINGER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from New Hampshire?

Mr. OLIVER. I shall be through in one moment, Mr. President.

The PRESIDENT pro tempore. The Senator from Pennsylvania declines to yield.

Mr. GALLINGER. I simply wanted to ask the Senator from Pennsylvania a question at that point.

Mr. OLIVER. In one moment I shall yield to the Senator.

Mr. President, I deprecate such utterances as are contained in that editorial, and I decline to acknowledge that the men who

give utterance to such expressions represent me in any way whatever. I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I am gratified to hear what the Senator from Pennsylvania has stated, because I believe it is the honest feeling of every Senator, no matter how he voted on that misunderstood resolution; but I wanted to ask the Senator this question: Does the Senator feel that in voting an opinion that the Executive might well warn American citizens not to travel on armed merchantmen is interfering with the President's constitutional prerogative in any way?

Mr. OLIVER. Not at all, Mr. President, if a Senator feels that it is his duty to give expression to that opinion. For my part, I do not feel that it is my duty to give expression to any opinion upon the subject at this time.

Mr. GALLINGER. Mr. President, the question I have propounded arose from the fact that the Senator from Pennsylvania seemed to intimate that in some way we were trying to encroach upon the prerogatives of the Executive. I have been utterly unable to see—I may be dense on the subject—how we were doing that in any way, if we simply felt and expressed the view that a warning of this kind might well be given to our people. That is all. That is the only thing I want to vote on. I believe such warning ought to be given, just as Sweden has given it, just as the President practically gave it in reference to Mexico; and I certainly would be one of the last Senators to take from the Executive any right that belongs to him or to hamper him in the discharge of his duty in trying to keep the country out of war. I do not want war, Mr. President. I want peace, and any vote I cast will be cast in that direction.

Mr. OLIVER. I realize that fully, Mr. President. I believe that that is the feeling of every Senator and of every Member of the House of Representatives. As to whether we should give expression to our views on this subject, as I said before, that simply marks an honest difference of opinion between the Senator from New Hampshire and myself.

Mr. GALLINGER. That is all.

Mr. POMERENE. Mr. President, about 10 days ago I received a letter from a constituent urging me to support the resolution of the Senator from Oklahoma [Mr. GORE] and giving as a reason for making that request a precedent which had been set by the British Government during the war between Russia and Japan. I at that time made some investigation in the State Department and satisfied myself that no such order had ever been issued by the British Government; at least, that was the information which was given to me. I should not have referred to this subject but that on Saturday the Senator from Massachusetts [Mr. LODGE] referred to it and discussed it at some length, presenting some documentary evidence showing that no such order had been issued. I then took the matter up again with the State Department in order that the Senate might have the benefit of such knowledge as the State Department had had upon the subject, and I now have from the Secretary of State a letter, which I send to the desk and ask that it may be read for the information of the Senate.

The PRESIDENT pro tempore. Unless there is objection, the Secretary will read as requested. The Chair hears none.

The Secretary read the letter, as follows:

DEPARTMENT OF STATE,  
Washington, March 6, 1916.

The Hon. ATLEE POMERENE,  
United States Senate.

MY DEAR SENATOR: Referring to your oral inquiry on Saturday last in regard to an official order reported to have been issued at Hongkong or Shanghai by British authorities warning British subjects not to travel on belligerent ships during the Russo-Japanese War, I am advised that no such order or warning has been published in the British official organ or in the North China Herald, of Shanghai, and that British representatives and consular officers were expressly instructed to abstain from giving any advice to merchants, etc., by a circular of February 15, 1904. It is understood that if any such warning was issued it was without the authority of His Majesty's Government and contrary to their instructions.

Very sincerely, yours,

ROBERT LANSING.

#### DEVELOPMENT OF WATER POWER.

Mr. SHIELDS. Mr. President, the unfinished business was temporarily laid aside on Saturday last. Is it necessary again to have it laid before the Senate?

The PRESIDENT pro tempore. The so-called unfinished business is still under consideration.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the use of interstate and foreign commerce.

The PRESIDENT pro tempore. The pending question is on the adoption of the amendment offered by the Senator from Montana [Mr. WALSH].

Mr. SHIELDS. Mr. President, I ask for a vote on the amendment.

Mr. WALSH. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is the demand for the yeas and nays seconded?

Mr. HUSTING. Mr. President, will the Senator from Montana please explain his amendment?

The PRESIDENT pro tempore. What is the request of the Senator from Wisconsin?

Mr. HUSTING. I request the Senator from Montana to explain the amendment now before the Senate.

The PRESIDENT pro tempore. That is rather an unusual request. Evidently a sufficient number have seconded the demand for the yeas and nays. Let the Secretary call the roll.

Mr. CLARK of Wyoming. Mr. President, may the amendment be read?

The PRESIDENT pro tempore. The amendment will be stated by the Secretary on the request of the Senator from Wyoming.

Mr. WALSH. Mr. President, I shall be glad briefly to respond to the request made by the Senator from Wisconsin, if the parliamentary situation permits.

The PRESIDENT pro tempore. The parliamentary situation is such that the Senator can address the Senate if he sees proper to do so. However, let the amendment be stated, in compliance with the request of the Senator from Wyoming.

The SECRETARY. On page 10, line 23, after the word "granted," it is proposed to insert:

Nor for the diversion or generating works or appurtenances or the land on which the same may be situated beyond the cost of the same, with all proper deductions for depreciation; nor shall more than the cost be claimed or allowed for any water rights or rights of way used in connection with the property to be acquired.

So as to read:

In the determination of the value of said property for any purpose as between such grantee and the United States or any State no value shall be claimed by or allowed to the grantee for the rights hereunder granted nor for the diversion or generating works or appurtenances or the land on which the same may be situated beyond the cost of the same, with all proper deductions for depreciation; nor shall more than the cost be claimed or allowed for any water rights or rights of way used in connection with the property to be acquired.

Mr. WALSH. Mr. President, briefly the bill provides that after the expiration of the period of the permit, 50 years, the Government of the United States may, if it sees fit to do so, take over the property useful for or used in connection with the permit which is granted under the provisions of the bill upon paying the then fair value of the property. The amendment proposed by me is to the effect that the amount which is then to be paid by the Government, should it take over the property, shall be the cost of the same; that is to say, the cost of the dam, the diversion works, the generating works, and any water rights or rights of way; in other words, that the unearned increment, so to speak, shall accrue to the benefit of the people, instead of to the benefit of the corporation, which is granted the privilege under the bill.

Mr. REED. Mr. President—

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. REED. Would the Senator from Montana object to amending his amendment by putting in the word "reasonable" before the word "cost"? I have this in mind: Sometimes money is expended which is foolishly expended, yet it enters into the cost.

Mr. WALSH. Of course, that is true, Mr. President, but I have endeavored to be as reasonable as I could be in framing the amendment. The objection is made to the amendment that it is utterly unfair to the permittee. I want to give him what he has actually put in. However, if the amendment would be accepted by the Senator from Tennessee with the modification, I should be very glad to accede to it, but I apprehend it would not be.

Mr. SHIELDS. Mr. President, I did not hear the suggestion made by the Senator from Missouri.

Mr. REED. I suggested that the phrase employed be "reasonable cost," instead of "cost"; having this in mind, that it sometimes happens that money is improvidently expended in constructing a plant, and that money so expended should not be considered a part of the reasonable cost.

Mr. SHIELDS. Mr. President, the Senator's point fully illustrates the impropriety of adopting the amendment. For instance, I am informed there were mistakes made in connection with engineering problems involved in the Keokuk Dam, in Iowa, and in the Hales Bar Dam, in Tennessee, by reason of which the dams cost several million dollars more than originally estimated.

Under this amendment the Government would have to pay for such mistakes several million dollars because of unwise and unskillful construction; but under the bill as it is drawn the idea of the Senator from Missouri would be carried out, because the bill now provides that the fair value of the property as it stands shall be paid when the Government or a new lessee or permittee takes it over. The amendment would also allow the Government or a new permittee to take it over for less than its then fair value, to the prejudice of the old company and its bondholders.

This amendment has been very elaborately debated. The principle involved in it is the same contained in one offered by the Senator from Nebraska [Mr. NORRIS] and in one offered by the Senator from Iowa [Mr. CUMMINS], both of which were rejected by decided majorities. This is the third time it has been presented, although it is now in somewhat different language.

Mr. WALSH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. Certainly.

Mr. WALSH. I think that the Senator ought to say that this was the first amendment that was offered upon this point.

Mr. SHIELDS. Does the Senator mean in point of time?

Mr. WALSH. In point of time.

Mr. SHIELDS. I rather think it was; but the others involved the same principle and have been voted down. I do not know which one of these three Senators is entitled to the honor of the suggestion.

Mr. WALSH. Mr. President, the Senator ought to give the Senate the benefit of the facts. This amendment was proposed by me before any of the other amendments were offered.

Mr. SHIELDS. I have said so.

Mr. WALSH. The vote was not taken on it at that time at the request of the Senator from Tennessee that it go over. When a vote was to be taken on the amendment offered by the Senator from Iowa [Mr. CUMMINS] I suggested that it would be more logical and appropriate that a vote be taken on this amendment first, but the Senator from Tennessee objected to that. Now, it does not occur to me that the vote on this amendment ought to be prejudiced by the statement that the proposition has been voted on three times.

Mr. SHIELDS. Mr. President, the amendment of the Senator from Iowa which the Senator from Montana desired to have voted on, after a vote on his amendment, was a different amendment entirely from the one that I referred to in my first statement. The amendment to which I refer contained the principle of excluding certain values. The one to which the Senator refers, as I recall, did not have that in it, but provided for a review of all the rates for power allowed by the public-service commissions of the States and the Interstate Commerce Commission after the expiration of the permit.

Mr. CUMMINS. Mr. President—

Mr. SHIELDS. Now, I want to say that under this bill, as now written, the matter will be referred to the courts. It provides that the United States on taking over the property, or that the new permittee in taking it over, will pay the fair value to be agreed upon, and if not agreed upon then the district court in the district where the property is located is given jurisdiction to determine the fair value. The "fair value" means the just value; so that the rule would be just as it is now applied under the Constitution to property when taken over in the exercise of the right of eminent domain for a public purpose. Certainly that is just and fair, and that is what the bill provides; and the amendment provides for payment of less than that fair value or just value. The bill expressly excludes the value of the permit granted by the Government; and if it did not exclude it, it would be the same thing, because the permit would have expired by its own limitation. But it does expressly exclude it, and the rights acquired under the bill are not to be considered at all in estimating the fair value.

Mr. CUMMINS. Mr. President, I am moved to say a word because there is a misapprehension with regard to the amendment which I offered, which the Senator from Tennessee says is somewhat similar to or practically like the amendment now pending and which was offered by the Senator from Montana. The amendment which I presented, and upon which a vote was had, provided that the property which related to the development of power or the use of water for other purposes than navigation should be valued as physical property; that is, that the value of the physical property should be ascertained. That, of course, would exclude all intangible values, or values that were created by the business and by other franchises or grants. It is not quite the same. The Senator from Montana proposes to ascertain the cost of the property. While I intend to vote for

the amendment offered by the Senator from Montana, I do not think it is quite as fair to the public as the one which I offered, because the cost of the property may be greater than its value as physical property. But it is still, I think, to be preferred as compared with the provision that is now in the bill and to which it is offered as an amendment.

Mr. REED. Mr. President, speaking on this bill for a few moments, I frankly state that I do so with a great deal of hesitancy and with considerable regret. The bill has been discussed here until the Senate is out of patience with it. No one has been more derelict than myself in giving attention to the measure. I happen to have been so situated that it was impossible for me to be here during the early hours of the discussion. In addition to that the bill has had the careful thought of the Senator from Tennessee [Mr. SHIELDS], for whose opinion as a lawyer and for whose judgment as a lawmaker I entertain the very highest regard. But, Mr. President, I am afraid we shall make a serious mistake, and one the consequences of which we shall not escape for many years, if we pass this bill in its present form.

There is a technical side to nearly all legislation and there is a practical side to nearly all legislation. Technically this bill may be said not to deprive a State of the rights it now possesses. Technically it may be said that this bill does not grant a perpetual franchise; and yet I believe that the practical effect of the bill, if passed in its present form, will be to deprive every State of this Union of the right to control the water powers within its borders and that practically it will result in the creation of perpetual franchises granted by the Government of the United States. If it does either one of those things, then it certainly needs some radical amendment.

Let us follow it a moment as a practical problem. Here is a river in a State, technically a navigable stream; practically it is not navigable, but it is a great water power. The State can not grant the privilege of building a dam, and consequently the State is powerless to grant the right to build a great plant of any kind to be operated by the dam, for whoever controls the right to build the dam controls the entire proposition.

Mr. SHIELDS. Mr. President, I just want to get the Senator's position. Does he mean that under the bill the State can not grant the right to build a dam?

Mr. REED. Yes.

Mr. SHIELDS. Or under existing law?

Mr. REED. I am stating the situation as it is now, and I propose to follow it on and show how this bill affects it. The moment this bill is passed—and I am going to use the State of Iowa for an illustration—a lot of gentlemen can go down to Delaware or to New Jersey or to Arizona or to any other State having liberal corporation laws and they can organize a corporation to construct a dam and put in a dam on a river in the State of Iowa. They can go to the Secretary of War and obtain from the Secretary of War a permit to build that dam. They are not obliged to come to the State of Iowa for anything. They can thereupon proceed to construct their dam upon that stream without the let or the hindrance of the State of Iowa, and they can absorb completely to themselves that great water power situated within the State of Iowa; and the State of Iowa is as powerless from the practical standpoint to protect itself as it has been powerless to protect itself in matters of interstate commerce, which come distinctly within the purview and authority of the Federal Government.

I do not desire to go into any technicalities about that or any slight variations. There are certain States whose laws provide that a foreign corporation must file its articles of incorporation in that State, and so forth; but the great, broad problem stands before us that if you pass this bill a corporation desiring to absorb the water power of a State can gain its permit from the Secretary of War to build a dam. Having built that dam, no other person can build a dam within such distance as will interfere with it, and the entire water power of a State can be taken over by one or more corporations without coming to the State authorities for any grant or permit or privilege. It is the most far-reaching, the most sweeping proposition touching matters of this nature that has been presented to Congress since I have had the honor to sit in the Senate.

I want to suggest to the learned author of this bill—and I do it because I want to see something done that will release these great water powers—an amendment providing that no such corporation shall be thus authorized until it has obtained the consent of the authorities of the State to build the dam and to construct the works incident to it. That will keep within the power of the State the ability to control.

Mr. SHIELDS. Mr. President—

Mr. REED. I yield to the Senator from Tennessee.

Mr. SHIELDS. The laws of the States upon this subject may be entirely different. I have been struck with section 13 of the

bill for the development of water power on public lands. I can not agree to the conclusions of the Senator from Missouri in regard to this bill. I know he can grasp and analyze the provisions of the bill as well as any Senator in the Chamber; but, as he says, he has not given it very great consideration.

The present law does prohibit the States or anyone else from building dams or other structures in navigable waters. This bill liberalizes the present law, and such is the intention of it. But here is the section to which I want to call the attention of the Senator in the bill for the development of water power on public lands to which I referred:

That nothing in this act shall be construed as affecting or intending to affect or to in any way interfere with the laws of any State relating to the control, appropriation, use, or distribution of water.

What does the Senator think of that?

Mr. REED. I do not think it covers the case.

Mr. SHIELDS. What does the Senator think, then, of the clause providing that the companies making the developments shall be subject to the laws of the States—an express provision to that effect—that they shall be subject to taxation by the States, and that their rates and business shall be regulated by the State public-utility commission? There are express provisions in this bill covering all those things.

Mr. REED. But there is not, as far as I have read the bill—and if I am in error the Senator will correct me; no one will more gladly yield the point—

Mr. SHIELDS. If the Senator will read the bill, he will find those provisions in it broadly and clearly.

Mr. REED. Oh, I understand that what the Senator says is in the bill; but is there in this bill a provision that before a dam can be built across a stream within a State the State authorities shall give their express consent?

Mr. SHIELDS. There is an express provision that all these permits shall be subject to the laws of the States where the property is located. Now, Congress can not enact a law that the States shall examine these permits and give their consent, but the States can enact such laws. Some of them have such laws, and all of them can have them, so the laws can be enacted by the only legislative bodies empowered to do so. Congress can not enact a law requiring States to grant permits to develop the water power in streams or to exercise any other police power.

Mr. REED. But will the Senator call my attention to the clause to which he has just referred, because I am very sure there is not in this bill the idea that I think ought to be put in it?

Mr. SHIELDS. I will try to do. The power of the States over the companies making these developments does not all appear in any one clause, but it appears in different clauses of the bill. All that I stated, however, is expressly provided for. Let me read one of the clauses to which I referred. It is to be found on page 11, line 22.

Mr. REED. Of the reprint?

Mr. SHIELDS. No; of the first print.

And provided further, That nothing in this act shall be construed to prevent any State in which such dam with its appurtenant property is located, or in which such business is to be conducted, from making and enforcing any lawful regulations, with respect to the property or business of such grantee.

Mr. REED. Mr. President, I know that provision is in the bill, but that provision does not reach the point I have in mind. Understand, I am discussing the proposition that the dam can be built within the borders of a State without the permission of the State, and that we propose to grant to the proprietors of that dam what I regard as a perpetual charter. So the question is presented in this way: Without the consent of the State, the dam can be built, and it can be maintained forever, the State having a right of regulation. That is quite a different thing from giving the State the right in the first instance to say whether the dam shall be built, and, when the grant is made, to insist upon conditions being placed in the grant for the protection of the citizens of the State and the State itself.

Let us take a plain illustration of it. Here is a city having control of its streets, having the authority and right to permit a street car company to build its tracks over the streets or to withhold that privilege. That city when it makes a grant can then impose such conditions in the grant as will fully protect the city. It can impose conditions that are not found in the general law, that do not come within the principles of regulatory power. But if the State should take away from the city the right to grant the franchise in the first instance, and the State itself grant the franchise, and grant a perpetual franchise, and thus give the company the right to take over and absorb the streets, a very different question will be presented to that city in handling that corporation and in getting justice done to the public from that which would be presented if it had the right to refuse permission to come at all, or, when it

did come, to impose the conditions upon which it should come. Now, I say to the Senator that is a very grave question.

Mr. BANKHEAD. Mr. President, will the Senator from Missouri allow me to interrupt him for a moment?

The PRESIDING OFFICER (Mr. WILLIAMS in the chair). Does the Senator from Missouri yield to the Senator from Alabama?

Mr. REED. I do.

Mr. BANKHEAD. Does not the Senator from Missouri believe that the Government of the United States can authorize the construction of a dam in a navigable river for the purpose of improving the navigability of that river without the consent of the State?

Mr. REED. I do think we can do it; but when you ask me whether I think we ought to do it, whether we ought to give to private corporations the right to absorb all the water powers there are in the United States upon navigable streams, whether we ought to grant them what I shall undertake to demonstrate is in effect a perpetual franchise, whether we ought to deprive the States within which the streams are located of any right to say that they shall or shall not build, with the terms and conditions upon which they shall build—when we come to that question, Mr. President, we ought to pause, and simply because we have a right to say that a dam shall or shall not be built we should not undertake to deprive the States of this country of what is their legitimate power and function.

I am afraid we are taking action here that may result in every great water power in this country going into the hands of two or three concerns. I am afraid we are taking action here the effect of which will be felt long after we are all in our graves. Now, why will not the sponsors of this bill consent to put into it a plain simple statement to this effect?—

*Provided, however,* That no such dam shall be constructed within the borders of a State unless and until the proper authorities of that State shall grant the permission of the State.

Mr. SHIELDS. Mr. President, although the bill has been subjected to great scrutiny and almost every line of it attacked here during the last month there has been no suggestion of the kind ever made. The Senator has offered no amendment proposing such a provision.

Mr. REED. I am offering it now.

Mr. SHIELDS. If the Senator will prepare one, I have no doubt we can agree. I can not speak for the committee, but I think the bill means what he wants, and I have no objection to an express statement of it.

Mr. REED. Very well; if I have made that much by this 5 or 10 minutes' talk it is the most valuable 5 or 10 minutes' talk, in my judgment, I have every perpetrated, and I will prepare the amendment.

Mr. SHIELDS. If the Senator had made the suggestion in advance, doubtless we would have arrived at an agreement.

Mr. REED. I hope the Senator does not take it as an unkindness on my part that I made it in that way, because I would not have the Senator—

Mr. SHIELDS. Certainly not; but the Senator and I have discussed the bill several times and he made no such objection to it. I had thought it covered the very proposition he is now advocating.

Mr. WALSH. I inquire of the Senator from Missouri if he thinks there is any reason why the vote on the pending amendment should be delayed?

Mr. REED. Not at all.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Montana [Mr. WALSH], on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. JOHNSON of Maine (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. In his absence I withhold my vote.

Mr. NORRIS (when his name was called). Upon this question I am paired with the junior Senator from Mississippi [Mr. VARDAMAN]. If he were present, he would vote "nay," and if I were permitted to vote I would vote "yea."

Mr. MARTINE of New Jersey (when Mr. O'GORMAN's name was called). I desire to state that the senior Senator from New York [Mr. O'GORMAN] is unavoidably absent. He is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I do not know how the senior Senator from New York would vote upon this question.

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE], but knowing his views upon this matter I feel at liberty to vote, and I vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from California [Mr. PHELAN] and vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. OVERMAN], but as I am informed he would vote as I intend to vote I vote "nay."

The PRESIDING OFFICER (when Mr. WILLIAMS's name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and vote "yea."

The roll call was concluded.

Mr. JAMES. I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. LODGE. I desire to state that my colleague [Mr. WEEKS] is unavoidably absent. He is paired with the Senator from Kentucky, as has just been stated. If my colleague were present, he would vote "nay."

Mr. BORAH. I wish to state that my colleague [Mr. BRADY] is absent on account of illness. He is paired with the Senator from Florida [Mr. FLETCHER]. I desire this statement to stand for the day.

Mr. FLETCHER. I have a general pair with the Senator from Idaho [Mr. BRADY]. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. HOLLIS. My pair with the junior Senator from New York [Mr. WADSWORTH] I transfer to the junior Senator from Indiana [Mr. KERN] and vote "yea."

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "nay."

Mr. GALLINGER (after having voted in the negative). Before the announcement is made I desire to say that I have a pair with the Senator from New York [Mr. O'GORMAN], but I am privileged to vote on matters connected with this bill in his absence, and I have voted "nay."

I wish also to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Illinois [Mr. SHERMAN] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN];

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK];

The Senator from Vermont [Mr. DILLINHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; and

The Senator from North Dakota [Mr. McCUMBER] with the Senator from Colorado [Mr. THOMAS].

The result was announced—yeas 21, nays 32, as follows:

YEAS—21.

Ashurst	Hitchcock	La Follette	Reed
Borah	Hollis	Lane	Walsh
Chamberlain	Hughes	Martine, N. J.	Williams
Chilton	Husting	Myers	
Cummins	James	Newlands	
Gore	Kenyon	Poindexter	

NAYS—32.

Bankhead	Gallinger	Oliver	Smith, Ariz.
Beckham	Jones	Page	Smith, Ga.
Brandegee	Lee, Md.	Pomerene	Smoot
Broussard	Lodge	Robinson	Sutherland
Clapp	McCumber	Shafroth	Swanson
du Pont	McLean	Sheppard	Thompson
Fall	Martin, Va.	Shields	Tillman
Fletcher	Nelson	Simmons	Warren

NOT VOTING—43.

Brady	Gronna	Overman	Smith, S. C.
Bryan	Harding	Owen	Sterling
Burleigh	Hardwick	Penrose	Stone
Catron	Johnson, Me.	Pelan	Thomas
Clark, Wyo.	Johnson, S. Dak.	Pittman	Townsend
Clarke, Ark.	Kern	Ransdell	Underwood
Colt	Lea, Tenn.	Saulsbury	Vardaman
Culberson	Lewis	Sherman	Wadsworth
Curtis	Lippitt	Shively	Weeks
Dillingham	Norris	Smith, Md.	Works
Goff	O'Gorman	Smith, Mich.	

So Mr. WALSH's amendment was rejected.

Mr. WALSH. I have another amendment to offer, to be inserted at this point, and I have no doubt it will be acceptable to the Senator from Tennessee.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 10, line 23—

Mr. SHIELDS. Of the new print or the old print?

The SECRETARY. Of the old print, page 10, line 23, after the word "granted," insert:

Nor for any rights which the grantee may have acquired gratuitously from any State or subdivision thereof.

Mr. SMOOT. It is to be inserted in what part of the bill?

The SECRETARY. At the end of section 6, after the word "granted."

Mr. SHIELDS. I will ask the Senator from Montana if he means franchises that may have been granted the permittees?

Mr. WALSH. Any rights of any kind. I had particularly in mind water rights; and rights of way as well.

Mr. SHIELDS. If the amendment applied merely to franchises, I would have no objection; the company then goes out of business; but if it is intended to include property rights, as I understand the Senator to say it does—

Mr. WALSH. Yes, Mr. President.

Mr. SHIELDS. Then I object to it because it is identical with the amendment just rejected.

Mr. WALSH. If the Senator from Tennessee will give me his attention for a minute—

Mr. SHIELDS. I certainly will.

Mr. WALSH. I think I shall be able to dispossess him of that idea.

The amendment just voted down proposed to provide that for the cost only of the diversion works, the generating works, the land on which the same is situated no value shall be allowed; also, the cost of the right of way and the cost of water rights. That was voted down; that is disposed of; so that it is "the value" under the bill.

The present amendment has no reference to those things at all, but as I explained the other day, under the laws of all the States where the doctrine of appropriation prevails the States accord the right gratuitously to anyone to appropriate the water of the stream. It costs him absolutely nothing. The State gives it to the party gratuitously. Now, those rights in the course of time, although they were originally acquired gratuitously, grow enormously valuable. It did not occur to me that the Senator wanted the permittees under the grant to get the value of those rights as they shall be after 50 years from now. That would give to them a free gift from the State just the same as we are giving them the free gift of the right to dam the stream. All the States have secured great grants of land from the Government of the United States. They give gratuitously the right to all these enterprises to construct ditches over these lands wherever necessary, to erect their transmission lines over the lands. They do not ask them a cent for it; they give them the privilege to do so, but in 50 years from now those privileges will be in many instances of great value.

Those are the things that I thought the Senator would be quite willing should go back to the State when the permit of the grantee expires at the end of the 50 years—that they should go back to the people without the necessity of paying for them—and I feel very sure that if the Senator understood the situation I should not make this appeal to him in vain. For instance, I will read from section 33 of the act of our eleventh legislative assembly, enacted in the year 1909, touching the disposition of our State lands, as follows:

RIGHT OF WAY FOR PUBLIC USE.

SECTION XXXIII.

The State board of land commissioners may grant the right of way across or upon any portion of State lands, upon such terms as may be agreed upon, for any ditch, reservoir, railroad, private road, telegraph or telephone line, or for any other public use, as defined in the code of civil procedure: *Provided*, That this section shall not be construed to grant authority to convey any such land except for the purposes above set forth: *And provided further*, That whenever lands granted for any of the purposes mentioned in this section shall cease to be used for such purposes, said lands shall revert to the State, upon notice to that effect to the person to whom such grant was made, served at his last known post-office address.

So that so long as this is used the State does not claim it. It is only when it is no longer used that it goes back to the State. If it is continued to be used at the end of the 50 years, I simply want to have it provided that in taking over the property from the grantee you would have to pay him for these things that the State gave him as a perfectly free grant, just the same as we grant him the privilege accorded in this proposed act.

Mr. SMOOT. Mr. President, the bill provides how the determination of the value of the property shall be arrived at in these words:

In the determination of the value of said property for any purpose as between such grantee and the United States or any State no value shall be claimed by or allowed to the grantee for the rights hereunder granted.

Mr. President, if a valuable grant of any kind is given to the grantee by the Government of the United States, no such grant is to be taken into consideration in determining the value of the property at the end of the lease.

The Senator from Montana [Mr. WALSH] has offered an amendment which goes beyond the acquiring of property by grant from the Government and undertakes to determine that no property granted by a State shall be taken into consideration, and he cites the question of a State water right.

Mr. President, a water right in the Western States can only be secured by the beneficial use of the water. It is beneficial use that counts, and it is beneficial use that gives title to the water. If it is not used by the grantee, a right is worthless; and it seems to me it would be out of place to inject into this bill a proposition of that kind.

I think the States themselves can take care of any question affecting any right that may be granted to a person, applying for a lease under the provisions of this bill. It is enough for the Congress of the United States to pass laws affecting the action of the Government of the United States and the lessee, and I think it is improper and out of place to undertake to inject into this bill provisions that relate to matters which are wholly within the jurisdiction of the State. I therefore sincerely hope that the amendment will not be agreed to.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Montana [Mr. WALSH].

Mr. WALSH. Mr. President, I should like to hear from the Senator from Tennessee, now that I have made an explanation of the amendment.

Mr. SHIELDS. I was proceeding to answer the Senator from Montana.

Mr. President, this bill provides for the payment of the fair value of the property when it is taken over by the United States or a new permittee, to whom the Secretary of War may grant a permit. There is much talk about taking rights from the people, and of turning them back to the people. This amendment does not propose to turn them back to the people of the States where the navigable waters flow, if such a thing could be accomplished by the amendment, but to deduct so much from the fair value of the property when it is taken over under the provisions of the bill, either for the benefit of the United States—which means the people of the whole Union—taking over something that belongs, say, to the people of Tennessee, along the Tennessee River, and giving it to every man in the United States, or to deduct it from the value of the property for the benefit of the new permittee, to whom the Secretary of War may transfer it. Where you take something from the value of the property when it is taken over and thus depreciate it, that value never reaches the people of that community or the State where it belongs.

Take the difference between what the Senator from Montana is advocating here and what he advocates in the Ferris bill for the rent of the public lands. The one half of the rent of the lands goes into the treasury of the State where the water power is located and the other half goes into the reclamation fund—which is the same thing—in the public-land States, and they get the benefit of the whole of it.

The Senator from Montana remembers the address he made at the Portland conference, when he said he never would agree to charges upon developments in his State to go to the whole people of the United States, and called attention to the fact that the rents for the public lands provided in that bill would go into the State treasury or the reclamation fund; but here he wants a different principle engrafted upon this bill, that which applies to other than public-land States.

Mr. President, I do not think that this is fair or that it is just. I think that these people ought to be paid the fair value for their property. If this is a property right which was acquired, the companies are entitled to be paid for it, regardless of the source or of the title of the right. If it is something for which they should not be paid, the court will disallow it. In one case it was held that the property had greatly appreciated in value; in fixing the rates—which is substantially the same rule which would be followed in taking over the property—the court would not consider an increase so great as to be unconscionable. The machinery and power of a court of equity is broad enough to do justice between these companies,

the Government, and the new permittee in all cases, dependent upon the particular facts of each case and the conditions existing at the time the property is taken over. We ought to leave it to the courts; and these little provisions hampering the courts in doing justice between the parties ought not to be placed in this bill.

Mr. WALSH. Mr. President, it is quite obvious from the remarks of the Senator from Tennessee that he has not yet grasped the purport of my amendment. I am not able to make it any clearer, however, than I have done.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Montana [Mr. WALSH].

Mr. WALSH. On that I ask for the yeas and nays.

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

Mr. GALLINGER (when his name was called). I am paired with the Senator from New York [Mr. O'GORMAN], but, for the reason stated on the previous vote, I will take the liberty of voting. I vote "nay."

Mr. NORRIS (when his name was called). On this amendment I am paired with the junior Senator from Mississippi [Mr. VARDAMAN] who is unavoidably absent. If he was here, he would vote "nay"; and if I were permitted to vote, I should vote "yea."

Mr. KERN (when Mr. SHIVELY's name was called). My colleague [Mr. SHIVELY] is unavoidably absent. He is paired with the Senator from Maine [Mr. BURLEIGH].

Mr. WALSH (when his name was called). I make the same transfer of my pair as was announced on the preceding vote and vote "yea."

The PRESIDING OFFICER (when the name of Mr. WILLIAMS was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Not knowing how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. COLT. Although I have a general pair with the junior Senator from Delaware [Mr. SAULSBURY], I am at liberty to vote and vote "nay."

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "nay."

Mr. FLETCHER. I wish to announce that I have a general pair with the Senator from Idaho [Mr. BRADY], which I transfer to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. JAMES. I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. JOHNSON of South Dakota. I desire to announce my pair with the Senator from Illinois [Mr. SHERMAN]. On account of that pair I withhold my vote.

The PRESIDING OFFICER (Mr. WILLIAMS). I am just informed by the colleague of the Senator from Pennsylvania [Mr. PENROSE] that I am at liberty to vote upon the amendment, and I vote "nay."

Mr. POMERENE. I am requested to announce the necessary absence of the junior Senator from Delaware [Mr. SAULSBURY] because of illness. He is paired with the junior Senator from Rhode Island [Mr. COLT].

Mr. GALLINGER. I was requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from North Dakota [Mr. McCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN]; and

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN].

The result was announced—yeas 23, nays 33, as follows:

YEAS—23.

Borah	Hollis	La Follette	Pomerene
Chamberlain	Hughes	Lane	Reed
Chilton	Husting	Lee, Md.	Sterling
Cummins	James	Martine, N. J.	Thompson
Gore	Kanyon	Myers	Walsh
Hitchcock	Kern	Poindexter	

NAYS—33.

Bankhead	Clarke, Ark.	Fletcher	Jones
Beckham	Colt	Gallinger	Lodge
Brandgee	du Pont	Gronna	McLean
Clapp	Fall	Johnson, Me.	Martin, Va.

Nelson	Sheppard	Smoot	Williams
Oliver	Shields	Sutherland	Works
Page	Simmons	Swanson	
Ransdell	Smith, Ariz.	Tillman	
Shafroth	Smith, Ga.	Wadsworth	

NOT VOTING—40.

Ashurst	Goff	O'Gorman	Smith, Md.
Brady	Harding	Overman	Smith, Mich.
Broussard	Hardwick	Owen	Smith, S. C.
Bryan	Johnson, S. Dak.	Penrose	Stone
Burleigh	Lea, Tenn.	Phelan	Thomas
Catron	Lewis	Pittman	Townsend
Clark, Wyo.	Lippitt	Robinson	Underwood
Culberson	McCumber	Saulsbury	Vardaman
Curtis	Newlands	Sherman	Warren
Dillingham	Norris	Shively	Weeks

So Mr. WALSH's amendment was rejected.

Mr. HUSTING. Mr. President, I desire to offer a substitute amendment to the pending bill. I will not have the Secretary read it, because it is long; but I propose to discuss it at this time, if that is proper.

Mr. NELSON. Mr. President, as I understand, that is a substitute for the entire bill.

Mr. HUSTING. Yes, sir.

Mr. NELSON. I do not think it is time to offer that amendment until the friends of the bill have perfected it.

Mr. HUSTING. I understand that the friends of the bill have perfected the bill in so far as they propose to do so.

Mr. NELSON. Oh, no. There are several important amendments yet; one, at least.

The PRESIDING OFFICER. The Chair understands that the Senator from Wisconsin is not offering his amendment to be voted upon now, but is sending it to the desk in order that notice may be given of the fact that at the proper time he will offer it. Is that correct?

Mr. HUSTING. My proposition was to discuss it at this time and to offer it later.

The PRESIDING OFFICER. The Senator can discuss almost anything.

Mr. NORRIS. Mr. President, if the Senator from Wisconsin will permit me, I should like to suggest to him that he discuss his amendment at the time he expects it to be voted upon. I was not aware that the committee had any further amendments they wanted to offer. I had a consultation with the Senator from Tennessee [Mr. SHIELDS] and the Senator from Wisconsin [Mr. HUSTING] in regard to offering an amendment providing for the development of the Great Falls proposition. I had an understanding with those Senators that I would not offer that amendment until after the substitute had been voted upon. If the Senator from Minnesota insists, I suppose he can require that we offer amendments to the bill with a view of perfecting it before the substitute is voted upon, but I would rather—

Mr. NELSON. Mr. President, if the Senator will allow me, I think his amendment is of such a character that it would come in just as well after the vote on the substitute.

Mr. NORRIS. The Senator refers to my amendment?

Mr. NELSON. Yes.

Mr. NORRIS. I did not want to have any misunderstanding; that was all. I think I have a right to offer it either before or afterwards. I had that understanding with the Senator from Wisconsin and also with the Senator from Tennessee, and it was satisfactory, and I should like to have it understood that we are to do it in that order, unless somebody else objects.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. HUSTING. Certainly.

Mr. CUMMINS. I do not want to interrupt the Senator from Wisconsin if he desires to present his substitute at this time. I have an amendment to offer that is intended to perfect the bill and which I have been holding until other amendments of the same general character have been disposed of. I should like to offer it before the Senator from Wisconsin technically offers his substitute, but I have no desire to postpone any discussion that he may desire to present on his substitute.

Mr. SHIELDS. Mr. President, for the committee I prefer that all amendments be offered before the substitute of the Senator; but I have no objection whatever to the Senator from Wisconsin proceeding to discuss his substitute, as I understand he desires to do so.

Mr. NORRIS. Mr. President, if the Senator from Wisconsin will permit me, I should like to make an inquiry of the Senator from Tennessee.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. HUSTING. Certainly.

Mr. NORRIS. Does the Senator from Tennessee mean the amendment that I have proposed to offer, providing for the development of the Great Falls?

Mr. SHIELDS. No.

Mr. NORRIS. The amendment that I will propose will only add a new section to the bill, and I wish to avoid having to offer it twice.

Mr. SHIELDS. It does not affect the remainder of the bill. Mr. NORRIS. If the substitute of the Senator from Wisconsin should be agreed to, I will offer it then. If it is defeated, I will offer it anyway.

Mr. SHIELDS. I shall offer no objection.

Mr. NORRIS. If I were required to offer it first, I might be under the necessity of offering it the second time.

Mr. SHIELDS. There will be no objection to the Senator taking the course he desires.

Mr. HUSTING. Mr. President—

The PRESIDING OFFICER. The Senator from Wisconsin has the floor. The Senator from Wisconsin has a substitute which he desires to offer. Any amendment which goes to perfecting the bill would, of course, take precedence of the substitute; but as there is no amendment pending at this moment, the substitute offered by the Senator from Wisconsin is in order. If any Senator has an amendment whereby to perfect the bill, he can offer it at this time.

Mr. POINDEXTER. Mr. President, I offer the amendment which I send to the desk for the purpose of perfecting the bill, or, rather, improving it. I do not think it will perfect it.

The PRESIDING OFFICER. Meanwhile, the Senator from Wisconsin has the floor. He can not be taken off his feet for the purpose of offering an amendment; and under the rules of the Senate he can discuss almost anything.

Mr. HUSTING. Mr. President, I should like to address a question to the Senator from Tennessee [Mr. SHIELDS], as to whether the committee desires to propose further amendments to be voted upon in order to perfect the bill.

Mr. CHILTON. I propose to offer an amendment.

Mr. SHIELDS. The committee is wholly unable to answer the question. It is impossible to foretell what a suggestion from some Senator might cause the committee to do.

Mr. HUSTING. Mr. President, I shall proceed to discuss the proposed amendment at this time, and propose a vote upon it at such time as it may be in order.

This debate has been a protracted one, and I would well hesitate to occupy the floor and the time of the Senate for any length of time were it not for the fact that the importance of the subject, in my opinion, justifies it and demands it.

As has been said by a number of Senators who have addressed the Senate upon this subject, the importance of the bill can not be overestimated. The country is greatly interested in it. The political parties have adopted resolutions in their platforms bearing on it, and the country is aroused about it. I might add that the Democratic Party, in its last platform, adopted a plank calling attention to the importance of this great subject; and for that reason, it having challenged the attention of the people and of the various political parties, it is a matter not to be lightly decided or lightly cast aside.

There are two lines of thought on this subject. There are those who believe that licenses should be issued to promoters and to those companies who desire to develop our water powers on terms so generous, so oblivious to the interests of the people, for the purpose, they say, of causing immediate development. To them, time is of the essence; and if they can get anybody on any terms to step in and develop and take over a water power, they will hand it to them, and there will be no questions asked. In other words, these men believe that it is for the best interest of the country to develop these water powers immediately and expect the public in a general way to content themselves with reaping some benefit as an incident to such development. They belong to that school of thought which teaches that if you look out for the captains of industry of a country, if you look out for capital, as it were, the benefits will trickle down and through to those below. The other line of thought, and the one that I try humbly to follow, is that when you take care of the just measures of the people first, that when justice is done to them, that when they prosper then capital will profit and the captains of industry prosper. That, I believe, is good Democratic doctrine, and therefore I believe that in disposing of a great natural resource it should be disposed of in such a way that the benefit to the people shall be made certain; that it shall not be left to those who engage in this business to give the public benefits from it, but that they should be secured in these benefits by the Government itself.

Mr. WALSH. Mr. President, I desire to make an inquiry of the Senator from Wisconsin.

The PRESIDING OFFICER (Mr. WILLIAMS in the chair). Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. HUSTING. Certainly.

Mr. WALSH. Is the substitute which he is now canvassing the one that was offered on February 25?

Mr. HUSTING. Yes, sir; February 25.

Mr. WALSH. Or is it another substitute?

Mr. HUSTING. No, sir. It is the one of February 25.

Mr. WALSH. I was laboring under the impression that the Senate had taken a vote on the substitute offered by the Senator on February 25.

Mr. HUSTING. No, sir; not on the substitute amendment. No vote was ever taken on that, to my knowledge. At least, no vote was taken while I was here.

Mr. SHAFEROTH. Mr. President, there was a suggestion that the Senator offer it at one time, but some one asked him to lay it aside. There has been no vote on the substitute, as I understand.

Mr. HUSTING. There has been no vote on this substitute that I know of.

It seems to me this great question should be decided primarily with the interests of the public in mind. Their interests should be paramount. Their interests should be first considered; and then such benefits as may incidentally flow from the proper administration of this sort of an enterprise should be given to those who are made the agencies of the Government in carrying out this policy.

The primary object of this improvement ought to be decided upon. What are we doing this for? What is the object? What is the primary purpose?

I was greatly interested in the bill proposed by the Senator from Nevada [Mr. NEWLANDS]—a waterways proposition—and I was struck with the general scheme proposed. It shows a great and proper conception of what the waterways mean or may mean to this country when properly handled. His bill calls for a very large appropriation, an appropriation that may or may not be made at this time. I am not holding a brief for that bill now, but I do want to point out a few of the features of that bill, because I think this subject of water power should be approached from that angle.

I have here a map illustrating the scheme of the bill of the Senator from Nevada. This map divides the country into the several districts in which the bill proposes to make improvements and apportions the appropriation provided for. These improvements are for the purpose, as is stated there, of preventing floods and of regulating the flow of water, building dikes, piers, and improvements of that kind, and various other things. It shows the great waterways of the country. It shows the great watershed known as the Mississippi Valley, which practically drains the entire country between the ranges of mountains. All of the tributaries of that great stream have their rise between the east and west mountain ranges, and from the Great Lakes down, east and west, the waters gather from almost every State and pour themselves into and down the Mississippi River into the Gulf.

It is proposed to enter into this work primarily to protect the lower Mississippi States from floods, to build dikes and things of that kind. You may build dikes as high as you please and as strong as the hills, and yet you can not prevent floods if you have more water coming into your river channel or bed than will flow through without piling up. There is only one way in which floods can be prevented, and that is by treating the trouble in the right kind of way. You can not cure floods by treating the symptoms; you have got to treat the causes of the trouble. You can not prevent floods by building dikes and building works of that kind. I think you have got to go to the headwaters of the streams, into the lakes, into the basins, the natural reservoirs, the reservoir regions, and build your dams there, and check the waters so that they may be held there in times of freshets, and released in the drier season, when they are needed.

I went into this matter a little at length the other day, but I think it is worth while to discuss it further, because it has a bearing on this whole matter. In the large rivers in the North, in Minnesota, in Wisconsin, and, as was shown here, in Maine, there are a great many lakes—thousands of them. These lakes are natural reservoirs and constitute the headwaters of all the streams that flow from the northern United States into the Mississippi Valley. These lakes have small outlets. I have in mind a lake in northern Wisconsin that is 7 miles long, 3 miles across, and has a depth in some places of 60 and 70 feet and even 100 feet. Its outlet, known as the upper branch of the Manitowish River, is narrow, probably not over 15 or 16 feet. A dam could be built across that outlet in such a way as to raise the waters several feet and impound those waters in this lake at a very little expense—a few hundred dollars. Now, what you could do to that lake you can do to every lake in northern Wis-

consin that has an outlet and whose waters finally find their way to the Mississippi River. You can do that in Minnesota. You can do it in the case of any lake within the Mississippi watershed that has an outlet and whose waters are tributary to the Mississippi River.

If you do that, what do you accomplish? In the first place, you increase the storage capacity of these lakes millions and billions of cubic feet. You take the waters and impound them and prevent them in time of high water from going down the Mississippi River to flood the southern part of the United States. You conserve the water fully for your use later on for water powers and for navigation just when needed, and you are regulating the stream flow in such a way that you prevent all the harm it can do and save all the good it can do with a minimum of expense. What causes a flood? A panic of waters, as it were? Too many people in a crowded theater madly trying to get out of a narrow door at one time jams the passageway, and too much water gathered together at a given outlet and piling up over the bed or the banks of the river or channel causes a jam of water—a flood. To impound the waters at their respective sources, to check them at intervals down the stream, to control them from source to mouth, to make every stream tributary to the main stream a part of one great system controlled by one centralized power, have continuous and permanent control and jurisdiction of the whole waterways system and thus provide for a steady and orderly exit of the waters through a proper channel, is the way and, in my opinion, the only way, to prevent and cure floods in the great Mississippi River.

The system must be so constructed and managed that when water is too plentiful it can be held back in reserve, thus permitting the ordinary run-off down the stream to operate the water wheels and to permit navigation and also thus preventing floods; and then when the water in the flood region begins to recede and goes down below the needs of navigation and below the needs of the water power above operated, then to permit the release of the waters, waters that would otherwise have gone over or through water-power dams and have been wasted and what would have come through by floods. By holding them you help the water power and you help navigation. Thus it would work nothing but good. There is nothing inconsistent or incompatible in purposes or in the arrangement with the construction of a system designed to prevent floods, to promote water-power operation, and to permit navigability, and to save water for irrigation. All these things can be harmoniously operated under the same system to the advantage of all and scarcely to the disadvantage of any.

I am only making this statement to show the angle from which I think this matter of water-power development ought to be approached, not as the end in itself, but as the means to an end, because when you impound the waters in these navigable reservoirs and go down below the stream and erect dams for further storage reservoirs along the navigable line of the stream, you increase the poundage of the water, so that you add to the efficiency and capacity of your headwater reservoirs, and every dam that you put in as a potential water power.

This can only be done efficiently and wisely by looking at it from the standpoint of the whole country. I, for one, believe that the paramount jurisdiction over the improvement of navigation and over the development of water power should be in the hands of the United States Government, and that every bill pertaining to water-power development, pertaining to irrigation, pertaining to navigation, should be a link in the chain of development that sooner or later must come if we are going to capitalize and make our great water power an asset and an instrument of good and advantage to the whole country. Any water-power bill that checks, hinders, interferes, obstructs, or is out of harmony with this scheme, in my judgment, is a bill that should be defeated.

Every dam that is put in and turned over to private individuals purely for private property is something that does not fit in and is out of order with the system that sooner or later this country will have to construct, devise, and will have to build and maintain. I claim that the committee bill is entirely incompatible in its provisions for any such control or management as outlined above, and contend, on the other hand, that the substitute I offer is in entire harmony with such a system.

Instead of taking these up section by section I desire to point out the differences in the two bills and endeavor to show the advantages of this substitute amendment and what I consider the dangerous features of the bill proposed by the committee.

The bill proposed by the committee, in my judgment, is a bill that has for its purpose primarily the promotion of water-power development, with practically no provision of an adequate nature for preserving the public rights or the Government rights in

these waters. I think it was framed upon the plan and upon the theory that the people have little, if any, interest in navigable streams except their navigability and that the water powers incident to their improvement should be given to whomsoever we may choose to favor for as much as they can get out or make out of them and that the future will take care of itself, as far as the people's interest therein is concerned.

This substitute amendment is drawn with a theory of preserving the right of the Government and the people of the United States as the primary consideration and keep, in so far as possible, the control of such powers in the Government and States and upon such advantageous terms to the public as may reasonably insure the timely development of such power. We attempt to control the rates, the service, the business, and eventually the power itself. In other words, we do not think that time is the essence in this matter. We think the value of this resource is the thing of essence in the matter; that it would be better to develop these water powers even slowly than that every interest that the public has therein shall be preserved. We believe that this tremendous system of waterways should be conserved, this tremendous force that is just about getting on its feet, the hydroelectric power, a power which is most assuredly going to revolutionize the industries and business and commerce of this country, which is the very juice, the essence, from which industrial development must spring and must receive its activity, which is the heart of the whole industrial and economic system of this country, and which is going to send out its energies into every field of business activity and endeavor. This energy, this essence, that is soon going to move every wheel of industrial and economic progress in this country and propel every conveyance, both on land and sea. We have this power within our very grasp, within our control, and the question is, What are we going to do with it? Are we going to delegate this thing of great value to men to use primarily for their own business and let the public get whatever incidental benefits may flow from it, or are we going to insist that that thing of value shall never slip out of our fingers, but shall be kept within our grasp, within our control, so that if we make any mistakes in the details of this delegation of power it will be only temporary and we still retain the power to remedy it in time?

There is another feature to this. Have we any right, as trustees of the people of the United States to tie up these resources forever? Have we any right to surrender powers that we have, powers that have been delegated to us as the representatives of the people of this country, so that they will be beyond the reach of posterity? In other words, have we the right to legislate for all eternity or should we legislate in such a manner that some time in the future the representatives of the people may be able to legislate in the light of those times and their then necessities?

Now, I wish to take up some of the details of this substitute bill in their order. I may say that the substitute provides that licenses may be issued to public utilities. The committee bill, by adding the word "individuals," permits the development of these water powers by individuals, political subdivisions of States, municipal corporations, and corporations, companies, and associations—that is, for private purposes.

But for public-utility purposes the following applies:

*Provided*, That when the power to be developed by the project and improvement of the stream for navigation is used or to be used for a public utility purpose or purposes the grantee must be a municipal corporation, or a political subdivision, or other agencies of a State, or a public-service agent of a State, or a public-utility corporation created and organized under the laws of a State or the United States.

So you see the committee bill allows the development and divides those who are permitted to make the development into two classes—first, for private use; secondly, for public-utility purposes.

A great deal of the discussion here on the part of the friends of the bill has been on the line that they have adequately taken care of the public by regulating rates. Under this bill, however, there is nothing to prevent every water power in the United States from getting into the hands of individuals or corporations for private use and private profit. There is nothing in the bill that would prevent an individual from engaging in any business he desires and from receiving a license under this act for the whole term of 50 years and longer or until his license is revoked by conditions that I think are impossible or almost impossible of meeting. He has gotten this privilege and you can not get it away from him, and you can not regulate his rates, you can not regulate the product, you can not regulate him at all. You turn over to him a weapon with which he can kill every competitor he has without making any return at all to the people who gave him the weapon.

How are you going to regulate a man who goes into the business of manufacturing nitrates or explosives or boots and shoes

or paper or anything else? If he wants to go into it, or if he gets into one business, what is going to prevent him from going into another business under this proposed act? Nothing. As to individuals he has just the same right to this license as anybody else, and he can go into any business, as I said, that he wants to; he can use his power for any purpose that he wants; he can go into one business and then can stop that and go into another business; and unless he goes into the public-utility business—and there is no guaranty that he shall; there is no request or requirement that he shall—you have as to him and as to every such development absolutely put the enterprise entirely out of your control and in the hands of one to be used by him purely for private purposes and profit. You can not even regulate the price of his product. I say, you have given him a weapon by which he can absolutely put his competitor who does not enjoy those privileges out of business. You have helped one man and have injured another, and the one you have helped at the expense of his competitor gives nothing by way of compensation for your help.

If you hook them up, enough of them under one head—and I will come to that a little later—if you get enough of these manufacturers together to hook up their powers, there is nothing by which you can control their joint product. There is nothing by which you can hold them from fixing their price for their own products and of absolutely ruling the market; not to the advantage of the people, because they can drive their competitors out of business, and they can fix a price for that product such as they see fit, subject, of course, only to the antitrust laws.

The second class is that of public utilities, and the bill describes those to whom these rights are given. The chairman of the committee and other Senators who have spoken on this matter said the municipalities have a preference. I want to point out that in the substitute which I have proposed the municipalities do have a preference. They are given a preference in so many words. The State is given a preference in the water power if they wish to develop it, and a municipality is given a preference if the development is under the State. But under the committee bill a municipality has no preference. A private utility has the same preference as a municipality has, no more and no less. So I do not think a municipality has a preference under the bill proposed by the committee. As I said before, they are given no preference but are put on the same plane as utilities.

The bill I have proposed also makes the distinction in regard to the size of the development. All dams whose capacity shall be less than 1,000 horsepower shall be developed under State regulation, and subject, of course, to such regulations as the United States shall provide. That provision is put in for the reason that smaller developments should be made and the steps for making the smaller developments should be made easy. If a person desires to develop 500 horsepower he should not be compelled to come down here to Washington to get a permit, but should be able to go to some State agency and get it.

That is the first distinction, in that respect, between the bill proposed by the committee and the substitute, because the committee bill gives Congress every license for a water power, no matter how small it may be, to go to Washington to get it.

Now, I want to talk about the difference in certain essential features of this bill. Among the essential features, I place the period in which it is going to run, the question of compensation, the recapture clause, and some other features of the bill.

Before going any further I want to state another provision in the substitute that does not appear in the committee bill. It is a provision by which any developer or any licensee under the act makes a contract with the United States that he accepts his license with the conditions attached. In other words, the basis for the license is a contract, and the whole transaction is a contractual one. This is important because it eliminates some of the arguments made by the friends of the bill.

It is my contention that the right of the United States to impose certain conditions is based, first, on a contractual right, the United States having the right to prohibit the building of dams across navigable streams, and having a right to prohibit it entirely has a right to permit it under such conditions as it sees fit to impose. If it has the right to prohibit it entirely certainly it can permit it under certain conditions which it lays down. When anyone comes to the Government and wants a license to build a dam across a navigable stream he recognizes the right of the United States, in the first place, to prohibit him from building that dam without permission, and, in the second place, he recognizes that it may lay down certain conditions upon which he may receive this right. He comes, furthermore, asking for a certain privilege,

which the United States can give to any one of a number of citizens but as a matter of fact can not give to all.

Now, you have a certain water-power site that is particularly adapted to this business; but, as a matter of fact, every riparian owner has a potential water power of some kind. It is only a question as to whether it is a good one. One riparian owner has just as much right to build a dam across his land, or where he owns both shores across the stream, as any other riparian owner has, but none of them can exercise it without authority from the Government; and only one of them can exercise it, if you are going to accomplish anything, because, necessarily, when you give a permit to one in order to store up water to create a reservoir for running his water-power plant, necessarily he has got to overflow the land of others and take away their flow and their right. Of course he has got to pay them for their land what it is worth, but he gets the water-power privilege, and he gets it in derogation of every other riparian owner's right to some privilege who lives upon that stream and is affected by the flowage. So he is asking for something that he does not want his neighbor to get and which his neighbor can not get if he gets it. When the Government gives him that privilege it gives him the right of eminent domain to take and seize his neighbor's land and to convert it to his own use. It gives him the right to harness the river. It gives him a right to create a dangerous situation, dangerous to life and property. It gives him other rights that the ordinary citizen does not enjoy. So the right also depends somewhat upon that.

The right of the United States to legislate on this subject and to provide conditions rests upon these several things, but primarily it rests on the constitutional right under the commerce clause which gives it the right to prohibit or permit under conditions to be agreed upon. It is not a question then of justice in the matter of giving anybody a privilege of this kind. It is not a matter of just how many years you ought to let him have it. It is not a question of just how much you ought to pay him for it when he gives it back. It is a question of policy, pure and simple, how we are going to let him use this power, this right, that belongs to all of the people primarily, but which all can not enjoy personally. So we must delegate the right to some or else in order to induce other people to come in we must make it worth while for them to come in and develop these resources for us. We can do it ourselves as a Government or we can delegate it to a governmental agency.

Then the question is, What terms are you going to put into this bill? Such terms as we can agree on. Of course if these terms are made so harsh that no one will accept them, you are doing nobody an injustice except the Government itself, because you can not get anyone to do the work and it seems that public sentiment will not yet permit the Government to engage in the work.

If, on the other hand, you make terms that are compatible with the public interest and which will induce men to come in and make these improvements, everybody is happy and the water power is turned to some good use, helping the public on the one hand and pouring profit into the pockets of the others who operate it.

So, I say, it is a question of terms and not a question of confiscation of property after the 50-year limit. This talk of unfairness, this talk of equity, in my judgment, does not belong to the discussion, but it is a question pure and simple of what you will give, and how much you will take for what you will give.

Now, passing on to these terms, the angle I desire to discuss it from is the question of policy. It is a question of the policy that we are going to adopt, and that is the thing to be considered in the bill. Whatever is the best policy for the people of this country as a whole is the policy that I think we ought to adopt. I do not think a great governmental policy should be based upon a primary consideration of profit to individuals. It should be a question pure and simple of benefits bestowed upon the people at large through a national or governmental agency.

Now, as to the terms. The committee bill provides that unless revoked for cause, as provided in a certain section, these rights shall continue for a period of 50 years, and after the expiration of the term such rights shall continue until revoked, as provided in the bill.

The amendment I have proposed provides a term of 30 years, with two additional terms of 10 years each, at the option of the licensee, the two 10-year periods to be upon such terms not incompatible with the bill or repugnant to the terms of the bill, as may be prescribed by the commission.

In connection with that, I want to call the attention of the Senate to the proposition that while each measure provides that there may be a renewal after the 50-year period, under

the committee bill it continues right along until certain conditions have been complied with. In other words, there is no interruption of the term at all, and they do not have to come to the United States to renew their license.

It is up to the United States to come in and interfere with or interrupt the running of their license. It is true that there are certain conditions provided in this committee bill under which the United States can recapture the property; but, as I shall try to show a little further on, those conditions are of such a nature that it does not seem reasonable, and it is scarcely possible, that the United States shall ever avail itself of a privilege which in effect is no privilege at all. As was argued by the Senator from Montana [Mr. WALSH], why put anything in a bill which purports to give a privilege but which is a privilege of which the United States may avail itself without such provisions in the bill?

In the recapture clause in this bill you provide for the payment of such a sum of money, or, rather, as a basis for the payment of money, that is exactly identical with values fixed by the courts in condemnation proceedings. If that is all there is to it, why burden this bill with such a provision? Why not let it run right along; and if the United States ever wants to get it let them go in and take it and pay just compensation under condemnation proceedings? You are adding nothing to this bill by putting in such a provision as that.

There is another distinction between a provision that continues until it is revoked and one that revokes it absolutely. What is the difference? It is a difference between being in and being out. It is the difference expressed in that old saying that possession is nine points in law. As to the corporation, if the future may be judged by the past, when it requires some affirmative action on the part of the Government to do something, and somebody has got a privilege that is continuous unless it is stopped, every effort will be made to stop the action, to prevent any interruption; and instead of their coming here and asking us or asking our successors here to give them a license, they will have the Government trying to treat with them, trying to regulate them, but unable or impotent to do so; in other words, they have what amounts to a perpetual license, subject only to the condition that the United States do something that it probably will never do.

Mr. REED. And something that it can do without the provision.

Mr. HUSTING. And something it can do without coming and asking for it in this bill.

Now, I desire to discuss the reversion clause or the recapture clause. In the reversion or recapture clause the so-called Shields bill provides that the fair value of said property shall be paid—I will read the part that I wish to call attention to:

That at any time after the expiration of said 50 years the United States may terminate the rights hereunder granted upon giving the grantee—

A certain notice—

and upon the taking over by the United States of all the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted, which are necessary and appurtenant, or acquired and valuable or serviceable in the distribution of water, or in the generation, transmission, and distribution of power, and upon paying to the grantee the fair value of said property, together with the cost to the grantee of the lock or locks, or other aids to navigation, and all other capital expenditures, required by the United States, and assuming all contracts entered into by the grantee which have the approval of the duly constituted public authority having jurisdiction thereof, or which were entered into in good faith and at a reasonable rate, in view of all the circumstances existing at the time such contracts were made.

Then it goes on and provides that "the fair value of the property and reasonableness and good faith \* \* \* shall be determined by agreement," if not by the courts.

And here is an amendment to the bill which perhaps some of the Senators have not read:

When the permit expires by limitation, or is terminated under the provisions of this act, the United States may take over, acquire, occupy, and use all the property of the grantee herein described, and upon the terms herein provided, for such purposes as may be authorized by then existing laws; or the Secretary of War may grant a permit to any person or persons defined in sections 1 and 10 of this act, upon the same terms and with the same restrictions and preferences provided in this act, and as may be authorized or required by the existing laws, who shall take over the property of the original permittee upon the payment of its fair value in all things as the United States is authorized and required to do; or the Secretary of War may renew the permit to the original permittee upon the same terms and with the same restrictions and preferences and as may be authorized and required by then existing laws.

Mr. President, this amendment gives the United States three options: First, either to take over all the plant or any part thereof affected by this franchise and to pay a fair price for all the property that it takes. What has the United States got to take? As I understand it—and if I am wrong I should

like to have some one correct me—it means all the property, not only the power sites, the dam, and the machinery for the generation of electricity, but it means the entire transmission plant wherever it may go. If we can foresee something that is going to happen, and there is a pretty good indication on that diagram as to what is going to happen in the way of interlocking directorates and the combination of these plants, it is not unreasonable to suppose that in a few years from now one concern, or at most a few, will have transmission lines running all over the State, and for that matter running all over the United States, and it is not unreasonable to presume that they will run along certain valleys in certain regions, and that the transmission lines will grow into great systems like our telephone lines and our telegraph lines. If the United States ever wants to get back or to recapture one water power, if any municipality wants to acquire one water power, or if any State wants to acquire one water power, what has it got to do? It has got to buy out the whole business; it has got to take over the entire transmission lines. Who is going to do it? Is it reasonable to suppose that the United States will do it? In other words, to get hold of the thing that of itself was only a unit, by the operation of assignment and otherwise, in the course of 50 years it becomes only one little speck in a great system of transmission lines, and so involved and tied up that you can not take the one unit without taking the whole system. I submit that that is not a fair proposition to the people; and, as I said before, we could do that without having such a provision in the bill. If we ever want to go into the transportation business or if we ever want to go into the electric-lighting business or the electric-heating business, we can do so anyway without availing ourselves of any rights given in the pending bill.

But if we want to take over a water-power plant we should be able to do so, and the proper kind of bill would give us the right to do so without compelling us to take over a whole light, power, and heating system with transmission lines annexed. So I say that the provisions of the bill concerning the taking over of the property do not mean anything; they do not add anything to our rights; they only appear to concede something which upon reflection we know we have without such alleged concession. Not only that, but you have got to assume the then existing contracts; you have got to pay them a fair value for all the property they have, and you will have to pay consequential damages for loss of profits and whatever else the courts may hold is within the definition of the term "fair value."

While I am on that subject I want to say another thing. Not only have you got to buy up all of their transmission lines, their power sites, and their dam sites, but, as pointed out by the Senator from Montana, you have got to pay them for the unearned increment. As the Senator from Montana also pointed out a little while ago the States will probably give rights of way to transmission lines across public lands without cost, and if you want to get them back 50 years from now the people of the United States will have to pay the then full value of that property which they got for nothing. In other words the people will have to pay for property which they gave to these transmission lines plus the unearned increment.

I want to say that the substitute I offer proposes that before the issuing of a license the lands shall be valued by the commission at the price paid for them, if it is a bona fide price. The commission is composed of the Secretary of War, the Secretary of Agriculture, and the Secretary of the Interior.

The substitute provides that before receiving a license the applicant must show what he paid for the land. He must also file his plans and specifications before receiving a license. The value is fixed by the commission at that time. The applicant must also file his plans and specifications for the power plant and things of that kind, so that the commission will be fully advised of the amount of money that has been put into the investment. Then at the expiration of 50 years the license comes to an end. If the United States want to, it can take it over by paying the cost of the land as fixed by the commission, and the improvements shall be fixed at their valuation, taking into consideration their deterioration at the end of the 50-year period.

So under the amendment which I propose the so-called recapture clause means that the United States shall take that property without the unearned increment, without the raw water-power right, and shall pay for the improvements what they are worth.

The owners will be paid under their contract what they paid for their lands and what their improvements are worth; and the profits which they have enjoyed for the period of 50 years will be their recompense.

Now, there is another thing in the Shields bill I want to call your attention to. Suppose the United States does not choose—and it probably will not choose—to exercise its option; what are the alternatives? Let me read:

Or the Secretary of War may grant a permit to any person or persons defined in sections 1 and 10 of this act upon the same terms and with the same restrictions and preferences provided in this act and as may be authorized or required by the existing laws who shall take over the property of the original permittee upon the payment of its fair value in all things as the United States is authorized and required to do.

What does that mean? If we do not take it over ourselves, then the Secretary of War—

May grant a permit to any person or persons, defined in sections 1 and 10 of this act, upon the same terms and with the same restrictions.

If I understand that correctly, it means upon the same terms as in the original lease, and not upon new terms that may be then proposed. In connection with that, you will find that section 13 of the Shields bill provides:

Sec. 13. That the right to alter, amend, or repeal this act is hereby expressly reserved; *Provided*, That in case any grantee hereunder shall, at the time of such alteration, amendment, or repeal, have exercised rights in accordance with this act, such rights and the property used thereunder shall be deemed property rights of such grantee, of which such grantee shall not be deprived by such alteration, amendment, or repeal, except upon the conditions provided in case of termination by section 6 of this act.

I read that in connection with this proposition because, as I construe the two together, the meaning is that if we do not take the plant over ourselves, then the Secretary of War may lease it to somebody else upon the same terms as those contained in the original lease. While the words are added "and as may be authorized or required by the existing laws," the meaning is that the rights which become vested under the original contract can not be altered or repealed or amended. Therefore, as I understand it and read it, the old lease is perpetuated, so that if the United States does not take over the plant the development will have to run along on the same terms on which the original lease was granted, and the property rights of the grantee can not be interfered with.

The next alternative is that—

The Secretary of War may renew the permit to the original permittee upon the same terms and with the same restrictions and preferences as may be authorized and required by then existing laws.

That in effect merely makes conditions under which the United States will never take it over, or, if it does take it over, will give it to somebody else under the same old terms or give it to the permittee under the same old terms, but interfering with no vested right in the license. Somebody else may be allowed to come in under the original terms of the lease so far as property rights are concerned, but if the plant is taken away from the original permittee there will have to be paid all the consequential damages and all that comes within the definition and meaning of "fair compensation." So, I say that in effect a license under this bill means a perpetual license, or even in the event it is recaptured at all, it will have to be recaptured under such terms that the initial permittee will have to be not only compensated for his property, but will have to be compensated for it upon a basis of a perpetual right to use the water, and the people will eventually have to pay for such prices in the rates charged by the last licensee.

The amendment which I propose as a substitute for this bill provides that the Government may at the expiration of the lease take over the plant by paying for the land what it was valued at in the beginning, and by paying for the improvements what they are worth at the time of the taking, and if the United States does not desire to take it over, it can renew the permit to the same licensee or to a new one upon such terms and conditions as it may then think proper. So that there is a finality to this 50-year proposition; the United States is put in control, and the United States is kept in control of the property, and when it renews or issues a new license it is free from so-called equitable claims and can control on a new and free basis.

Now we come to the rental charge. There has been a great deal of discussion here to the effect that the Government has no right to charge a rental, and one of the most persistent arguments against any other kind of bill than the committee bill is that capital will not invest; that capital will not enter into these enterprises. That, if true, would be bad; but how do we know whether or not capital will go into a proposition of this kind. We can not take the word of capital for it. We can only know by observing what other countries are doing, under what terms these concessions are granted in other countries, or by considering the reasonableness of the terms we make. If all legislation is going to be defeated upon this subject merely because somebody comes in and says, "If you put

those conditions in we will not develop the water power; we will not do this and we will not do that," then, of course, we might just as well quit, because some people will never fail to say that; they never have yet; and it does not make any difference what you do or what reasonable terms or conditions you put into a license of this kind, unless it is written just exactly as they dictate it they will say that capital will not come in. Now, we are not bound to believe that statement. Surely we must assume that reasonable men will accept reasonable conditions.

At the present time the United States has a monopoly of water-power control and can exercise that right. I say that it is a fair criterion as to the value of the argument to ascertain what other Governments are doing in this respect. The Senator from Nebraska [Mr. NORRIS] went into that somewhat the other day; but I wish to go into it perhaps a little more fully than he did, and may travel over some of the same ground. Take Switzerland, for instance. Switzerland charges a compensation; Switzerland does not give her water powers away without requiring something in return.

Federal legislation will make regulations dealing with the disposal and character of water-right concessions, as well as with the transmission and delivery of electrical energy, so far as the protection of public interests and the proper development of these resources require such legislation.

Wherever Federal legislation does not regulate the terms of the water-right concessions the disposal of these concessions, as well as the fixation and collection of charges and imposts for their use, are under the jurisdiction of the Cantons. This regulation by the Cantons must not seriously embarrass the development of the water powers.

I will show what the French do in this regard. I am going to quote from these pages so that anyone who is sufficiently interested can look the matter up. I am reading from hearings before the Committee on Public Lands, 1914, on water-power bill, House bill 14893, where in an appendix the facts and figures are given.

The French charge a rental, fix a term or period, and provide for recapture.

ART. 3. Authorized power plants shall be governed by laws and regulations now in force. All authorizations are subject to cancellation, and they shall not in any case be granted for a period longer than 50 years. At the expiration of that period the grantee shall, if the authorization is not renewed, restore the premises to the condition previously existing or deliver the power plant to the nation without indemnity therefor, as the nation shall elect.

ART. 4. In the case of power plants now in existence the 50-year period fixed by the preceding article shall begin from the time of the passage of this act.

ART. 11. At the expiration of any concession for a power plant the nation shall immediately take possession of the plant and appurtenances constituting a part of the public domain, as defined in the preceding article, without liability for indemnity.

ART. 15. The rental accruing to the nation from authorized power plants or those under concession shall conform to article 44 of the law of April 8, 1898, and to regulations made or to be made in execution of that law. By such regulations shall be fixed the special conditions governing rentals applicable to plants established on the canals of the public domain.

Norway imposes similar terms, provides for the payment of a certain amount per horsepower, fixes the term of years, and provides for a recapture at the end of the period.

10. The concessions are granted for the following terms: For at least 60 years and not to exceed 80. The time is reckoned from the publication of the announcement of the concession. Where the concession has expired the waterfalls with improvements and works revert to the Government. Likewise it is agreed that the power station with all the machinery reverts to the Government. That which does not go to the State can be bought at its appraised value, or ordered to be removed within a certain time by the department.

4. By the concession there can be assessed a yearly tax of 1.25 crowns for every horsepower over 500 horsepower. Such a tax can not be collected where the power is obtained from a waterfall as described in paragraph 2. The tax has to be paid at the end of the calendar year. If it is not paid when due, that is added interest at the rate of 5 per cent per annum recovered by an execution, and in case of bankruptcy it has the right of preference like taxes.

I want to say that in almost every one of these instances at the end of the period the plants revert absolutely to the Crown—to the Government. There is a certain permission given to certain officers to reimburse the owners when the plants are taken over, but it is not a vested right; it is a matter of choice on the part of the Government.

There has been a great deal said here about it being unjust and unfair to make these men lose anything by way of prospective profits, or by depriving them of the unearned increment, or in some way imposing unjust and harsh conditions, and yet in all these countries, or in almost every one of them, it is provided that when the period is over the plant, with the exception of certain machinery, shall become the property of the Crown, the property of the Government, without compensation, or such compensation, if any, as the Government feels like paying.

These countries are laying the foundation for a real Government ownership. They make long-term leases, and their proposition is substantially like this: "We will put you in control of these concessions; we will let you operate them for 50 years, or other terms, under certain restrictions; you have got to serve the public upon such and such terms; and when you get through with it the property belongs to us." Of course that enables the concessionaires to amortize their plant, but I presume the Government takes it upon that theory, in the first place, because they have a contractual right to do so, and, secondly, because, if the sinking fund is large enough, and they are permitted to make it large enough, to pay for the replacement of the plant, when the public has once paid for it why should it pay for it over again? Why should it pay for it twice? In other words, under a limited period license there is no doubt that every licensee under this bill will amortize his plant; that he will add to the overhead expenses a sufficient amount which, placed at interest, will pay for his plant when his privilege expires, and he will take his profits on that amount over and above what the ordinary cost and running expenses of his business would be.

The courts will allow that and the States will allow it, and he will charge the public accordingly; so that at the end of 50 years he will have taken out of the public, over and above his actual running and necessary expenses, a sum sufficient to pay for the plant. After the public have paid for it, why should it not belong to the public? In the bill which we are discussing at the present time, if I dared, I would have liked to put in a provision which would have provided for that very thing, something similar to the amendment suggested by the Senator from Iowa. There is no sense in making the public pay twice for the same thing.

While I am on that subject I want to refer to something else which the public will be paying on under this bill. They will be paying a return on the investment under the Shields bill, not only on the money put into the plant but on the value of the plant, upon the unearned increment as it goes along; so that the public will pay interest on the speculative value and will be obliged at last to pay the speculative value besides, and, in addition to that, the sinking or amortization fund that will be taken out of the public over and above ordinary running expenses.

I say that foreign Governments do these things differently than is here proposed. Is not capital just as timid over there as it is here? Is it not more timid? Is it not getting to be more timid over there? And yet no one raises the question that they are not getting all the development they want under the terms imposed by them.

Norway has taken the lead in this thing and her legislation pertains to the same thing there that it does here—navigable streams where the banks have passed into private ownership, and they insist that at the end of a certain period of time the properties shall revert and become the property of the Government upon such terms as they may see fit to make.

But there are some instances that are closer home than that. Not long ago the Senator from Alabama, Mr. BANKHEAD, made the statement that certain men down in his State, because of the harsh terms imposed by our Federal law, refused to develop there and went over into Canada and developed powers there. I assumed from what the Senator said that the Canadian law must be much milder there than it is in our country in order to lure American capitalists over there. I looked it up. I have some Canadian laws here. I do not know the name of the company that the Senator from Alabama claimed went over to Canada, but I presume it was one of these that I am about to refer to. But even if it is not, nevertheless the terms of its lease must have been similar if not identical.

Here is what the Ontario water-power law says. Let us see whether or not our water-power law as the Senator from Alabama says compares with the Canadian law in severity. Here is the Canadian law:

No such lease shall be granted for a longer term than 20 years, but the lessee shall have the right of renewal of such lease for two further and successive terms of 10 years each, upon such terms and conditions as may be agreed upon or may be fixed by the minister.

Here is the expiry provision:

At the expiration or sooner determination of the lease the water-power privilege shall revert to and become the property of the Crown as fully as if no such lease had been granted, together with all dams, weirs, tunnels, races, flumes, etc.; but the lessee shall be allowed a reasonable time, to be fixed by the minister, to remove all machinery, etc., failing which removal such machinery shall become the property of the Crown: *Provided*, That where any such buildings or structures are of a permanent character and necessary or useful for the proper development or utilization of the water-power privilege the lieutenant governor and council may, upon a report in that behalf by the state hydroelectric-power commission, pay the lessee, by way of compensation

therefor and purchase thereof, such sum or sums as he may deem proper upon the same being appropriated by the council.

The lessee is to be paid such sums as Canada may see fit to give. The amount to be paid by way of compensation is fixed by the minister and council.

I have some further instances that I should like to read, but I will only refer to one other, which is the power plant of the Ontario Power Co. It is very similar in terms to the lease of the Toronto Power Co. I presume that perhaps this is one of the companies referred to by the Senator from Alabama, who said that the people did not like the terms of our Federal law, so they went to Canada. Here are the terms of the license under which they take. This is a special grant:

The license is granted for the term of 50 years, commencing April 1, 1900. The company has the option of three renewal periods of 20 years each, bringing the total period under option to 110 years. It then has the further right to continue to operate for a further term, making in all 130 years. The company is to pay a clear yearly rental of \$30,000, payable half yearly. In addition, for each electrical horsepower generated and used or disposed of over 20,000 and up to 30,000, \$1 per annum; over 30,000 and up to 40,000, 75 cents per annum; and over 40,000, 50 cents per annum.

So the minimum is 50 cents and the maximum \$1.

Here is the Canadian Niagara Power Co. They have a similar agreement, where the maximum is \$1 per horsepower and the minimum is 50 cents per horsepower. I could go on and cite a great many more similar cases, but these will serve for the purpose of illustration, and show that Canada is receiving now \$1 per horsepower per annum in addition to a flat sum mentioned here of \$30,000. And yet the Senator complains of our harsh law and also tells us that we will frighten capital away.

I know of one instance—I forget just which one it is, but one instance, at least—where the incorporators were nearly all American capitalists. They went right over into Canada, bound themselves by the terms laid down by the Canadian law, and were glad to get the power and pay the price. I have similar instances, but it would take me too long to read all of them. I have the laws of British Columbia and New Brunswick and other Canadian Provinces, and I have the laws of other countries, but they are all along the same line.

For example, the general Canadian land act which is in force in Manitoba, Saskatchewan, Alberta, Yukon, the Mackenzie country, and the Peace River district in British Columbia.

(a) The term of the license shall be 21 years, renewable for three further consecutive terms of 21 years each, at a fixed fee payable annually, and to be readjusted at the beginning of each term, as hereinafter provided.

(b) At the expiry of each term of 21 years the governor in council may, on the recommendation of the minister, order and direct that the license and any lease granted in connection therewith be canceled: *Provided*, That the minister shall have given at least one year's notice to the licensee of intention so to cancel.

(c) If the licensee shall refuse to pay the license fee as readjusted by the governor in council, or as fixed by the arbitrators chosen as provided in paragraph (e) hereunder, then in such case the minister may renew the license at the former fee, or the governor in council may, on the recommendation of the minister, order and direct that the license and any lease issued in connection therewith be canceled.

(d) In either of the above cases, compensation shall be paid to the licensee as provided for in paragraph (e) under.

(e) On termination of the third renewal of such license, except in case of default on the part of the licensee in observance of any of the conditions thereof, or of any lease granted in connection therewith, compensation shall be paid for the works to the amount fixed by arbitration, one arbitrator to be appointed by the governor in council, the second by the licensee, and the third by the two so appointed; if the licensee fails to appoint an arbitrator within 10 days after being notified by the minister to make such appointment, or if the two arbitrators appointed by the governor in council and the licensee fail to agree upon a third arbitrator within 10 days after their appointment or within such further period as may be fixed by the minister in either such cases such arbitrator or third arbitrator, as the case may be, shall be appointed by the judge of the exchequer court of Canada. In fixing the amount of compensation, only the value of the actual and tangible works and of any lands held in fee in connection therewith shall be considered, and not the value of the rights and privileges granted, or the revenues, profits, or dividends, being or likely to be derived therefrom.

(k) That a schedule of rates and prices to be charged to the public for the use of power shall first be submitted by the licensee to the Board of Railway Commissioners of Canada for adjustment and approval before being put into effect, and that no rates or prices for power shall be legal or enforceable until such schedule has been so adjusted and approved, nor if they shall exceed the amount fixed by such schedule; and that such schedule shall be readjusted and approved by the board every seven years during the term of the lease and license, and all renewals thereof.

These Canadian laws provide a certain limited period; they provide for compensation, and they provide for recapture, by which the property eventually goes into the possession of the Government giving the lease.

As another instance to show what our capitalists might be willing to do, I understand that in the case of the Connecticut River bill, which was before this body a year or two ago, I think it was Stone & Webster who asked for the permit. They were willing to pay, as I understand, a certain sum of money

every year, and they came here to the Congress of the United States, asking to pay the price named in that bill, and get the privilege. I am sorry I have not that bill here, but the older Senators will no doubt have it in mind. It was stated upon this floor that it was killed because it established a bad precedent. A bad precedent for what? Why, a bad precedent because the United States was to be paid some money for a rare and valuable privilege granted them. Because somebody had to pay part of the expense of running this Government for a valuable concession that was being made, it was considered a bad precedent, and the bill was defeated here upon this floor. I mention it only for the purpose of showing that the capitalists are ready to come in and pay the price. They only want to be given permission to do so.

That does not bear out the "timid capital" argument. It proves to my mind that it is not capital that is timid in this matter. It seems to me that the Congress of the United States is timid and afraid to make some of the men who receive these valuable privileges pay something into the United States Treasury to help run the Government.

In Canada they have used the moneys that they have been getting out of these concessions for public improvements and have built the fine roads through Victoria Park. In a visit there I was informed—and while it was only hearsay, yet I do not doubt the truth of it—that out of the moneys and rentals that Canada is getting from its water powers near the Falls it has beautified that park and made the roads and all the improvements in that park.

It is not a sordid proposition to demand a money consideration in payment for a valuable franchise. It costs money to run a government, and somebody has got to pay it. Nobody donates anything, and hence we must ask our citizens to contribute their just share. It is inevitable that if we do not get it in one way we must raise it in another way. Indeed, we have got to go to every man every year by way of a tariff tax, in fact every day, and tell him: "We have got to separate you from a part of your money to help run the Government." We have to go to the man with a little house and lot, and you hold him up, and he has to pay so much money a year—in the States, at least—for having a house. You go to the farmer, you go to the merchant, and you make him pay every year so much to help run the Government. Now, every dollar that you get from a concession of this kind would go to lower that man's taxes; it would go to lower somebody's taxes, because you have to raise the money in some way, and if you do not get it in that way you will have to get it in some other way.

Now, what is wrong about requiring a money payment in return for a license if the United States wants to create waterways, wants to go into this immense project that I spoke of at the beginning of my argument here? They could provide for a payment in the case of lost water-power development, and it would go to defray the cost of such improvement, and I believe, in the end, in that way you could raise enough money so that you would not have to cull upon the Congress of the United States for an appropriation, but I believe that the thing would pay for itself, if properly handled. The United States, in promoting irrigation and in promoting navigation and in the building of reservoirs, would not only prevent floods but by making proper contracts with the users of these resources we could exact enough profit out of the water power that would be developed on these streams to pay in a short time for the entire cost of the system.

Why not do that? Why not start such a fund? I have got it here in this substitute amendment. It provides for the payment of not less than 10 cents a horsepower; it is a nominal sum now, but at the end of 30 years it may be raised. Why not start in on a scheme by which the thing will pay for itself out of itself? If we ever want to create a waterway system here, I say that by the establishment of reservoirs and by building dams or permitting others to build dams across the streams for irrigation and water-power purposes, and exacting a charge for them, we will be able to get enough money out of it to pay for those improvements without its being necessary for the Congress of the United States to make an appropriation; and not only that but the very money that is put in will increase the value of the water powers themselves to the licensees, it will help the irrigation, and will stop the floods. I think that is justification, if any were needed, enough for imposing a license fee or charge, under the committee bill, if passed; and if it is not imposed now, it never will be, because these companies will be getting the power out of our control and getting it away from us, so that we can never get it back again.

As long as the United States keeps this matter within its control it will be in a position to use this great power for the benefit of the people. Why not keep the control? I have seen

farmers in my community come into the office and want to distribute their property to their children during their lifetime in trust so that the children would take care of them. I have seen some of them, against my own advice, do it, and I have seen them find that in their old age they had deprived themselves of everything that was worth anything to anybody; they lost the support as well as the affection of their children and went to the poorhouse; and I say the Government can make the same mistake. It can deprive itself of everything of value that it has to give, so that its favored citizens, having no further funds to furnish will lose their respect and the love for a country that has so little sense in taking care of itself. From every point of view, with due regard to all of its citizens' rights, in justice to all of our people, this country should not permit this last resource to get out of its hands; and it ought to keep in its hands the right to tax, the right to charge, and all these other rights that are vital and necessary for a complete and adequate control of this great power and its business.

There is another thing I desire to point out here, and that is section 10. If anything more were necessary to convince anyone that this bill ought to be defeated, I should say that this alone is enough. I invite the attention of Senators to this provision.

Section 10 says:

The Secretary of War may lease to any applicant having the capacity of grantee as herein defined, and having complied with the laws of the State in which a dam is constructed or to be constructed by the United States, the right to utilize the surplus water power over and above that required for navigation at any navigation dam now or hereafter constructed, either with or without contribution by the applicant, and owned by the United States, and on such terms as may be deemed by the Secretary of War for the best interests of the United States, and reasonable and fair to both parties, and in awarding such lease preference shall be given to a municipal corporation, a political subdivision of a State or a public-service agent of a State, or any part thereof.

A public-service agent is put on the same plane with States and municipalities all the way through this bill.

The section continues—

Provided the plans of the same are deemed by the Secretary of War to be adapted to conserve and utilize in the public interest the navigation and water resources of the region; and in contests between other applicants the Secretary of War shall likewise give preference to the applicant whose plans he finds and determines are best adapted to develop, conserve, and utilize in the public interest the navigation and water resources to be affected.

In the first place, they struck that provision out of the other parts of the bill, but they leave it in the bill in so far as it pertains to water powers owned by the United States. In other words, they are going to be more liberal with the applicant who wants to get the possession of the power of the United States than they would be in cases where there is private ownership of the shores. But here is an amendment which has been put onto this bill which, in my opinion, absolutely takes it out of our own hands and makes it just as impossible to get it back again as where the property is owned and developed by the licensee himself. This is the amendment:

The provisions of sections 3, 5, 6, 7, 8, 9, 11, 12, and 13 of this act shall, in so far as applicable in each case, apply to structures erected, maintained, or operated under and in pursuance of the provisions of this section.

That amendment, in effect and in terms, makes this whole law apply to power already owned by the United States, property built up by the United States, dams maintained and owned by the United States, as in other cases, and omits only two sections from that proviso—that is, the section in which it appears, and section 2, which provides for the building of dams, which, of course, is not necessary in this, because this applies to dams that are already built. Aside from that, all of this bill applies to dams and power owned and paid for by the United States.

What is it proposed to do? It is proposed that the United States shall go and build a dam and create a water power and then shall turn it over to a permittee, so that this permittee can take it over and hook it up with his own business as a transmittee of power, and at the end of 50 years we can not get our property back without buying all of his with it and paying him the same price for the property as though he were not using our property. If he owns the land and he builds the dam, in order to get his dam we have got to take all of his property with it. But when we build our dam and let him use this dam, and he hooks it up with his property, in order to get our property back we have got to do the same thing. We have got to take all of his property with it.

It simply means that we have got to go in there and spend the money of the United States for the improvement of navigation, and then we have got to make somebody a present of that property without any consideration at all; because it is no consideration, as I pointed out before, in my judgment, if it only

permits a recapture under conditions we are already subject to under general condemnation proceedings.

There is another thing. You may think, perhaps, that the thing is impossible, but I might relate a little thing that happened in Wisconsin a great many years ago, which, aside from this proposed bill, is the worst bargain that I ever heard that Uncle Sam made.

About 1852, or something like that, the United States turned over the Fox River into the hands of the State of Wisconsin, and gave it either 400,000 acres or 4,000,000 acres—I forget which. It was not any less than 400,000 acres, according to my recollection. The United States turned over the water-power rights in the Fox River of Wisconsin, which is one of the largest streams in that State, and provided that it should improve navigation and should erect and maintain locks, in consideration of which it should have this grant of land and should have all the water-power rights. The State of Wisconsin went in there and started to build some dams, but for some reason or other got tired of the bargain. Then the legislature gave birth to a corporation by the name of the Fox & Wisconsin River Improvement Co., to which they turned over the 400,000 acres of land and the improvements for what they cost and took back a mortgage for that amount.

In a comparatively short time the Fox & Wisconsin River Improvement Co. confessed its inability to carry out the proposed works, and the State had to foreclose its mortgage. It foreclosed the mortgage and sold it to three men well known in public life at that time—men from the East—and these three men, with others, incorporated the Green Bay & Mississippi Canal Co., and took over the 400,000 acres of land, took over the improvements, and paid a certain amount—I do not know just how much they paid, but a couple of hundred thousand dollars of something like that—assuming all the things that the State had to assume. Then, after they had done that, they came to Congress, and Congress passed an act which provided, in effect, that the United States might take over all of the improvements providing it paid the company for them. I am informed that in the meantime the 400,000 acres were parceled out among the stockholders of the company. Most of what I am relating can be found in the reports of the United States Supreme Court, perhaps in a little different terms, but in effect what I have said. Then Congress passed an act, as I say, by which the United States took over all of the improvements, which, of course, included the locks and dams and all these things that were necessary for the improvement of navigation, and all that the grantees reserved were the water-power rights! So to-day in Wisconsin the Green Bay & Mississippi Canal Co. draws all the income from the water-power rights. They have just got the intangible water-power revenues or rights. They get the revenues out of it, and the improvements belong to the United States; and the United States to-day is paying for the upkeep of that dam, paying the lockkeepers, paying for the locks, and everything else.

That, in short, is the history of what has been done in Wisconsin in at least one instance. So it is not a violent assumption to assume that others will do that if they get a chance; and I do not see but that they get the chance right here to do substantially the same thing; not only that, but there seems to me to be a standing invitation to come in and help themselves.

Of course the United States may make a charge to suit; the United States Government may make a charge, but—

The charges and rents arising from such lease or leases are hereby reserved and appropriated as a special fund in the Treasury to be expended for maintenance of said dams and the further improvement of waterways in which the same may be situated, under the direction of the Secretary of War.

So here we go in and spend a million or two millions of dollars for a dam. Under this bill we may charge rents and tolls, but these rents and tolls shall pay for the upkeep of our dam. What do they have to do except to draw the revenues from it under that act—to take the income and let the United States continue, as they are doing in the Fox River Valley, to pay for the improvement, pay for the lockkeepers, pay for the dredging, and pay for everything else?

Is that a just bargain? Where do we come in?

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. HUSTING. I do.

Mr. NORRIS. The effect of that section and that law, as I understand it, simply is that the charge that is made there must be used for the purpose of keeping up the property that the grantee uses.

Mr. HUSTING. Yes.

Mr. NORRIS. In other words, he pays a rental, but it is only for the purpose of keeping in repair the property of which he is getting the benefit.

Mr. HUSTING. Yes; the property that he is using—the property of the United States.

Mr. NORRIS. Yes.

Mr. HUSTING. In other words, the United States Government builds a dam for a million or two million dollars, or whatever it may cost. Some man comes in and wants a permit to use the water power created by that dam. Without any compensation whatever, except agreeing in effect to keep that dam in repair, he steps in there and gets this valuable concession.

Mr. NORRIS. The effect of it really is that he gets the dam for nothing, but for the use of it he keeps it in repair.

Mr. HUSTING. That is the effect of it. Not only that, but he gets a vested right in that dam, because at the end of 50 years, when he has this hooked up with his transmission lines and other dams that he owns, we can not pry it loose without taking over the whole business, the whole transmission lines, the whole works. He merges it into his property, and it becomes connected up so that the United States can not get its own property back from him without paying him for all these elements of value.

Mr. NORRIS. That is what I was going to suggest. At the end of the period the United States can not even get back its own property, that it built with its own money, without taking over his property.

Mr. HUSTING. That is my understanding. There is another thing on page 17 of the reprint, that preference shall be given—

Mr. WALSH. Mr. President, I really have not been a particularly pronounced champion of the bill, but in the absence of the Senator from Tennessee I do not like to have the comments now made pass as accepted at all by the Senate. I hope that no mistaken impression will arise about this matter. The section to which the Senator is addressing his remarks is section 10, and the concluding portion thereof reads as follows:

The charges and rents arising from such lease or leases are hereby reserved and appropriated as a special fund in the Treasury to be expended for the maintenance of said dams and the further improvement of waterways in which the same may be situated under the direction of the Secretary of War.

So the charges are by no means restricted to, nor are they applied exclusively to, the repair of the dams.

Furthermore, I should like to say to the Senator from Wisconsin, if there is any such provision that provision relates to a dam that is constructed exclusively by the United States, and they lease it to one who desires to operate it, and the Government gets it back on such terms as are prescribed in the lease. The provisions of section 6 have nothing at all to do with a plant such as is contemplated in section 10.

Mr. HUSTING. In the first place let me say that I am glad the Senator corrected me on that point. I meant to say for this improvement. Now, it is not only for the Government dam, but it includes also a further improvement of waterways in which the same, this dam, may be situated; in other words, for the benefit of that particular dam or other dams situated on the same stream. The United States might, I insist, go to this extent—

Mr. WALSH. That is not the language. It is not the dam of which I was speaking, but the waterways or the improvement of the waterways.

Mr. HUSTING. The improvement of the waterways in which the same—that is, the said dam—may be situated.

Mr. WALSH. That is to say, from a dam in the Mississippi River the money derived can be used in building levees down at New Orleans; it can be used for dredging purposes; it can be used in any way.

Mr. HUSTING. Well, whatever it may be used for, I merely wish to say that the argument will be made, and it will be made with force, that the money that is taken from the operator of any dam must be used in such a manner in the improvement of waterways as will improve his water power. In effect, it simply means that he is to get the use of the dam for little or nothing, and the little he pays shall go to the upkeep of the dam and for the improvement of his water power.

I further say, in reply to the statement of the Senator that section 6 has nothing to do with this, that I will refer him to the amendment I have just read:

The provisions of sections 3, 4, 5, 6, 7, 8, 9, 11, 12, and 13 of this act shall, in so far as applicable in each case, apply to structures erected, maintained, or operated under and in pursuance of the provisions of this section.

Mr. WALSH. Where is that?

Mr. HUSTING. It is in the reprint on page 15.

Mr. WALSH. Has such a provision as that been incorporated in the bill?

Mr. HUSTING. Yes, sir.

Mr. NORRIS. That is an amendment which was adopted since the bill was under consideration, an amendment offered by the committee.

Mr. WALSH. What does the Senator say?

Mr. NORRIS. I understand that is an amendment to the original bill put in by the committee.

Mr. WALSH. And it has been adopted?

Mr. NORRIS. Yes.

Mr. WALSH. I thought I had been paying a good deal of attention to the bill and I confess that it escaped my notice.

Mr. NORRIS. I do not mean that it was offered by anyone outside of the committee. I will ask the Senator from Wisconsin if I am mistaken. I should like to be corrected if I am.

Mr. HUSTING. I take this exactly from the original bill on file, but it is in the reprint.

Mr. SHAFROTH. What is the line on page 17?

Mr. HUSTING. From line 22, on page 17, to line 2, on page 18, inclusive. It is in the reprinted bill. Perhaps the Senator has not the reprint. It is there, and it says that it shall "apply to structures erected, maintained, or operated." It means simply that if you want to lease you have got to comply with section 6, and the measure of damages paid there must be paid back. I mean the same measure of damages applies to taking over on the cancellation of that lease as applies to any lease or license for a dam built by the parties, and let me again point out to you that all the other clauses of this bill applies to dams of the kind where applicable.

I want to point out another thing in that same section:

and in awarding such lease preference shall be given to a municipal corporation, a political subdivision of a State or a public-service agent of a State, or any part thereof, provided the plans of the same are deemed by the Secretary of War to be adapted to conserve and utilize in the public interest the navigation and water resources of the region.

Those words were stricken out of one part of the bill, but they are left in here in relation to dams owned by the United States. The "water resources of the region." Of course, it contains the words "municipal and State," but public-service corporations are put on the same plane with them and are affected by the same provisions. What is to prevent under this clause, or even under the general clause in the bill, anyone from taking advantage of the situation in this country, a situation which is already marked, as the diagram on the wall shows. It shows the alacrity with which this coming together and joining together is going on, and there is a reason for it.

It is true that to a certain extent that tacking of powers one on the other is a good thing. It tends to increase the total output, and it has its advantages; but the question is, Do you want to permit this thing to go on and let the only thing you have to prevent it slip out of your hands? Under the substitute proposed every unit is seizable, if you want to seize it and take it out of that clause.

As I said before, all the Government will have to pay back for it at the end of 50 years under my proposition is enough money to keep those people whole and harmless of any damages or cost and give them the value of these properties. I mean we give them the full value of the property, so that they are nothing out on their investment, and although they get nothing allowed for deterioration, they have had the use of this property. My amendment does not require the United States to reserve all of its transmission lines, but it makes and keeps it a severable unit; it cuts the unit off at the transmission lines. Senators have said that is unfair, it is unjust; that the transmission line is standing high and dry. Why? They say because their premises would be worthless; they would be cut off from their power.

I would sooner trust the United States to furnish power to light my State or business house than those who are liable to get hold of a franchise of this kind and subject us to their tender mercies. If the United States ever becomes possessed of the developed water powers, if it is ever going to build your dams, it will put them to use. Uncle Sam does not intend merely to use one of these developments for a watch charm. He is going to use it for the benefit of the people, and the prices he will give to the public will be such that no one can complain of the service any more than we complain about the cost of carrying our letters and parcels.

The United States does not desire, nor does anyone desire, that the United States shall merely take the power away in order to deprive somebody of the property. If it takes it over—and it does not need to take it over if it does not want to—but if it does take it over, it will take it over for the good of the people.

It does seem to me that in the discussion of this question there is a tendency to hold up the United States as an ogre, as a bad man, as a boggy man, who will exercise its power against the good of the people. That is begging the question on the part of those who object to interference with State powers by the United States, as though the United States wants to do something to injure a State or one of these municipalities. Do we fear ourselves? Our people trust their lives, their welfare, and everything to the Congress of the United States, which legislates for the United States. They are intrusting everything in the Government every day. If it is such an ogre, why not abolish the United States and turn it into the hands of those who want to run our business for us? I say there is no justice, and I do not think there is much logic in that argument.

Now, getting back to the question of these combinations in the substitute that has been proposed here and which we are now discussing, the United States can step in at any time at the end of 50 years and seize one of the units, by paying, as I said, fair and just compensation, in the sense that whatever the unearned increment is shall inure to the benefit of the people. There are no raw water-power rights or anything of that kind that constitute a stop or check on this system of centralization. So while they might be able to get hold of it at some time, I mean that they might gradually get it, we have in our hands that which absolutely prevents a perpetual saddling on us of great powers like the hydroelectric powers, which if not checked in the law will be concentrated in a few hands.

Under the bill, both as to Government dams and dams built by private parties, there is one tendency, and that only, and it seems to me to be inevitable that in a short time, as quickly as the conditions will permit, there will be a consolidation of the great transmission lines of the country, so that another great institution will sit astride the necks of the people of the United States like the Old Man of the Sea, and we can not shake him off.

Now, another thing; under the original bill as printed on page 3 of the old bill it is provided:

No transfer of any such permit or of the rights thereunder granted, except by trust deed or mortgage issued for the bona fide purpose of financing the business of such grantee, shall be made by any grantee without the approval of the Secretary of War.

The words "Secretary of War" are stricken out by amendment.

There was some check on it, and now that is stricken out there is absolutely no restriction on the right of an assignment, as will appear in the reprint on page 3, line 11. After the word "granted," the assignments are left without any check, without any control, and there is absolutely nothing to prevent one company from getting every franchise that is obtained in the United States. Under the amendment that I propose no assignment shall be valid unless it is first submitted to and approved by the commission, which I propose.

SEC. 18. (a) That no transfer or assignment of any license granted under this act shall be valid or of any effect whatsoever unless the same shall have been submitted in writing to and approved in writing by the commission. No license granted hereunder shall be transferred or assigned to anyone except a qualified licensee under this act; nor shall any license granted hereunder to a State or municipality be assigned or transferred to any person, firm, or corporation otherwise than as security for a loan made in good faith and concurrently with and as consideration for such transfer or assignment; nor shall any person, firm, or corporation have power to acquire title to a license granted to or acquired by a State or municipality otherwise than in the enforcement of such security; and in no case shall any such person, firm, or corporation hold title to or operate for a period longer than three years any license so acquired.

Mr. NORRIS. I agree with the Senator fully.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. HUSTING. Yes, sir.

Mr. NORRIS. I agree with the Senator fully that no transfer ought to be made without the consent of the Secretary of War or such governing body as may have control of it, but I think the Senator misapprehended the words "without the approval of the Secretary of War," on page 3. Unless the Senator reads it in connection with the balance of that section it is very misleading. Prior to that there were certain qualifications made in that section; that is, that a permittee must have certain qualifications. It is at the bottom of page 2. Then it is said in the bill as it was originally drawn, commencing at line 4, page 3, at the end of the line:

And no transfer of any such permit or of the rights thereunder granted, except by trust deed or mortgage issued for the bona fide purpose of financing the business of such grantee, shall be made by any grantee, without the approval of the Secretary of War, to any transferee not having the qualifications herein specified for a grantee hereunder.

I think the Senator will agree with me that the approval of the Secretary of War ought to have been stricken out. It was stricken out on the motion of the Senator from Montana and supported by—

Mr. HUSTING. As the section now stands, and that is the main point in the matter—

Mr. NORRIS. It was that way before, I will say to the Senator, but with those words the grantee or the permittee, whatever you call him, would have the right to transfer to some one who did not have the qualifications provided to become a grantee if he would get the consent of the Secretary of War to it. Does the Senator see that point? I remember when it was under consideration—

Mr. HUSTING. I understand the Senator that by reason of putting in the word "individual" it left nothing to be approved by the Secretary of War.

Mr. NORRIS. I do not know that I quite understand the Senator, but as it was originally drawn, with those words there, the Secretary of War had no authority to make a grant to a person or corporation not having the qualifications mentioned at the bottom of page 2, but if that grantee could get the consent of the Secretary of War he could transfer his rights to somebody who did not possess those qualifications. That is the reason why the words "without the approval of the Secretary of War" were stricken out.

Mr. HUSTING. I will say to the Senator I have read a different meaning to it, that no grant was made without his approval, but the point is this, as the Senator knows: Under this bill is there any check on the assignment of a license or franchise? That is the main point.

Mr. NORRIS. I am not finding fault with the Senator's argument that the transfer ought not to be made without the consent of the Secretary of War, but when those words were stricken out in the particular place where they were used it was thought that they would permit a man or a corporation to get a license from the Secretary of War, and they would have to have certain qualifications, and if the Secretary of War consented they could transfer to some one who did not have the qualifications.

Mr. HUSTING. This may be assigned to anybody, whether he has the qualifications or not? Is that the idea?

Mr. NORRIS. No; with those words left in the assignment could have been made regardless of the qualifications, if the Secretary of War would consent.

Mr. HUSTING. I wish to ask the Senator whether by striking that out there is anything to prevent any assignment to anybody, whether an individual or not?

Mr. NORRIS. Those words did not hinder it. If the Senator will just read it, he will see that they apply only to an assignment to somebody who did not have the qualifications of a grantee and that could be made if left in without the assignee having those qualifications.

Mr. HUSTING. I understand, but now that the words have been stricken out the check is no longer there.

Mr. NORRIS. It was not a check.

Mr. HUSTING. As I understand it, perhaps I am wrong and perhaps the Senator is right.

Mr. NORRIS. I think I see what the Senator means. I think his point is a good one. There was a provision in the bill that no assignment could be made applying to anything without the consent of the Secretary of War. The assignment we are talking about here in this particular clause of the bill referred only to an assignment to be made to somebody who did not have the qualifications to become an original grantee under the law. Does not the Senator see?

Mr. HUSTING. Yes.

Mr. NORRIS. Now, by striking that out it made it stronger, I think, and better, and it had the effect of providing that no grantee should have a right to transfer to anyone who did not have the qualifications.

Mr. HUSTING. I understand that.

Mr. NORRIS. It would be well, I think for a provision to be inserted in the bill that no transfer should be made without that consent.

Mr. HUSTING. I only saw these amendments late in the afternoon, and I must say I have misunderstood the purport of this one. But, going to the point, there is nothing in the bill I know of that prevents or prohibits or regulates or controls the assignment of licenses to any other corporation, except so far as it applies to the qualifications to take any license.

Mr. NORRIS. I think the Senator is right in that respect.

Mr. WALSH. I suggest that section 12 has some bearing upon that subject.

Mr. HUSTING. Well, that may have some bearing and it may not. Section 12 is what is known as the antitrust clause. But that does not prevent these combinations unless they shall be in restraint of trade. Besides that, that clause has been of very little real value or benefit, although I believe something of that kind appears in our statutes. Besides, if it means what it ought to mean it is inconsistent with the privilege of tying

up, without any check whatever, the water-power privileges in the country, if those directly engaged in it see fit to do so, directly or indirectly.

In the first place, they may come and apply for an original franchise, or anyone else may apply for them. An individual may apply for them, and they may apply for it for the purpose of some private business, and they may the next day assign it over to a company. It is not only entirely possible, but I want at least to express it that in my judgment, if it is passed, it will result in a few years in a tying up of all the powers with a few or one great transmission hydroelectric institution. I want to repeat that this is all the more important because there is every tendency that way. I have the statistics here as given out by the department showing that already they have gravitated into certain hands, and everyone believes that what now is going on will continue unless checked as suggested.

In the report which was filed here lately on electric power development in the United States the Department of Agriculture there gave on pages 58 and 59 the figures showing how these powers are getting into a few hands. It shows here on page 58 that—

At the end of the summary tables is given a list of the 87 corporations each of which, according to the data given in the detailed sheets, controls not less than 30,000 horsepower of primary power. Two companies contained in the list, the International Paper Co. and the Union Carbide Co., are engaged in manufacturing. The remaining 85 are public-service corporations. These 87 corporations control 3,521,423 water horsepower and 6,275,092 steam and gas horsepower, a total of 9,796,515 horsepower, or 65.9 per cent of the total listed for the United States. If the two manufacturing concerns are eliminated and the amount of manufacturing power contained in the tables is subtracted from the total, the 85 concerns remaining control 68.6 per cent of the total public-service power in the United States. Thirty-five of the 85 control one-half of this total; 16 control one-third and 10 control one-fourth. Of the 85 corporations shown in the table 59 have water-power developments and control 65.9 per cent of the total water power listed. If the two manufacturing concerns are eliminated from this number and the water power used in manufacturing is subtracted from the total water power, the remaining 57 concerns control 72.3 per cent of the total water power in the United States used in public-service operations.

And of these, 18 are named, as follows:

1. Stone & Webster.
2. Montana Power Co.
3. Utah Securities Corporation.
4. E. W. Clark & Co. Management Corporation.
5. Southern Power Co.
6. Hydraulic Co. of Niagara Falls.
7. Pacific Gas & Electric Co.
8. Pennsylvania Water & Power Co.
9. Pacific Light & Power Corporation.
10. H. M. Byllesby & Co.
11. The Niagara Falls Power Co.
12. Washington Water Power Co.
13. Georgia Railway, Light & Power Co.
14. New England Power Co. of Maine.
15. Western Power Co.
16. Alabama Traction, Light & Power Co.
17. Commonwealth Power, Railway & Light Co.
18. United Railways Investment Co.

These 18 together control 2,356,521 water horsepower, more than one-half (51.1 per cent) of the total water power used in public-service operations in the United States. Of the 18 corporations named, the first 9 control more than one-third (33.7 per cent) of the total and the first 6 more than one-fourth (25.3 per cent).

Stone & Webster, through their management of operating companies control more water power and more total power than any other corporation, having under their direct management 340,211 water horsepower and 529,854 total horsepower.

Twenty-nine of the 87 companies listed control operating plants in more than one State. Three of these—H. M. Byllesby & Co., the Doherty Operating Co., and Stone & Webster—operate in 17, 14, and 13 States, respectively. The Middle West Utilities Co. has the largest number of stations under its control—118 in 9 different States.

Attention is again called to the fact that the character of control which has been discussed with reference to the several States is definite and complete. It consists either in actual ownership of properties, in majority stock ownership, in lease, or in direct management. The relation between the various operating companies and the controlling or holding companies is best shown upon the organization charts, presented in part 2 of this report. The figures of amounts of power controlled as given upon these charts do not agree in all respects with the data given in the preceding pages. The detailed figures for the several States had not been completed when the organization charts were prepared and it was necessary to secure such information as could be obtained from corporation manuals without the opportunity of checking the information so secured against detailed data. Wherever discrepancies are found the data contained in the preceding pages should be given preference.

Now, those 18 concerns control 51 per cent of the total water power used in public-service corporations in the United States under these difficult laws, under these laws that the friends of this bill claim have been so harsh that no one wants to begin any work, that everyone is afraid to go into it. Also under our anti-trust laws, by the way, the 18 concerns now have over 51 per cent of the total water power used in operation in the public-service corporations.

It is to be made still more easy now, and there is to be no check either on the number of horsepower or on the number of developments that any one concern may have, but the bill is

framed so as to facilitate in every way, shape, and manner the consolidation of hydroelectric power in the United States.

I submit that that is a very unwise thing to do, if we want to remain our own masters. The United States has the choice of ways. It can so harness its horsepower—from thirty to sixty million horsepower—that may be developed in the United States and place it under such management and control that it will be a great industrial and economic benefit to the United States, or it can, if it chooses, do the other thing, turn these forces out to run wild, to run their own way, and give just so little good as it chooses and do just so much damage as it may be pleased to do in the premises.

Mr. MARTINE of New Jersey. Will the Senator from Wisconsin permit me?

Mr. HUSTING. Certainly.

Mr. MARTINE of New Jersey. I copied from Harper's Weekly of March 4 some of that which the Senator has just read. But, further than that, I find that together the 18 companies control 29 per cent and over. It goes on to say:

These companies control 2,356,521 water horsepower—51.1 per cent. The first six control more than one-fourth, the first nine more than one-third. This control is definite and complete.

Says the report:

A study of the interrelation of the various public-utility electric corporations with each other through common directors or principals leads one into an almost endless maze.

Then it goes on to say further:

It is claimed that the Stone and Webster Association and concerns with which it is connected control 29.4 per cent of the water horsepower of the United States. As to the undeveloped power, 120 companies claim to own or control unused nearly 4,000,000 horsepower.

The cost of construction by private companies per horsepower cost \$301 per horsepower, whereas in municipal installation it costs only on an average \$138—

Nearly three times as much.

If the argument is sound that has been pressed forward by the friends of this bill, that we must not add to the cost; that the cost is immediately reflected to the consumer; then, I would ask why, in heaven's name, they stand for a proposition that costs, as a rule, \$301 per horsepower, and by Government ownership or by municipal ownership it will cost \$138.

Mr. HUSTING. Mr. President, what the Senator from New Jersey has read is entirely in line with all the information upon that subject. In fact, from what I understood from the Senator from Tennessee, it is contended that it is desirable that this shall be done; that there shall be large combinations and great concentrations of this energy; and that this shall be encouraged rather than discouraged. We have had in this country an experience such as I would think would be valuable to us now in considering this question; and while a plausible argument can always be made in favor of the great concentration of business and of capital, yet we have invariably learned and found out that when we permit institutions to become so large and so powerful that we can no longer regulate or control them, then they are not a source of good to the country, but are a source of positive menace and danger to us.

Sometimes people have been mistaken. We have been mistaken in not properly conserving our national resources in the past. We will say we have acted mistakenly in not conserving a number of things that we might well have conserved, as we are trying to conserve the water power of this country now, but we too late found our mistake; but here now, with our eyes open, in the light of our experience, we should not permit a law to be passed which will eventuate in a consolidation of these powers, and which, unless we have it within our immediate control to prevent harm from being done, may grow so great and so strong as to constitute a great menace rather than a blessing; that may become a bond master instead of a good and faithful servant.

Mr. President, there are a number of other items in respect to this bill which I should like to have discussed, but I have taken so much time that I do not feel like trespassing further on the Senate for a much greater length of time.

One of the main arguments made by the friends of this bill is the argument that if these rates are regulated we should not care about anything else. I want to say that it is more important to control the thing itself than to control its rates. But I want to call the attention of Senators to two propositions, so that they may understand the difference between one kind of regulation and another kind of regulation. In the committee bill there is nothing to determine the value of the plant at the time of its development. No means is provided to ascertain what the land is worth at the time or to ascertain how much money is put into the improvement; in fact, there is nothing in the bill to ascertain anything about it that amounts to anything. There is no basis fixed for rate making, except such as any public

utility may make that has been organized and put into operation without governmental supervision. Men who have given their attention to the subjects—and I do not count myself one of them by any means—men who have done great work along this line, all admit that, as a basis for rate making, there must be a physical valuation of the property; that you can not prescribe reasonable rates unless you know upon what basis of valuation the returns are to be estimated.

Here is the danger of this proposition, as found in the committee bill: They may go on and take land for power sites and for dam sites on which they will develop water power; that some one may come, and probably will come, and demand an exorbitant price for a water-power site, organize his own company, and turn in this water site for what he thinks it is worth or what they think it is worth, or what they are willing to consider between themselves that it is worth. When that is done, of course, the capitalization of that company is thereby inflated. It is watered right then and there. Not only that, but in the course of 50 years land values will increase all the time, as they have heretofore increased around water-power sites all over the United States, for, I will not say inevitably, but generally speaking, when water-power developments are made towns spring up around them and the value of the land becomes greatly enhanced. There are water powers in the State in which I live where great and populous cities have grown up around them, where it would be practically impossible to buy the lands back, except by the payment of a most exorbitant sum of money.

Not only that, but if they were valued to-day under the existing laws of to-day, the value of the land, the value of the water-power right, the value as a going concern, the value of the amount of the prospective profits—all these matters that go into the question of what would be just and fair compensation would raise the price of those power sites above what they were originally worth if they had been value at the proper time, and so it may be 50 years hence.

Under this amendment, which has been proposed, such a thing could not happen, and such a thing ought not to happen under any bill, for the value given the land is from the United States; the license is what makes the thing valuable which otherwise would be of little value, or rather gives its owner the opportunity which makes it valuable. The lands being valued and the value fixed by the commission provided in the amendment which I have proposed, that valuation would be kept on record, and at the time for the taking over 50 years hence, all that would remain to be valued would be the then physical value of the improvements, in the light and positive knowledge of what their original cost was and what the cost of repair was; so that there would be no ground for dispute as to original cost of the plant.

Even almost more important than that is this: The basis for rate making in the 50 years in which this franchise is going to operate in the case of a public utility would be absolutely established and, of course, there could not be any variation from it; it would be an admitted fact before they started, instead of being left to the opinion of a commission or a jury later on. The very permit itself would be based upon that valuation, and the public would not have to pay returns on watered water-power stock. They would pay the returns on the actual investment, and under such conditions it would mean something. What is the value to the people of a power regulation if you do not care what the basis of value is? Physical valuation of the plant is the key to the control and regulation of rates. The rest is a mere matter of computation, and the fixing of the rate results from the computation.

I desire particularly to refer to the personnel of the commission proposed by my amendment. The proposition of my amendment is that the commission shall consist of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. There has been a great deal of discussion here as to who is the proper officer to supervise this entire matter. There has been some insistence here that this important matter should not be intrusted to one department, because other departments are interested in it. I have adopted that suggestion and put it into my amendment that the commission shall consist of these three Secretaries, any two of whom will be competent to act and to pass upon all matters of importance:

I might add here that this is no new idea. I take it from the final report of the Waterways Commission, of which former Senator Burton was chairman and of which Senators GALLINGER of New Hampshire, SMITH of Michigan, SIMMONS of North Carolina, and CLARKE of Arkansas were members. They state:

An executive board: The commission has also considered the desirability of creating some executive authority, perhaps preferably an ex-officio board to consist of the Secretary of War, Secretary of the Interior, and the Secretary of Agriculture, which shall be authorized, under such conditions as Congress may impose, to grant permits for

the construction of dams and appurtenant structures for power and other purposes in navigable streams and upon the public domain. Such a plan would give to Congress full opportunity to determine the general policy of such grants and make such changes from time to time as conditions might suggest, but would relieve it from the necessity of passing a special act for each grant, which to all intents is an executive function. A board so constituted would have the utmost facility for securing the most reliable engineering and other expert information necessary for an intelligent determination of the facts. Such a board would also most readily coordinate the activities of the departments having to do with the public domain, and would facilitate the promulgation of uniform rules for the use of public land.

Besides granting permits for dams in navigable streams and establishing uniform rules for the use of the public domain, such a board could most readily perform certain other administrative functions which Congress could not very conveniently or properly undertake, but for which every franchise should provide. One such provision has already been suggested, that of valuing and taking over or transferring to a third party the property of a grantee on the expiration of a grant, in case such a course were found necessary in order to protect the public interest. Such a board should also, in the first instance, be authorized to institute an examination to determine, in each case, whether a proposed development would be consistent with the utilization of the entire power possibilities of the stream as well as with the maximum beneficial use of its waters for all other purposes.

Now, I want to quote the same commission on the question of assignment:

Another important administrative necessity is that of approving or forbidding the assignment of franchises. The securing of franchises for water-power development for purely speculative purposes, where there is no bona fide intention of making the development on the part of the original grantee, is one of the most evident dangers to be guarded against. The combining of competitive plants by assignment of grants for the purpose of eliminating competition and raising rates of service is another possible abuse of the privilege granted. The evils which might result in either of the above-described cases can be prevented by making franchises transferable only with the approval and consent of some public authority. Under other circumstances the assignment of a franchise might be in the public interest and highly desirable. The commission would, therefore, recommend that it be made a condition of every grant that it is not assignable except with the consent of the proper Government authority.

While I am on that subject, I should like to quote something more from that report:

Charges and regulation: That a grant for water-power development constitutes a special privilege, for which the Government is entitled to proper compensation, is a principle which should be clearly established. The actual value of such privilege will, of course, vary greatly under different conditions. Every grant of the Government should, however, be dependent on the payment of such reasonable charges as may be determined by the circumstances and equities involved in each case. The commission does not suggest or advise that this right or power of Congress should be invoked as a means of raising revenue for general purposes, but only to reimburse the Government for the cost of surveys, inspection, and similar expenses, and for the purpose of controlling the use of streams in the interest of the public.

There would be another function for this commission to perform, namely, that of rate making.

The substitute amendment, I think, is in sound accord—

Mr. LA FOLLETTE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to his colleague?

Mr. HUSTING. Certainly.

Mr. LA FOLLETTE. I was much interested in the report the Senator was reading, as I have been in his entire speech this afternoon. The report from which he has just quoted indorses so many of the suggestions the Senator has made for the improvement of this bill in the public interest that I wish he would give us again the names of the members of that commission.

Mr. HUSTING. Senator Theodore E. Burton, Senator Jacob H. Gallinger, Senator Samuel H. Piles, Senator William Alden Smith, Senator F. M. Simmons, Senator William Lorimer, Senator James P. Clarke, and Representatives D. S. Alexander, Frederick C. Stevens, Irving P. Wanger, S. M. Sparkman, and John A. Moon.

I feel that the amendment which I have proposed is in terms a very conservative one. When the Senators whose names I have just read propose important features such as I have indicated from their report the amendment, I think, should not be considered as in any way impracticable or visionary. I venture to say that two or three years ago the people of the United States were unanimously in favor of a measure of this kind. It was then generally conceded that the United States should take care of these resources in a proper and effective manner.

We have had some fighting about this matter in our State. I am fairly familiar with the contentions of the men who represent the water-power interests there; I am familiar with the views of members of the Wisconsin Legislature who took the attitude in regard to water-power development that friends of the committee bill did; but I venture to say that no one of these ever has proposed or submitted a bill in which the regulatory features were so conspicuous by their absence as in the committee bill. I believe that there is nothing in this committee bill to which anyone who desires to go into the business of water-power or hydroelectric development can take the slightest

exception; nor does there appear to be anything omitted from it which would give him the free and unhampered control of this development. That may be all right from the point of view of the man who desires to engage in this business and from the point of view of those who believe that, at any cost to the public in the way of depriving them or waiving any rights of control that they may have, that is the proper way to get the thing moving. But I for one—and I believe I am voicing the sentiments of most of the people of this country—feel that something more than mere perfunctory regulations should be had, something more than mere rate making, such as would be within the jurisdiction of the State, any way, is needed in a bill of this kind.

There is just one more thing I want to say about the question of regulation. In the committee bill regulation is left to the States. I have a statement made by Secretary Lane in 1915 on House bill 16673, from which it appears that there are only 13 States in the United States that have provided for such regulation. The States named by him are Arizona, Wisconsin, Michigan, Missouri, New Mexico, Kansas, Oklahoma, Montana, Idaho, Nevada, California, Oregon, and Washington.

Statement of Secretary Lane:

The States of Arizona, Wisconsin, Michigan, Missouri, New Mexico, Kansas, Oklahoma, Montana, Idaho, Nevada, California, Oregon, and Washington have provided public-service commissions or bodies vested with more or less authority to regulate and control public-service corporations. The other States containing public lands and reservations do not appear to have provided for such control or regulation, nor has same been provided for the Territory of Alaska. In some of the States named as having public-service commissions it is represented that the control and supervision is entirely inadequate. Be that as it may, legislation to be enacted should provide for appropriate control and regulation, either by the States or by the Federal Government where the States do not act, where the development is of such a nature and extent as to pass beyond the jurisdiction of a single State. Water-power transmission does not stop at State lines. Power development and long-distance transmission connect widely separated localities and communities. The public interest requires that there be no hiatus. Where State control ceases or does not exist, Federal control is essential to protect the people.

If the committee bill becomes a law, I do not know of any instrumentality or commission which the other States have to see that the people of the United States and the citizens of the respective States get just rates. So that, even in that feature, it does not appear to be very broad or to be of any great amount of service. What the people of the United States must pay in rates is some part of the business of the Government, and how even in that respect under the pending bill the people can derive any benefit, except in the particular States named, by the regulation of prices by public utilities is something that I can not see or understand.

Mr. SHAFROTH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. HUSTING. Certainly.

Mr. SHAFROTH. The statement which the Senator has quoted from the Secretary of the Interior must have been made some time ago, because we have had a public-utility commission in the State of Colorado for the last six years at least, and the Senator did not name Colorado as one of those that had a public-utility commission.

Mr. HUSTING. I can only say to the Senator that I quoted from the statement of Secretary Lane in 1915 before the Senate committee on House bill 16673.

Mr. SHAFROTH. I will state that the Colorado commission has just filed a report showing to what extent it has regulated the electric-light companies and also the railroad companies in the State of Colorado.

Mr. SHIELDS. When was that report made?

Mr. SHAFROTH. That report was made for the year 1915, and was filed, I think, about January 10 last. I should like to ask the Senator from Wisconsin, while I am on my feet, inasmuch as he has referred to combinations in connection with this bill, how can a company organized under the provisions of this bill obviate this clause:

Sec. 12. That the works constructed and maintained under authority of this act shall not be owned, leased, trusted, possessed, controlled, or operated by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful trust or monopoly, or form the subject of any unlawful contract or conspiracy to limit the output of electric energy or in restraint of trade with foreign nations or between two or more States or Territories, or within any one State or Territory, in the generation, sale, or distribution of electric energy.

It seems to me that when the Senator speaks of combinations that might be formed under the provisions of this bill he is not clearly holding in mind that provision which absolutely prohibits such combinations, for violation of which they are made subject to the penalty of the forfeiture of their rights, and under which, therefore, they will be under the complete

control of any action that might be brought by the United States Government.

Mr. HUSTING. Let me ask the Senator is not that almost the identical provision of the present law on the statute books of the United States?

Mr. SHAFROTH. Oh, no; that is not the law on the statute books.

Mr. HUSTING. We have an antitrust law, have we not?

Mr. SHAFROTH. That is quite aside from this provision.

Mr. HUSTING. In what respect do the two differ?

Mr. SHAFROTH. I will tell the Senator how this provision came about. There was considerable contention about combinations of coal lands in the Territory of Alaska. This provision is similar to the provision which was incorporated in the bill in regard to leases of Alaska coal lands, which was made for the purpose of preventing any combinations as to coal lands. It does not apply, however, to coal lands in the United States proper; in fact, does not apply to any part of the United States; but I can not conceive how a corporation organized under the pending bill can in any way form a combination with any other company whatever. If it does so, it will be in plain violation of the law of the United States.

I will state that this very section was formulated for the prevention of combinations by what are called the conservationists, and for that reason it has been incorporated in this bill. It seems to me that ought to be a complete answer to the charge that corporations organized under this bill can combine with other corporations.

Mr. HUSTING. Mr. President, the effect of that argument is that, according to the law, we can not have any combinations, we can not have any trusts, but the fact is that we have them.

Mr. SHAFROTH. This is not the law yet; that is the trouble. We have no law on water powers or anything else that prevents combinations.

Mr. HUSTING. I am speaking now generally, if the Senator will permit me, and I say that we have antitrust laws, but we have trusts; we have anticombination laws, but we have combinations.

I want to say further that the Senator's argument is entirely at variance with the argument of the Senator from Tennessee, if I understood him correctly. The Senator from Tennessee said it was a very desirable thing to have these combinations hooked up together—to afford an easy way for a region to be developed by one concern. It is true the provision was taken out of the bill; but the argument was made, and I think the Senator supported that argument by saying that in the very nature of things it was desirable to have these combinations and these powers all tacked together for the best development of the public good. You have it so in this bill now in regard to publicly owned dams. You provide there—

Mr. SHAFROTH. From what page is the Senator reading?

Mr. HUSTING. Page 17.

In awarding such lease preference shall be given to a municipal corporation, a political subdivision of a State, or a public-service agent of a State, or any part thereof, provided the plans of the same are deemed by the Secretary of War to be adapted to conserve and utilize in the public interest the navigation and water resources of the region.

The antitrust laws will have to be construed with these provisions. If you open the doors and make it easy for combinations to be formed, you can not very well contend on the other hand that another clause forbids the very thing that you are attempting to promote.

Mr. SHAFROTH. Mr. President, I should like at least to state to the Senator my interpretation of that provision, which seems to me to be a very wise one, because it is the object and the purpose of the Government that every possible drop of water that falls shall be utilized, and you can not utilize it if you are going to let a small concern come in and divide the water.

In other words, suppose that a municipal corporation has a town of 5,000 people to supply with electricity, and suppose the water that comes down there will furnish enough for a town of 100,000. It is not right that that little municipal corporation shall go and file on the water, and thereby spoil the use of electricity for 95,000 people. On that account, under this bill it is attempted to cluster and make these developments as large as possible; and when it is regulated and controlled by the utility commissions of the States, the people who are interested, and who buy this electricity, are the ones that are going to be protected.

Mr. HUSTING. I will ask the Senator a question. Is he in favor of municipal ownership of utilities?

Mr. SHAFROTH. I am to a certain extent; yes, sir. I voted for the Alaskan bill.

Mr. HUSTING. Then I will ask the Senator, why could not a municipality, if it were given the power, dispose—as it no doubt now has the power to dispose—of the surplus power not needed for its own use?

Mr. SHAFROTH. It could; and no doubt the Secretary of War would prefer, and it is natural that he should prefer, a municipal corporation, for instance, that would say: "We can generate a million horsepower. Our town does not need more than 100,000 horsepower"; but I have no doubt that under this preference clause he would give the right to the municipal corporation to do it. This is intended for a case where a corporation only wants to supply a town of 5,000 population or to furnish, say, 5,000 horsepower, and yet the region will supply power to the extent of ten or twenty times that amount, and it ought not to be spoiled, because it might destroy the entire possibility of the power plant for the large amount.

Mr. HUSTING. Let me ask the Senator, since he is in favor of municipal control, and the object of this bill is to give them a preference, what a municipality will do if it once permits its water-power site to get into this grouping together, and your bill provides that he can not take one without taking it all?

Mr. SHAFROTH. I do not understand the situation. A municipal corporation has not any less rights than an individual under this bill. That is certain.

Mr. HUSTING. No; but the point I want to ask the Senator about is, How he thinks a provision for municipal ownership of public utilities will be of any value to a municipality when the provision in the bill is such that there may be a large grouping together of power, and that the municipality can not take part of it without taking over the whole business?

Mr. SHAFROTH. The answer to that is that if the municipal corporation can use only, say, 5,000 horsepower, and can not afford to construct any more than a plant of 5,000-horsepower capacity, it would be absurd to let it do so when the same water power developed on an enlarged scale could furnish 100,000 horsepower. That is the reason. It is for the benefit of the use of the water, and inasmuch as it is controlled by a public-utility commission you would find that no citizen would be deprived of any rights.

Mr. HUSTING. I can not follow the reasoning of the Senator in saying at one moment that there is a clause here to prevent combinations, and then, on top of that argument, that it is a good thing to have combinations. I can not follow his line of reasoning.

Mr. SHAFROTH. No; this is not a combination that I have been referring to. I have been referring to a large filing upon waters by one company. It is not a combination, because this bill is wholly prohibitive of combinations.

Mr. HUSTING. It is prohibitive of combinations that may, nevertheless, under the terms of this bill, find legal warrant under it. I say that in construing a bill even with an antitrust clause, when it is apparent from the wording of the bill that that is what you are after, that you want a grouping of these powers, that you want a combination of these powers, and the very object of your bill is to get a combination of these powers, you must take the two things together. It is not sufficient to say that you have a provision in there that will make impossible something that you are intending to make possible in another provision of the bill. They must be construed together.

Mr. SHAFROTH. I submit that that is not fair as to my interpretation of it, anyway.

Mr. HUSTING. I will say right here that in this antitrust clause, as suggested by the Senator from Maryland [Mr. LEE], you use these words:

That the works constructed and maintained under authority of this act shall not be owned, leased, trusted, possessed, controlled, or operated by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful trust or monopoly, or form the subject of any unlawful contract or conspiracy to limit the output of electric energy or in restraint of trade with foreign nations or between two or more States or Territories, or within any one State or Territory, in the generation, sale, or distribution of electric energy.

You have got in this bill a provision that anybody may get a license on public lands. You even want to give the license to some one who appears to the commission to be best able to develop the resources of that region and have no restriction in the way of assignments. So it is clearly apparent that a combination under this act would be a lawful combination and not in contravention of section 1.

Mr. SHAFROTH. Mr. President, I will state to the Senator that the words "unlawful trust or monopoly" are the very words that are used in the Sherman Antitrust Act, and that this very clause was put in by the people who were supposed to be in favor of conservation, to prevent any kind of a combination that

would be against the public interest in the Alaskan matter. That is why they are in the bill now.

Mr. HUSTING. I can only say, in reply to that, that this clause standing alone might be construed as the Senator wants it to be construed; but when it is put into a bill like this it must be construed at least together with the other provisions of the bill. I say it clearly does not contemplate that any combination under this act will be an unlawful combination. But be that as it may, what I want to reiterate is that I understand from the Senator's own argument that he thinks these combinations are desirable.

Mr. SHAFROTH. No; I have not so stated.

Mr. HUSTING. My understanding of what the Senator said is that in discussing whether a municipality should get the power to develop a site, the Senator says it might be better developed by some one having a grouping of powers.

Mr. SHAFROTH. Not a grouping, but an enlarged capital, for the purpose of having one enterprise.

Mr. HUSTING. Yes; and then there may be another combination that can develop it still better than that combination.

Mr. SHAFROTH. That is not a combination at all.

Mr. HUSTING. And I want to say to the Senator that there is no limit fixed in this bill, at any rate, upon the size or the amount of the power. There is no restriction on it; and it will inevitably lead, and must lead, to the final control and management of these things getting into one hand.

In conclusion, I just want to say that the substantial difference between these two bills is not so much a matter of the language in which they are clothed. The entire purpose of the two bills is different. As I said in opening, one of these bills is founded on the theory that time is of the essence of the development; that capital should be induced to come in and make these developments without any regard which combinations are the result or anything else; and the other bill is founded upon the theory that this important right should not get out of the hands of the people without the proper safeguards around it. The two bills differ in this essential respect: That in the first place in the substitute the Congress has a check on it, because every power must be authorized by Congress, and if it sees any tendency toward a combination we can check it by refusing to grant the franchise. We also provide for a 50-year clause in the contract, which stops the running of the franchise at a particular time. The committee bill, on the other hand, permits it to run on and on until the United States must do something affirmatively to stop the running of the contract.

Secondly, the amendment provides for physical valuation, cuts out the unearned increment, and provides only for the payment at the end of the 50-year period of so much as shall be required to keep the company, the license holder, free from any loss or damage. The amendment also provides that they may segregate one unit and pay for that. The committee bill, on the other hand, provides no basis for rate regulation, and provides for the payment of fair compensation, not on the basis of the value of the land at the time of obtaining the license, but at the time of taking it over, if the Government ever takes it over. Not only that, but it provides—and there is another evidence of what may be expected—that if it shall become a part of a transmission line, every part of that plant, every part of the transmission line, must be taken and paid for before you stop the running of the contract, and then, if you renew it, you must renew it on the terms of the contract. In other words, you make conditions that are impossible of fulfillment, and, in effect, give a perpetual lease.

Not only that, but your theory of valuation means nothing, because under those terms we can get the plant at any time, whether it is put in the bill or not; and if we can not get it at any time, then we can not get it under the bill. It provides further not only for payment for the property, but it provides for those consequential damages which courts allow in taking over property.

The substitute provides for a charge of not less than 10 cents a horsepower, and provides that this money shall be used in establishing reservoirs upon the headwaters of the streams, and in every way would fit in with any scheme of waterway improvement that this country ever sees fit to undertake. The committee scheme will absolutely kill and prevent a comprehensive development of our inland waterways at any time, because private vested interests will intervene and interfere and obstruct any attempt on the part of the United States to take them over.

Not only that, but in the committee bill we are surrendering governmental control of the stream because by putting it in the hands of private individuals and corporations for private purposes we are putting in their hands the control of the great waterways of the United States. Vested interests will grow up

in such a way that we will have lost forever jurisdiction over the great waterways of the United States. Our substitute bill provides for a charge and for practical readjustment of controls. It provides for a real rate control and for physical valuation as a basis for that control. Those are some of the chief differences between these bills. There are others that I have gone over in the argument, to which I need not refer again at this time; but all of these essential differences between the bill and the substitute have been indorsed by men who are considered good business men and of a conservative turn of mind.

It is up to the Congress of the United States—the Senate at this particular time—to decide upon the policy and decide whether it wants to align itself with those who believe in disposing of this great resource without adequate return to the public and without proper safeguards and beyond all control or whether they believe that these things should be looked at from the viewpoint of the future and in the light of what these things may possibly mean for us 50 years from now. I repeat that we are now in a position where we have not only the power but the right to declare what shall be done with these great water powers and these great waterways. The time will come if we pass a bill such as the committee bill here when "all the king's horses and all the king's men" will not restore our rights to us over power rights again. Vested rights once interfering, intervening, and obstructing Government control or management of these waterways will forever prevent—except at the expenditure of untold billions of dollars—the putting to beneficial use of the people these things which belong to the people as a whole.

I know that the argument that is made, especially to new countries and new States, that they want development, now is a potent one. But it does seem to me as though the people of the United States at large, looking at this matter from the standpoint of all the people of the country, want it so hedged about with safeguards and want the United States so to retain its control over these things that they can be controlled by our Government; that they shall not be handled with a view merely to the business or to the profit of those who have been fortunate enough to get a license, but that they shall be handled from the standpoint of what is for the best public interest.

I do not care to inject any politics into this matter; but I do not feel that in opposing the committee bill I am committing any offense against the party to which I have the honor to belong.

Mr. MARTINE of New Jersey. I think the Senator is doing God's service and the country's service.

Mr. HUSTING. I am trying to, at least. I am trying to carry out what I think the party conviction and feeling is upon this matter.

We had a plank in the last Democratic platform, at Baltimore, which pledged our party to pass a conservation measure which should be in the interest of the people, and which should prevent any "trustification" or combination of the resources of this country. We have been preaching it over the country for years, and saying that if the Democratic Party were intrusted with power we would pass conservation measures in the interest of all the people. Not only that, but we have been more specific than that. We have talked about "water-power grabbers"; we have talked about the "timberland thieves"; we have talked about the "pirates of industry"; and we have talked about all those things. Now we have an opportunity to make good on that or to make bad on it. I, for one, say that if this bill is passed as proposed by the committee, in my humble judgment it will not satisfy the people. It will be difficult—nay, impossible—to get up before any American audience and defend that bill as a proper conservation water-power measure.

For that reason I say that I feel justified, although a new Member, in expressing what I understand to be the attitude of the Democrats of the country in this respect, without being thought at all discourteous to the committee, or feeling that I am doing something inimical to the welfare of the party. I believe we should keep our platform pledges. I feel that in accordance with the traditions and the professions of the Democratic Party this matter ought to be solved and settled in such a manner that when we have to go before the people, as we soon will have to do, we can point with pride to a bill which carries out the pledges of our party.

The record of the Democratic Party in carrying out the pledges of the Baltimore platform, in my judgment, has been a splendid one. The Democratic Party will have to pass a good conservation law if it wants to keep up its good record. I simply want to say that we can not go before the public and justify a measure concerning this subject, of such vast importance, unless we can show that we have kept it within our control and within our power. I do not care so much what the

charge is or what the revenue is that we are going to get out of it right away, or what taxation can be put upon it; but the vitally important provision that must be in any bill that we pass is the retention of the power to manage and control that power and to get it back at some time when we want it and need it.

If we do not do that, if we let this thing slip out of our hands, and permit it to get tied up with private interests in such a way that no one can disentangle them, it will be impossible for the United States or a State or a municipality ever to get back this resource or take it over; but we will have added one more to those forces of selfishness and greed that are launched out into the world to saddle and sit astride the necks of all mankind.

It is sometimes difficult for us to realize or appreciate, I think—at least it is for me—that these things are new things in a new country; that the problems that are coming to us are problems that have never before come to anybody in this hemisphere. I presume 75 years ago it was difficult to understand that these riches lying around us loose, as it were—our property, our heritage—were anything unusual for a people to have and enjoy. We thought, I presume, that they just happened to be there; that was all, just the same as a rich man's son in drawing his check on the bank does not concern himself much with where it came from, but simply draws on it. I say it was difficult, I think, to understand that these things were coming to us but once, and that if we ever let go of them we never could get them back again.

In other words, we were a people that started in with a new slate, wiped clean. We could have put upon that slate such laws that all these riches, all this natural wealth that seemed to have been put here as though for a favored people, would have been used and distributed in such a way that it would not have interfered in the slightest with the development of the country, but would have been distributed in such a way that all the people would have benefited by it. Then we would have had no poverty in this land, and every man would have had a competence in his own right.

We did not do that. Undoubtedly the same argument then as now was used. The same argument was used with the coal, the same argument with the pine forests, the same with the iron mines, and the same with the public lands. "Develop! Develop! Give it to somebody! Throw it away! Try to get it into action in some way!" I say it must have been that argument that swept away the coal; that swept away and cut down all our forests; that disposed of empires of land for sometimes a couple of streaks of rust, without any particular care or concern as to what became of it or where it went. But there were those who did concern themselves as to what would become of it, and they were ready, anxious, and eager, of course, to take hold of it and turn it to their own use and thus the money lords came into our patrimony. But I am not talking about them now. I am merely talking in regard to the public, from the public standpoint. As I said the other day, but I want to repeat, we could have taken those coal lands; we could have taken those oil lands, and the iron-ore lands, and the forests, and we would not have needed to obstruct progress. We would not have needed to obstruct business. We could have leased out our coal lands for less than the owners to-day are getting from them. We could have leased them out for a song, if we had wanted to, in the way of a royalty per ton. We could have done the same way with the stumpage. Then we would have encouraged instead of hindered development, because of the fair and easy terms; and from those sources the revenues could have been received, which would have built our railroads, built our highways, built our canals, built our water powers. We could have built everything from the revenue that we could have derived from it. But we did not do it. What did we do? Why, we turned lands loose. To whom? To anybody—Tom, Dick, or Harry.

And what did Tom, Dick, or Harry do with them? They turned them over to somebody else, until finally some one discovered something on them that the first men were not looking for, and instead of paying a royalty to the Treasury of the United States—or, in other words, instead of capitalizing these resources in favor of the interests of the people—they are simply paying Tom, Dick, or Harry so much a ton for coal and so much a barrel for oil and all these other things.

That may seem an old-fashioned notion; it may seem impracticable, but I can only say that my idea of practicability is the use the men have made of them who now own them and who obtained them from us. There the men are making a practical use of them, because they are not going to do and will not do what the Government that granted it to them did, and their posterity will receive their benefits from them from the heritage. It was our heritage; it belonged to the people of the

United States, and if wisely administered, and if these resources had been husbanded in the proper way and in a just way, in a way the people had a right to expect and demand of us, I say these things would be operated now in an entirely different way, and we not only would get the revenues from it but we would have the power over it to control it. We could tell what they could charge for coal. We could tell what they could charge the public if they were licensed by us. We could tell how much they could charge for oil. We could tell them how much they could charge for lumber. We could tell them how much they could charge for anything they produce, and if we never received a dollar of revenue out of it, if we had kept control but had used it with a license, we would not have any trust, because no trust could exist under such control.

I am only mentioning this again, not because it has any particular relevancy to this question, but I am mentioning it because here is the very same thing over again. It is not a question now what has been done in the past, but the question is are we going to profit by the experience of the past, and are we going to commit the same stupid blunder that we have committed in the past, or are we going to pass a water-power bill here that means something, that is not merely sound but is substance? The question is what policy are we going to pursue? Are we going to go and follow the lead of our thoughtless, perhaps perfectly honest, forbears and turn these things loose?

There is another thing to be considered. It is only a few years ago since the art of power transmission, light transmission, was discovered, especially that of the transmission of power, but by the discovery of the art of the transmission of power at distant points from the place where it is generated, and as suggested by one of the Senators, with the possibility that soon this power will be transmitted wirelessly to distant points, perhaps from ocean to ocean, from lake to gulf, you have made absolutely available every water power in the United States.

The American people are not slow to understand a good thing like that. It is only a question of a few years when electricity will be running our railroads, turning the wheels of all our mills and all our factories, and it will be the kind of power that will rule absolutely in this country the industrial and economic realm of the country.

We are self-regulating, we are self-governing now. I say, if we want to abandon this, have we any right to abandon it? Could we not in passing a bill at least see to it that we retain absolute control over a power which no man now living, no matter how wise he may be, can fully comprehend or understand?

Mr. POINDEXTER. I offer the following amendment.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Washington offers an amendment, which will be read.

Mr. SMOOT. Is it an amendment to the bill or to the substitute?

Mr. POINDEXTER. An amendment to the original bill.

The SECRETARY. In the bill as originally printed, on page 4, line 22, after the word "preserve" insert the words "and improve," so that if amended it will read:

That such grantee shall, to the extent necessary to preserve and improve navigation facilities.

Mr. POINDEXTER. Mr. President, at the point where the dams to be erected under permits granted by this act are put in the streams are generally obstructed by the waterfalls or rapids where it is possible to develop water power. It will not be sufficient, of course, in the interests of navigation merely to preserve the present status so far as navigation is concerned. So I move to insert the words "and improve" at that point. I hope the Senator from Tennessee will accept the amendment.

Mr. SHIELDS. I offer no objection to the amendment.

The amendment was agreed to.

Mr. POINDEXTER. I offer the following amendment.

The PRESIDING OFFICER. It will be stated.

The SECRETARY. On page 11, line 7, after the word "rendered," at the end of the line, insert:

By the grantee or by any subsidiary corporation any of whose stock is owned or controlled, directly or indirectly, by such grantee or by any person, corporation, or association purchasing power from such grantee for sale or distribution.

Mr. SHIELDS. I offer no objection to that.

The amendment was agreed to.

Mr. POINDEXTER. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 5, line 11, after the words "right of way," insert:

And such right of passage through its dams or other structures.

So that if amended it will read:

Whenever the United States shall deem such navigation facilities necessary, the grantee shall convey to the United States, free of cost, such of its land and its right of way, and such right of passage through its dams and other structures, and permit such control of pools as may be required for such navigation facilities—

And so forth.

Mr. SHIELDS. I offer no objection to the amendment. The amendment was agreed to.

Mr. POINDEXTER. I offer the following amendment: The PRESIDING OFFICER. It will be stated.

The SECRETARY. On page 11, line 9, after the word "public," insert the words "to the ultimate consumer," so that if amended it will read:

Provided, That where the said power, or any part of it, shall enter into interstate or foreign commerce, the rates, charges, and services made and rendered shall be reasonable, nondiscriminatory, and adequate to the public and to the ultimate consumer.

Mr. SHIELDS. I offer no objection to the amendment. The amendment was agreed to.

Mr. SHIELDS. On page 3 of the old print, line 6, after the word "by," I move to insert the words "tax sales or," so as to read:

Tax sales or trust deed or mortgage issued.

The amendment was agreed to.

Mr. SHIELDS. In line 8 I move to strike out the words "by any grantee."

The amendment was agreed to.

Mr. SHIELDS. I ask unanimous consent that the Senate take a recess not later than 6 o'clock, and that when it does recess it be until 12 o'clock to-morrow.

Mr. CUAMINS. I was unable to hear the motion of the Senator from Tennessee.

Mr. SHIELDS. That the Senate take a recess not later than 6 o'clock, and when it does recess that it be until 12 o'clock to-morrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

- H. R. 1685. An act for the relief of John R. Montelith;
- H. R. 2184. An act providing for the refund of certain additional duties collected on pineapples;
- H. R. 2235. An act for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased;
- H. R. 2536. An act for the relief of Joseph A. Buckholdt;
- H. R. 2638. An act for the relief of Austin G. Tainter;
- H. R. 2960. An act for the relief of the heirs of John Howard Payne, deceased, late United States consul at Tunis;
- H. R. 3447. An act for the relief of the legal representatives of the estate of Robert B. Pearce;
- H. R. 4297. An act for the relief of Frances L. Llewellyn;
- H. R. 5096. An act for the relief of Nabor and Victoria Leon;
- H. R. 5185. An act for the relief of George H. Hammond;
- H. R. 5729. An act for the relief of Dr. E. E. Johnson;
- H. R. 5864. An act for the relief of Thomas P. Sorkilmo;
- H. R. 5986. An act for the relief of the heirs of the late Peter Deel;
- H. R. 6181. An act for the relief of Letitia W. Garrison;
- H. R. 6371. An act to cancel allotments made to three members of the Wintu Tribe of Indians on the public domain in California;
- H. R. 6651. An act providing for the payment for certain services arising under the Navy Department;
- H. R. 6732. An act for the relief of Joseph A. Jennings;
- H. R. 6758. An act for the relief of the legal heirs of Hector M. McDonald, deceased;
- H. R. 7804. An act to authorize the issuance of patent to Oscar R. Howard, and for other purposes;
- H. R. 7817. An act to validate the homestead entry of George S. Clark;
- H. R. 7862. An act for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard, Klosterud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos*;
- H. R. 8057. An act for the relief of the legal representatives of Napoleon B. Giddings;
- H. R. 8067. An act to quiet the title to certain lands in the possession of G. B. Dickson, and for other purposes;
- H. R. 8092. An act confirming patents heretofore issued to certain Indians in the State of Washington;

- H. R. 8093. An act for the relief of Wilson M. Dent;
- H. R. 8466. An act to relieve J. Lawrence Latham, postmaster at Europa, Webster County, Miss., of the payment of cash and funds stolen from the post office;
- H. R. 8592. An act for the relief of the heirs of C. S. Barbee;
- H. R. 8630. An act for the relief of the Farmers' State Bank, of Eureka, Woodford County, Ill.;
- H. R. 8787. An act for the relief of the heirs of Hundley V. Fowler, deceased;
- H. R. 9082. An act for the relief of Frank P. Sammons;
- H. R. 9172. An act for the relief of the M. Kondo Fisheries Co.;
- H. R. 9173. An act for the relief of the Union Oil Co.;
- H. R. 9291. An act for the relief of the estate of Thomas J. Mellon;
- H. R. 9375. An act for the relief of J. M. Potter;
- H. R. 9377. An act for the relief of Cynthia Ramey;
- H. R. 9378. An act for the relief of Ella Slone;
- H. R. 9458. An act for the relief of the heirs of Santos Bena-vides;
- H. R. 9459. An act for the relief of the heirs of S. P. H. Williams;
- H. R. 9555. An act for the relief of the estate of Thomas N. Aaron;
- H. R. 9556. An act for the relief of the heirs of John Faulkner;
- H. R. 9635. An act for the relief of the estate of Williamson Page;
- H. R. 10933. An act for the relief of the estate of Paul A. Swink; and
- H. J. Res. 87. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of \$2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary.

#### PETITIONS AND MEMORIALS.

- Mr. WILLIAMS presented a petition of sundry citizens of Belzoni, Miss., praying for national prohibition, which was referred to the Committee on the Judiciary.
- Mr. WARREN presented a petition of sundry citizens of Cheyenne, Wyo., praying for national prohibition, which was referred to the Committee on the Judiciary.
- Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.
- He also presented a petition of the Business Men's Association of Mansfield, Pa., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.
- He also presented a petition of Captain Martin H. Smith Camp, No. 67, United Spanish War Veterans, of Wrightsville, Pa., praying for the enactment of legislation to provide pensions for the widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.
- He also presented petitions of sundry citizens of New Brighton, Windber, Emlenton, and Oil City, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.
- He also presented memorials of sundry citizens of Cheltenham and Cornplanter, in the State of Pennsylvania, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.
- Mr. BURLEIGH presented petitions of sundry citizens of the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.
- Mr. GALLINGER presented a petition of the Rochester Woolen Co., of New Hampshire, praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.
- He also presented a telegram in the nature of a petition from Charles W. Green, secretary of the Socialist committee of Portsmouth, N. H., praying for the enactment of legislation to warn Americans off armed merchant ships, which was ordered to lie on the table.
- He also presented petitions of Squamanagonic Lodge, No. 36, International Order of Good Templars, and of Lewis Dexter and 12 other citizens of Gonic, N. H., praying for national prohibition, which were referred to the Committee on the Judiciary.
- He also presented a memorial of C. E. Gale & Son, proprietors of the Eagle Mountain House, of Jackson, N. H., remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. POINDEXTER presented the petition of H. A. McGowan and sundry other citizens of Ferry County, Wash., praying for a conference of neutral nations to offer mediation to the warring nations of Europe, which was referred to the Committee on Foreign Relations.

He also presented petitions of the Washington State Branch of the German-American National Alliance and the Deutsch-Amerikanischer Zentral Verein, of Spokane, Wash., praying for the placing of an embargo on munitions of war, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Commercial Club, of Seattle, Wash., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented memorials of the German-American Central Verein, of Spokane, Wash., and of the Washington State Branch German-American National Alliance, of Washington, remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of the Deutsch-Amerikanischer Zentral Verein, of Spokane, Wash., and of the Washington State Branch, German-American National Alliance, of Washington, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the Deutsch-Amerikanischer Zentral Verein, of Spokane, and of the Washington State Branch German-American Alliance, of Washington, praying for a revision of the naturalization laws, which were referred to the Committee on the Judiciary.

He also presented a memorial of Mount Pleasant Grange, No. 186, Patrons of Husbandry, of Carrolls, Wash.; and a memorial of Wide West Grange, Patrons of Husbandry, of Wenatchee, Wash., remonstrating against the passage of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, which were ordered to lie on the table.

He also presented a petition of North Star Grange, Patrons of Husbandry, of Brewster, Wash., praying for the adoption of certain amendments to the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, which was ordered to lie on the table.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the City Council of Minneapolis, Minn., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Minnesota, praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Minnesota, remonstrating against the enactment of legislation making Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. WADSWORTH presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Big Horn and Cheyenne, in the State of Wyoming, praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Basin, Wyo., praying for an increase of armaments, which was referred to the Committee on Military Affairs.

#### BILLS INTRODUCED.

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

By Mr. CHILTON:

A bill (S. 4841) granting an increase of pension to George W. Sherrard (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 4842) for the relief of Edward J. Fisher; to the Committee on Claims.

#### THE JUDICIAL CODE.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the bill (H. R. 8033) to amend section 162

of the act to codify, revise, and amend the laws relating to the Judiciary approved March 3, 1911, which was referred to the Committee on the Judiciary and ordered to be printed.

#### AMENDMENTS TO LEGISLATIVE APPROPRIATION BILL.

Mr. FLETCHER submitted an amendment proposing to appropriate \$500 for reprinting 1,000 extra copies of the annual report of the Superintendent of the Coast and Geodetic Survey for the fiscal year 1915, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 12207), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$2,526 for the reprinting of 10,000 extra copies of the report of the Medico-Military Aspects of the European War, by Surgeon A. M. Fauntleroy, United States Navy, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 12207), which was referred to the Committee on Appropriations and ordered to be printed.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Post Offices and Post Roads:

H. R. 3447. An act for the relief of the legal representatives of the estate of Robert B. Pearce;

H. R. 5986. An act for the relief of the heirs of the late Peter Deel;

H. R. 8466. An act to relieve J. Lawrence Latham, postmaster at Eupora, Webster County, Miss., of the payment of cash and funds stolen from the post office;

H. R. 8592. An act for the relief of the heirs of C. S. Barbee;

H. R. 8787. An act for the relief of the heirs of Hundley V. Fowler, deceased;

H. R. 9291. An act for the relief of the estate of Thomas J. Mellon;

H. R. 9458. An act for the relief of the heirs of Santos Benavides;

H. R. 9459. An act for the relief of the heirs of S. P. H. Williams;

H. R. 9555. An act for the relief of the estate of Thomas N. Aaron;

H. R. 9556. An act for the relief of the heirs of John Faulkner;

H. R. 9635. An act for the relief of the estate of Williamson Page; and

H. R. 10933. An act for the relief of the estate of Paul A. Swink.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 1685. An act for the relief of John R. Monteith;

H. R. 2235. An act for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased;

H. R. 2536. An act for the relief of Joseph A. Buckholdt;

H. R. 2638. An act for the relief of Austin G. Tainter;

H. R. 2960. An act for the relief of the heirs of John Howard Payne, deceased, late United States consul at Tunis;

H. R. 5096. An act for the relief of Nabor and Victoria Leon;

H. R. 5185. An act for the relief of George H. Hammond;

H. R. 5729. An act for the relief of Dr. E. E. Johnson;

H. R. 5864. An act for the relief of Thomas P. Sorkilmo;

H. R. 6181. An act for the relief of Letitia W. Garrison;

H. R. 6651. An act providing for the payment for certain services arising under the Navy Department;

H. R. 6732. An act for the relief of Joseph A. Jennings;

H. R. 6758. An act for the relief of the legal heirs of Hector M. McDonald, deceased;

H. R. 7862. An act for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard, Klosterud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos*;

H. R. 8057. An act for the relief of the legal representatives of Napoleon B. Giddings;

H. R. 8093. An act for the relief of Wilson M. Dent;

H. R. 8630. An act for the relief of the Farmers' State Bank of Eureka, Woodford County, Ill.;

H. R. 9082. An act for the relief of Frank P. Sammons;

H. R. 9172. An act for the relief of the M. Kondo Fisheries Co.;

H. R. 9173. An act for the relief of the Union Oil Co.;

H. R. 9375. An act for the relief of J. M. Potter;

H. R. 9377. An act for the relief of Cynthia Ramey; and

H. R. 9378. An act for the relief of Ella Stone.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 4297. An act for the relief of Frances L. Llewellyn;

H. R. 6371. An act to cancel allotments made to three members of the Wintu Tribe of Indians on the public domain in California;

H. R. 7804. An act to authorize the issuance of patent to Oscar R. Howard, and for other purposes;

H. R. 7817. An act to validate the homestead entry of George S. Clark;

H. R. 8067. An act to quiet the title to certain lands in the possession of G. B. Dickson, and for other purposes; and

H. R. 8092. An act confirming patents heretofore issued to certain Indians in the State of Washington.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Finance:

H. R. 2184. An act providing for the refund of certain additional duties collected on pineapples; and

H. J. Res. 87. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of \$2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary.

#### EXECUTIVE SESSION.

Mr. SMITH of Arizona. At the request of the chairman of the Committee on Foreign Relations I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m., Monday, March 6, 1916) the Senate took a recess until to-morrow, Tuesday, March 7, 1916, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate March 6 (legislative day of March 3), 1916.*

##### AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

David R. Francis, of Missouri, to be ambassador extraordinary and plenipotentiary of the United States of America to Russia, vice George T. Marye, resigned.

##### APPOINTMENT IN THE ARMY.

###### CORPS OF ENGINEERS.

Col. William M. Black, Corps of Engineers, to be Chief of Engineers, with the rank of brigadier general, from March 7, 1916, vice Brig. Gen. Dan C. Kingman, to be retired from active service March 6, 1916.

##### PROMOTIONS IN THE NAVY.

Ensign Henry B. Cecil to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

Ensign Charles G. McCord to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

Ensign Carroll B. Byrne to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

Ensign James A. Saunders to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

The following-named gunners to be chief gunners in the Navy from the dates set opposite their names:

Gustav C. Tanske, December 21, 1915,

Leroy Rodd, December 21, 1915,

Louis M. Wegat, December 21, 1915,

Harry E. Stevens, December 21, 1915,

Herman Kossler, December 21, 1915, and

Oscar E. Anderson, December 21, 1915.

The following-named machinists to be chief machinists in the Navy from the dates set opposite their names:

Harry Champeno, December 23, 1913, and

Carl H. Markham, December 30, 1915.

##### POSTMASTERS.

###### ALABAMA.

Claud Harper to be postmaster at Guntersville, Ala., in place of S. R. Kennamer.

###### ARIZONA.

Charles Metcalfe to be postmaster at Kingman, Ariz., in place of E. F. Thompson, resigned.

###### ARKANSAS.

John W. Pinnell to be postmaster at Walnut Ridge, Ark., in place of Mrs. C. C. Cate.

###### CALIFORNIA.

John H. Bacon to be postmaster at Fellows, Cal., in place of E. L. Blanck, resigned.

George B. Finnegan to be postmaster at Nevada City, Cal., in place of J. F. Colley.

James Myers to be postmaster at Live Oak, Cal. Office became presidential April 1, 1914.

###### CONNECTICUT.

Harry E. Slocum to be postmaster at Madison, Conn., in place of H. R. Norton.

###### FLORIDA.

D. L. Thorpe to be postmaster at Manatee, Fla., in place of C. H. Stebbins.

###### IDAHO.

John F. Brown to be postmaster at Kendrick, Idaho, in place of Harry G. Stanton.

###### ILLINOIS.

Edward C. Fahy to be postmaster at New Berlin, Ill., in place of John W. Foutch.

Elmer H. Murphey to be postmaster at Cuba, Ill., in place of Allen H. Webster.

William H. Smith to be postmaster at Apple River, Ill., in place of J. S. Lamont.

###### INDIANA.

Charles Bates to be postmaster at New Carlisle, Ind., in place of E. L. Maudlin.

Nicholas Volz to be postmaster at Batesville, Ind., in place of Charles V. Hirt, deceased.

###### IOWA.

Clarence E. Adamson to be postmaster at Tabor, Iowa, in place of Ulysses G. Mauk.

William M. Bausch to be postmaster at Ashton, Iowa. Office became presidential January 1, 1916.

J. W. Blake to be postmaster at Atlantic, Iowa, in place of W. C. Williams.

Robert A. Donahoe to be postmaster at Griswold, Iowa, in place of W. C. Bryant.

Manford C. Evans to be postmaster at Thompson, Iowa, in place of James Ellickson.

S. Paul Figi to be postmaster at Renwick, Iowa. Office became presidential January 1, 1916.

D. F. Kirkpatrick to be postmaster at Wellman, Iowa, in place of Ezra Bradford, resigned.

William Neese to be postmaster at Stratford, Iowa, in place of F. E. Lundell.

L. Harold Neville to be postmaster at Orient, Iowa, in place of Edwin Le Roy Neville, resigned.

D. J. Rhoads to be postmaster at Woodward, Iowa, in place of S. W. Shutes.

James B. Thompson to be postmaster at Casey, Iowa, in place of Edward B. Gundrum.

###### KANSAS.

Nell Bevans to be postmaster at Mulberry, Kans., in place of C. H. Kurtz.

Catherine T. Butler to be postmaster at Glasco, Kans., in place of James H. Cleaver.

P. J. Hendrickson to be postmaster at Columbus, Kans., in place of W. E. McGhie.

J. H. Hostetler to be postmaster at Belleville, Kans., in place of R. T. Jellison.

J. D. Stevenson to be postmaster at Clafin, Kans., in place of J. H. Weltmer, resigned.

###### KENTUCKY.

W. A. Dickinson to be postmaster at Trenton, Ky., in place of Eugene C. Stockwell.

###### LOUISIANA.

Susie Jones to be postmaster at Glenmora, La., in place of Edward A. Andries, removed.

###### MAINE.

James M. Haley to be postmaster at Cornish, Me., in place of H. P. Jameson.

Charles H. Leland to be postmaster at Ellsworth, Me., in place of J. W. Nealley.

###### MARYLAND.

Rose C. Foreman to be postmaster at Emmitsburg, Md., in place of J. McC. Foreman, deceased.

G. E. Williamson to be postmaster at Preston, Md., in place of W. T. Kelley.

###### MASSACHUSETTS.

Robert M. O'Donnell to be postmaster at Medway, Mass., in place of C. P. Harding.

###### MICHIGAN.

W. H. Blashfield to be postmaster at Hartford, Mich., in place of F. G. Marriman.

E. S. Dyckman to be postmaster at South Haven, Mich., in place of S. H. Wilson.

George H. Roblyer to be postmaster at Fennville, Mich., in place of M. J. Orr.

Harry M. Royal to be postmaster at Shelby, Mich., in place of George E. Dewey.

William O. Van Eyck to be postmaster at Holland, Mich., in place of Alle Toppen, deceased.

## MINNESOTA.

E. J. Butler to be postmaster at Hector, Minn., in place of William B. Strom.

Julius Fischer to be postmaster at New York Mills, Minn., in place of Andrew Lind.

John Friedl to be postmaster at Gibbon, Minn. Office became presidential January 1, 1916.

Fred Gay to be postmaster at Moose Lake, Minn., in place of S. Swanson.

W. A. Huntington to be postmaster at Paynesville, Minn., in place of M. S. Elliott.

## MISSISSIPPI.

Mary C. Booze to be postmaster at Mound Bayou, Miss., in place of Mary C. Booze.

Wiley W. Brashears to be postmaster at Gunnison, Miss., in place of W. W. Brashears.

Maggie Josephine Hill to be postmaster at Ellisville, Miss., in place of William C. Hill, resigned.

Robert W. Magruder to be postmaster at Port Gibson, Miss., in place of R. W. Magruder.

George K. Smith, jr., to be postmaster at Indianola, Miss., in place of G. K. Smith, jr.

## MISSOURI.

Carrie E. McCandless to be postmaster at Downing, Mo., in place of Alexander McCandless, deceased.

Peter McKee to be postmaster at Knox City, Mo. Office became presidential January 1, 1916.

William P. Spillman to be postmaster at Grant City, Mo., in place of J. W. S. Dillon.

## MONTANA.

Tilda R. Stageberg to be postmaster at Westby, Mont. Office became presidential January 1, 1916.

## NEBRASKA.

Cecilia M. Coleman to be postmaster at Newcastle, Nebr., in place of O. A. Butler.

J. H. Grosvenor to be postmaster at Aurora, Nebr., in place of Joseph G. Alden.

Frank Haworth to be postmaster at Elwood, Nebr., in place of Charles F. Smith, deceased.

J. W. Henthorn to be postmaster at Blue Springs, Nebr., in place of D. N. Wonder.

Samuel Hinkle to be postmaster at Havelock, Nebr., in place of G. W. Anderson.

J. B. Leach to be postmaster at Beaver City, Nebr., in place of Thomas A. Boyd.

## NEW HAMPSHIRE.

K. M. McLaughlin to be postmaster at Salem Depot, N. H., in place of Frank P. Woodbury, deceased.

Frank E. Merrill to be postmaster at Hillsboro, N. H., in place of J. C. Parker.

Thomas Smith to be postmaster at Exeter, N. H., in place of Daniel Gilman.

## NEW JERSEY.

Joseph A. Brady to be postmaster at Caldwell, N. J., in place of George B. Jacobus, deceased.

Thomas M. Ferrell to be postmaster at Glassboro, N. J., in place of L. W. Sickler.

Frank N. Hughes to be postmaster at Florence, N. J., in place of Thomas F. Watson, removed.

D. S. Pancoast to be postmaster at Pitman, N. J., in place of P. H. Focer.

## NEW YORK.

Girdell V. Brower to be postmaster at Rockville Center, N. Y., in place of Olive H. Tuthill, resigned.

## NEVADA.

William H. Murray to be postmaster at Carson City, Nev., in place of R. D. Goode.

## NORTH DAKOTA.

W. T. Campbell to be postmaster at Goldenvalley, N. Dak. Office became presidential January 1, 1916.

S. K. Kringlie to be postmaster at Portland, N. Dak., in place of James Power.

Gladys Thompson to be postmaster at Kensal, N. Dak., in place of Gladys Thompson.

## OHIO.

L. G. Barton to be postmaster at Millersburg, Ohio, in place of C. R. White.

Theresa M. Beacham to be postmaster at Williamsburg, Ohio, in place of George B. Beacham, deceased.

G. M. Galbraith to be postmaster at Lexington, Ohio, in place of M. M. Carey, resigned.

Homer G. Hansel to be postmaster at Logan, Ohio, in place of J. F. White.

Karl H. Sherman to be postmaster at Minster, Ohio, in place of Bernard Sherman, deceased.

J. D. Smoots to be postmaster at Fredericktown, Ohio, in place of W. B. Johnson.

## OKLAHOMA.

Lura Williams to be postmaster at Manitou, Okla., in place of G. B. Williams, deceased.

## OREGON.

Chester Noland to be postmaster at Creswell, Oreg., in place of O. E. Parsons.

## PENNSYLVANIA.

George D. Arner to be postmaster at Weissport, Pa., in place of J. A. Fenner.

Elmer D. Buckley to be postmaster at Littlestown, Pa., in place of Luther M. Alleman, resigned.

F. E. Burke to be postmaster at Great Bend, Pa., in place of William Williams.

George N. Grumbein to be postmaster at Palmyra, Pa., in place of F. E. Hartz.

John V. McFadden to be postmaster at Summithill, Pa., in place of W. H. Clewell.

Thomas E. Tierney to be postmaster at McKees Rocks, Pa., in place of J. H. McDermott.

## SOUTH CAROLINA.

Charles J. Shannon to be postmaster at Camden, S. C., in place of C. J. Shannon.

## SOUTH DAKOTA.

Frelen Riley to be postmaster at Parker, S. Dak., in place of C. M. Hackett.

## TENNESSEE.

James S. Pritchett to be postmaster at Jonesboro, Tenn., in place of J. S. Byrd.

James C. Walker to be postmaster at Monterey, Tenn., in place of B. P. Allison.

## UTAH.

Richard T. Fry to be postmaster at Morgan, Utah. Office became presidential January 1, 1916.

## VERMONT.

John Layden to be postmaster at West Pawlet, Vt., in place of Anna M. Allen, resigned.

D. R. Stetson to be postmaster at Newport, Vt., in place of H. G. Blanchard.

## WASHINGTON.

William L. Adams to be postmaster at Zillah, Wash., in place of Andrew J. Shaw, removed.

Charles L. McKelvey to be postmaster at Cosmopolis, Wash., in place of J. O. Wilson.

Eli P. Marsolais to be postmaster at Sultan, Wash., in place of T. J. Atwood.

S. F. Patton to be postmaster at Waitsburg, Wash., in place of Grover C. Houtchens, resigned.

William Sample to be postmaster at Roslyn, Wash., in place of James Lane.

George H. Watrous to be postmaster at Bellingham, Wash., in place of Hugh Eldridge.

## WEST VIRGINIA.

Fred Amick to be postmaster at Richwood, W. Va., in place of E. E. Deitz.

Ira J. Partlow to be postmaster at Keystone, W. Va., in place of H. P. Graham.

## WISCONSIN.

Charles H. Farley to be postmaster at New Lisbon, Wis., in place of J. D. Strickland.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 6 (legislative day of March 3), 1916.*

## AMBASSADORS EXTRAORDINARY AND PLENIPOTENTIARY.

D. R. Francis to be ambassador extraordinary and plenipotentiary to Russia.

Joseph H. Shea to be ambassador extraordinary and plenipotentiary to Chile.

POSTMASTERS.  
MONTANA.

Thomas Downen, Chinook.

PENNSYLVANIA.

A. D. Colegrove, Corry.  
Denny D. Goshorn, Cambridge Springs.  
Thomas McCobb, Cochran.  
Preston L. Peters, Saegerstown.  
James A. Platt, Spartansburg.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 6, 1916.*

The House met at 12 o'clock noon.

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

O Lord God, our heavenly Father, let Thy spirit possess our souls with all its quickening power that we may cast out the devil, our besetting sin; and when we have cast him out, swept and garnished the house, help us to repel the devil of self-complacency, self-adulation, self-aggrandizement; the devil of intolerance and bigotry in party and creed; the devil of exclusiveness, which checks the flow of magnanimity; that the better angels of our nature may do their perfect work and lead on to nobility of soul; that we may be followers of Him who said, "I am the way and the truth and the life; no man cometh unto the Father but by me"; that there may be fewer surprises when the mists have rolled away. Amen.

The Journals of the proceedings of Friday, Saturday, and Sunday were read.

ORDER OF BUSINESS.

Mr. GARDNER. Mr. Speaker—

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

Mr. GARDNER. Mr. Speaker, before the Journal is approved I wish to propound a parliamentary inquiry in reference to the correctness of the Journal.

The SPEAKER. Which Journal is it?

Mr. GARDNER. The Journal of Saturday, March 4. I find that the McLemore resolution has been laid on the table under clause 2 of Rule XIII on the ground that it was reported adversely by the Committee on Foreign Affairs. As I understand it, the report was a recommendation that the resolution should lie on the table. My parliamentary inquiry is this: Is that report recommending that the resolution lie on the table a report recommending adverse action?

The SPEAKER. The Chair thinks it is.

Mr. GARDNER. Then, Mr. Speaker, may any Member of the House demand that this bill be transferred to the calendar?

The SPEAKER. He may.

Mr. GARDNER. Within how many days?

The SPEAKER. Three days.

Mr. GARDNER. Three legislative days?

The SPEAKER. Three days.

Mr. GARDNER. Would it mean three legislative days or would Sunday be included?

Mr. MANN. The Speaker does not have to decide that now.

The SPEAKER. It happened that Sunday was a legislative day.

Mr. FOSS. Mr. Speaker, I demand that the resolution be placed on the House Calendar in accordance with the rule.

The SPEAKER. Is there objection? It does not take any objection, the gentleman has the right to do it, and it goes on the calendar. Without objection the Journals for Friday, Saturday, and Sunday are approved.

There was no objection.

THE MILITARY ESTABLISHMENT.

Mr. HAY. Mr. Speaker, I am directed by the Committee on Military Affairs to ask unanimous consent to report a bill (H. R. 12766) to increase the efficiency of the Military Establishment. (H. Rept. 297.)

The SPEAKER. The gentleman from Virginia asks unanimous consent to report a bill for the increase of the Military Establishment. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, as I understand the gentleman desires that the committee should have the right to report the bill notwithstanding the bill has not been referred?

Mr. HAY. Yes.

Mr. MANN. It is not with the intention that it shall give it any special privileged status?

Mr. HAY. No; it will be referred, as I understand, if this request is granted, to the Committee of the Whole House on the state of the Union.

Mr. MANN. Well, it would be referred just as though it were dropped in the basket.

Mr. HAY. Just as though it were dropped in the basket.

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

Mr. HAY. Now, Mr. Speaker, I ask unanimous consent that 20,000 copies of this bill be printed, the usual number to go to the document room and the balance to be distributed through the folding room.

The SPEAKER. The gentleman from Virginia asks unanimous consent that 20,000 copies of the bill be printed, the usual number to go to the document room—

Mr. HAY. And including the report.

The SPEAKER. Including the report, and the rest to go to the folding room.

Mr. MANN. Mr. Speaker, the first part of the request as to the document room is imperfect. Wherever we order a certain number printed of a document the usual number is printed in addition—

Mr. HAY. Mr. Speaker, I ask unanimous consent that 20,000 copies be printed and distributed through the folding room, together with the report.

The SPEAKER. The gentleman from Virginia asks unanimous consent that 20,000 additional copies be printed and distributed through the folding room. Is there objection. [After a pause.] The Chair hears none.

Mr. MANN. Has the gentleman an estimate to know whether the document will come within the \$500 provision?

Mr. HAY. I spoke to the gentleman from Indiana [Mr. BARNHART] in regard to it, but I do not know whether it does or not; but I should not think it would cost \$500.

Mr. BARNHART. Mr. Speaker, if it should not come within the \$500, and there is no way to ascertain that until the bill is printed—of course we can not get an estimate—

Mr. MANN. I take it the bill is printed.

Mr. HAY. The bill is printed; yes.

Mr. BARNHART. The matter of cost has not been referred to the Committee on Printing, except that in a conversation with the gentleman from Virginia, the chairman of the committee, he impressed me with the idea that we ought to have 20,000 of these printed; but I gave no attention to the matter of cost. However, I think it is safe to say that unless it is an unusually large bill—and I will ask the gentleman from Virginia how many pages has the bill?

Mr. HAY. Eighty-five pages.

Mr. BARNHART. Well, the bill and the report—had we not better let this go over and investigate it?

Mr. HAY. I have no objection; but I have only to say I have a great many demands for the bill, and understand that other Members of Congress have, and I am pretty sure it would not cost \$500.

Mr. BARNHART. Mr. Speaker, to get rid of this I propose to the gentleman from Virginia that he withdraw his request and let the matter go over a day so that it can be investigated, so we can present it intelligently to the House.

Mr. MANN. Why not make the request that 20,000 copies be printed, and if that does not exhaust the limit of \$500 there shall be copies printed up to the amount of \$500?

Mr. BARNHART. That is satisfactory.

Mr. HAY. Well, Mr. Speaker, I make that request.

The SPEAKER. What is the request?

Mr. HAY. That the 20,000 copies of the bill and the report be printed, and that if it goes beyond the \$500 that it still be printed.

Mr. MANN. Up to the limit of \$500?

Mr. HAY. Up to the limit of \$500.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent that 20,000 copies of the bill be printed, unless it exceeds the \$500 limit, and it shall stop at that limit. Is there objection? [After a pause.] The Chair hears none.

Mr. HAY. Mr. Speaker, I want to say that this is a unanimous report from the Committee on Military Affairs.

The SPEAKER. The gentleman from Virginia announces that the report is a unanimous report from his committee, a very remarkable transaction.

EXTENSION OF REMARKS.

Mr. DAVENPORT. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the Record upon the question of whether or not our Government should warn American citizens not to travel upon armed merchantmen.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the Record upon the subject of whether American citizens should be warned off British warships.

Mr. DAVENPORT. Armed merchantmen, Mr. Speaker—no British warships.

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

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of armed merchantmen and the American policy.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent to extend his remarks on the subject of armed merchantmen and the American policy. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of the Colombian treaty and the rights of the House.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record on the Colombian treaty and the rights of the House. Is there objection? [After a pause.] The Chair hears none.

#### WITHDRAWAL OF PAPERS.

Mr. GARD, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of Francis P. McCue, H. R. 10607, Sixth-third Congress, no adverse report having been made thereon.

#### EXTENSION OF REMARKS.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a report of The Hague conference findings of 1907 on the matter of neutral rights.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the Record by printing a report of The Hague conference findings of 1907 on the matter of neutral rights. Is there objection? [After a pause.] The Chair hears none.

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of shorter labor hours.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the Record on the subject of shorter labor hours. Is there objection? [After a pause.] The Chair hears none.

#### UNANIMOUS CONSENT CALENDAR—AQUEDUCT BRIDGE.

The SPEAKER. This is the day for the consideration of the Unanimous Consent Calendar, and the unfinished business is the Aqueduct Bridge bill.

Mr. ADAMSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 759.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 759.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 759, the Aqueduct Bridge bill, with Mr. CRISP in the chair.

Mr. ADAMSON. Mr. Chairman, when the bill was last under consideration in the committee the committee rose, with the gentleman from North Carolina [Mr. PAGE] entitled to the floor. It was then agreed in committee that general debate should end in one hour, the understanding with the gentleman from North Carolina being that when he and the gentleman from South Carolina [Mr. RAGSDALE] had consumed some time the gentleman from Illinois [Mr. MANN] or I might again have the floor if we desired it; and when these gentlemen have finished, then I desire to produce certain documents in answer to suggestions made when the bill was under consideration before touching the bill and certain correspondence between the officers of the War Department and the committee. I believe the gentleman from Wisconsin [Mr. LENROOT] and his colleague [Mr. COOPER] made such a suggestion.

The CHAIRMAN. The Chair will state that, as the gentleman from Georgia [Mr. ADAMSON] has just stated, the agreement was that there would be one hour general debate on this bill, and the gentleman from North Carolina [Mr. PAGE] is recognized.

Mr. PAGE of North Carolina. Mr. Chairman, I do not know whether or not the Members of the House are interested in so prosaic and utilitarian a matter as the construction of a bridge,

but I would like their attention for a few moments, inasmuch as they will all be called upon to vote on this measure, which is a matter of real importance, so far as the traffic across the Potomac River between the District of Columbia and the Virginia side is concerned. I do not recall whether I said on a former occasion, or not, that my own personal views relative to the need at this particular time for legislation on this subject might very well be confined to an appropriation of sufficient amount and an authorization to the War Department to prepare plans for the construction of such a bridge as Congress might determine to construct at this place. And I say this for the reason that, in my judgment, and that judgment based upon past experience and observation, by the time the plans are prepared for the construction of this bridge it will be some time in the future and we will possibly be in a better position to know just what amount of money to appropriate than we know at present. But in consultation with the gentleman from Georgia [Mr. ADAMSON], who introduced this bill and from whose committee it came and who has charge of it, with the adoption of certain amendments, to which he has agreed and to which the House has agreed, it is thought a satisfactory solution may be reached.

There can be no question but that there is necessity for the construction of a new bridge at or near this point on the Potomac River, and I say this because the evidence coming to the Committee on Interstate and Foreign Commerce from the War Department and to other committees from those who have had in the past the supervision and regulation of the traffic over this bridge indicates that it is unmistakably true that the present structure is not sufficient either to carry the loads or to carry the traffic that is demanded at this place.

A few years ago, because of the unsafe condition of some of the piers of this bridge, there was an appropriation made, and three of the eight piers were replaced by the construction of new ones. These cost about \$60,000 each, and of course they are now in good condition; but the five old piers, by the report of the engineers who have examined them very carefully and repeatedly, are without question deteriorating very rapidly, and there can be no question but that the bridge in its present condition is not safe for the maximum loads that have been carried over it. In fact, only recently, at the suggestion of the War Department, the Commissioners of the District of Columbia have issued a regulation reducing decidedly the tonnage that can be carried at any one time over this bridge, and I believe that only one street car can cross at a time.

I do not know myself, of course, what the ultimate cost of a proper and sufficient bridge at this place may be, but I do know that the engineers of the War Department have given reports to Congress on several occasions fixing the sum at less than a million dollars; the cost in no case, I believe, to exceed \$1,000,000. The committee reporting this bill fixed in it a limitation of cost at a million dollars—not to exceed that amount.

There are appropriations also made in this bill for the acquiring of certain land and rights for abutments, and an appropriation of \$150,000 is carried for that purpose, and an appropriation for the maintenance of the old bridge during the time of the preparation of these plans and the construction of the new bridge.

The gentleman from Pennsylvania [Mr. MOORE] asked that an amendment be placed in the bill so that it would be constructed in such manner as not to obstruct navigation. The chairman of the committee having charge of the bill has agreed and has inserted in a copy of the bill, and will offer as an amendment, a provision meeting these requests and views. He will also offer as an amendment a proviso to the effect that as soon as the plans and specifications are approved by the Secretary of War there shall be public notice of the specifications and competitive bids invited.

This is a matter of more than passing interest.

Mr. KINCHELOE. I understood the gentleman to say that there was \$150,000 appropriated for the purpose of buying lots and easements. Is not that \$300,000?

Mr. PAGE of North Carolina. Yes; it is \$300,000 in the bill, but the gentleman will offer an amendment reducing the amount to \$150,000 at the proper time in the consideration of this bill.

Mr. CARLIN. Mr. Chairman, will the gentleman yield there a moment?

Mr. PAGE of North Carolina. Yes.

Mr. CARLIN. I did not catch the suggestion as to the last amendment.

Mr. PAGE of North Carolina. Competitive bids will be asked for the construction of the bridge. That was the requirement, with these amendments that I have noted, and that will be

offered at the proper time; if adopted I shall raise no objection to the passage of the bill.

I do not care to detain the House longer, and I yield such time to the gentleman from Georgia [Mr. ADAMSON] as he desires. Is the gentleman from South Carolina [Mr. RAGSDALE] here?

Mr. RAGSDALE. I am here.

Mr. PAGE of North Carolina. I yield 15 minutes to the gentleman from South Carolina [Mr. RAGSDALE] and I reserve the balance of my time.

The CHAIRMAN. The gentleman from South Carolina [Mr. RAGSDALE] is recognized for 15 minutes.

Mr. RAGSDALE. Mr. Chairman, at this time, in view of certain conditions that have arisen since this matter has been under consideration and because at a later time I prefer to use my time in addressing the House on that matter, I shall not now consume the time that has been yielded to me, but I will yield it to the gentleman from Georgia [Mr. ADAMSON], who, I understand, states that if he can find any time that is left here after the gentleman from North Carolina and the gentleman from South Carolina have finished speaking, he hopes he can have some time; and therefore, knowing that he can enlighten the House better on this question than I can, I yield him all my time.

Mr. ADAMSON. Mr. Chairman, the gentleman's gracious words and conduct on this occasion but continue what we have long known about the lovely character of the distinguished gentleman from South Carolina [Applause.] But I would not permit his generosity to do violence to his merit or his virtue, or deprive the House and the country of the wisdom with which I know he can illumine the subject. I had no idea of intimating to the gentleman that I was coveting his time.

I have tried to state, as an answer to the request of the gentleman from Wisconsin, that I wish to produce certain documents here. I have them here and will place them in the Record, unless the gentleman asks me to read them.

Briefly, to make a résumé, my attention was first called to the Aqueduct Bridge in 1910, when Maj. Hannum made a report, stating that he had made soundings and investigations, and submitting three alternative recommendations about this bridge. That was six years ago. One was to repair certain of the piers in a certain way. Another was to reinforce and restore the piers with concrete, which would cost \$350,000. The third was to build an entirely new bridge, which they estimated at \$950,000.

In 1911 Col. Langfitt made a similar investigation, and he calculated that the bridge would cost \$975,000, on account of some expense at the approaches.

In 1912 another report was made by Col. Langfitt, or through him—I have them all here—and another one in 1913. In all of these reports the absolute necessity of something being done was emphasized. Up to 1912 the question of repairing was considered, but in 1913 the condition had become so critical that a new bridge was the only thing demanded. In all of these reports, however, it was stated that at that place sufficient soundings and investigations had been made to satisfy them about the bridge.

In 1913 Col. Langfitt wrote me a letter, which I shall put into the Record—which the gentleman from Wisconsin asked for—in which he repeated these recommendations. He recommended that the bridge should land on the north side of the river at Thirty-fourth Street, at a cost for concrete of \$1,100,000, but if erected at the present site the estimate cost was \$1,000,000; but if a steel bridge, \$975,000. The next day after receiving that letter I visited him, with the subcommittee, and he repeated all this statement and went through the entire case about building that bridge and emphasized its necessity. Afterwards the subcommittee examined the proposed bridge sites, and they were unanimous in concurring with Col. Langfitt that the bridge should be built at or near the present site. We considered all the questions of the approaches and landings and the possible condemnation of property. We have had a great deal of correspondence with the War Department, but that department discussed the whole proposition of solving all future questions of bridges on the Potomac. We did not think we could wait for that. This bridge has gotten into such condition, and the local interests and demands are such, and there are such vested rights up at Georgetown, that we concluded finally, with the concurrence of the War Department itself that this bridge should be rebuilt at the present site.

The gentleman from Wisconsin [Mr. COOPER] asked what sort of a bridge this is to be. It is to be a bridge to cost a million dollars and no more, and the amendment that I propose to offer will provide that in making the plans it shall be borne in mind, and that certainly shall be secured, that the plans will build a million-dollar bridge. Having the reports and estimates of the department and the officers in charge for six years, we have no doubt that it can be done.

Mr. ESCH. I understand that three of the eight piers have been wholly reconstructed during the last 10 or 15 years. If the bridge is built on the present alignment, can those three piers be utilized?

Mr. ADAMSON. That has not been decided definitely, but if the bridge is built on the present alignment that will be considered, and those piers will be saved if possible.

Mr. ESCH. That would make a material reduction in the cost of the structure.

Mr. ADAMSON. Yes; possibly it would. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has used seven minutes. That would leave eight minutes.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. MOORE of Pennsylvania. The criticism I offered when the bill was under consideration last week was that it made no specific provision for protecting the interests of navigation. Have the committee given that matter any thought?

Mr. ADAMSON. The committee, in compliance with the suggestion of the gentleman from Pennsylvania, will offer the following amendment:

At the end of section 1, line 2, page 3, strike out the period and insert a comma and add the words "and so constructed as to protect the interests of navigation."

Mr. MOORE of Pennsylvania. That amendment will be offered by the committee?

Mr. ADAMSON. Yes.

Mr. STAFFORD. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. STAFFORD. The gentleman from North Carolina [Mr. PAGE], chairman of the subcommittee preparing the District appropriation bill, stated that the gentleman from Georgia [Mr. ADAMSON] had prepared some amendments that met with his approval. Will the gentleman kindly inform the committee what is the purport of those amendments?

Mr. ADAMSON. The first amendment I will propose is the one referred to a moment ago in the colloquy with the gentleman from Pennsylvania [Mr. MOORE]. The second amendment is in line 19, page 3, reducing the amount from \$300,000 to \$150,000, because after investigation we have concluded that will be ample.

We propose, in line 23, to strike out all after the word "property" and to insert: "That the plans and specifications herein authorized shall be so drawn and prepared as to insure the construction of a bridge and approaches thereto within the limit of cost of \$1,000,000, as fixed herein," and so forth.

Then, after line 3, page 4, after the word "conditions," we propose to ask that you amend by inserting the words "and for such compensation."

In line 21, page 4, we propose to strike out the words "or that may be hereafter chartered by Congress."

In line 22 we propose to strike out the word "cross" and insert the word "use."

We propose to strike out lines 23 and 24 entirely.

On page 5 we propose to strike out, in lines 2 and 3, the words: "Including the said Washington & Old Dominion Railway"; those words being unnecessary.

In line 5, page 5, we propose to strike out the words "prescribed by charter," because there may be other charges not prescribed by charter.

In line 18, page 5, we propose to strike out "\$50,000," and insert "\$25,000," as being amply sufficient.

Mr. STAFFORD. Will the gentleman yield further?

Mr. ADAMSON. Certainly.

Mr. STAFFORD. I should like to inquire why the committee were called upon to provide here authorization for having freight carried across this bridge by the railway companies utilizing it?

Mr. ADAMSON. We debated that. Some people said that was a question entirely for the Interstate Commerce Commission to decide. That is true as to the rates of freight charged by the railroad; but the bridge will be our property, and the railroad company ought to pay something for using it for freight as well as for passengers.

Mr. STAFFORD. This bridge is to be designed architecturally in keeping with the surroundings and for the beautifying of Washington. Does the gentleman think that freight should be allowed to be carried across it?

Mr. ADAMSON. We do not say that it shall, but that it may. These electric-car lines accommodate the people very much by carrying some freight; and if they carry much freight they ought to pay for the use of the bridge.

Mr. STAFFORD. In my opinion, freight should not be permitted to be carried across this passenger bridge. In cities like Detroit, where freight is permitted to be carried on the

electric cars through the public streets, it presents an objectionable appearance; and it is not in keeping with the purpose of this highway that freight cars should be allowed to go across this bridge.

Mr. ADAMSON. We do not insist that they shall use it in that way, but I understand there is some light freight that it is convenient for the people of Washington as well as the people of Virginia to carry across this bridge, and perhaps we ought not to prohibit it.

Mr. STAFFORD. I should think that freight should be unloaded on the other side of the bridge, and let the railway companies then utilize such means as they see fit, by electric truck or otherwise, to bring it over to the District side.

Mr. MANN. They bring freight across both the Highway Bridge and the bridge at Anacostia.

Mr. STAFFORD. The Highway Bridge is specially designed for freight purposes.

Mr. MANN. Not at all. The Highway Bridge is not specially designed for freight purposes.

Mr. ADAMSON. This will be a better bridge than the Highway Bridge, in my judgment.

Mr. MANN. They will use it for bringing in milk and things of that kind.

Mr. STAFFORD. If there is anything I abhor, it is to see freight on a highway which is used principally for other purposes.

Mr. MANN. It is not proposed to bring in freight trains. I am informed that the gentleman from Georgia proposes to offer an amendment to section 5, providing that after the plans are drawn the Secretary of War shall advertise for bids, and if no bid is received which is satisfactory the Secretary of War shall proceed to construct the bridge.

Mr. ADAMSON. That is the amendment I was going to offer.

Mr. MANN. I am very much opposed to that proposition, I will say to the gentleman. I do not believe the Secretary of War ought to build this bridge by day labor.

Mr. ADAMSON. The gentleman objects to the last part of the amendment?

Mr. MANN. Yes. If the Secretary of War advertises for bids, and can not get satisfactory bids, it may properly cause some action by Congress, either increasing the limit of cost or preparing new plans.

Mr. ADAMSON. Under the well-accepted theory that in the multitude of counsel there is wisdom, I conferred with gentlemen who are interested in the subject, and this was a sort of a compromise.

Mr. MANN. I can not see that there is any compromise about it in having the Secretary of War construct a bridge if he can not get satisfactory bids.

Mr. ADAMSON. If the committee wishes to strike out that part of the amendment, it will not be objectionable to me.

Mr. MANN. I want to say that if that provision is to stay in the bill I shall do all I can to defeat it.

Mr. CARLIN. What suggestion would the gentleman from Illinois offer?

Mr. MANN. Strike out the provision that in case no acceptable bids are received the Secretary of War shall at once commence the construction. Everybody knows when you get to it that you may have to increase the limit of cost. Here is a direction to prepare plans within the limit of cost of a million dollars, but when they really prepare the plans it may require more money than that or it may require a readjustment of the plans to bring it within that amount.

Mr. ADAMSON. I suggest to the gentleman that I will omit the last part of the amendment and let the Clerk read the bill.

Mr. MANN. Mr. Chairman, there was an agreement to give time to the gentleman from Kentucky [Mr. JOHNSON], who is detained at home by illness, and also time to the gentleman from South Carolina [Mr. RAGSDALE].

Mr. STAFFORD. Mr. RAGSDALE has waived his time.

Mr. COOPER of Wisconsin. Mr. Chairman, I have not clearly in my mind the amendment which the gentleman from Georgia refers to. The other day I spoke about the indefinite character of the plans.

Mr. ADAMSON. I have brought the documents here and have exhibited and explained them to the committee while the gentleman was out.

Mr. COOPER of Wisconsin. The proposition now is to advertise for bids?

Mr. ADAMSON. Yes.

Mr. COOPER of Wisconsin. And for plans and specifications?

Mr. ADAMSON. No; we have sufficient plans and specifications. The trouble that arose in regard to the plans was the fact that the War Department wanted to consider this bridge

and other possible bridges at the same time; they wanted to take the whole length of the river and dispose of it.

Mr. COOPER of Wisconsin. The gentleman says that they now have sufficient plans?

Mr. ADAMSON. We have plans in four different reports that have been made of soundings and investigations, and they say they can build the bridge at Thirty-fourth Street of concrete reinforced for \$1,100,000, or at the present site for \$1,000,000, or of steel for \$975,000.

Mr. COOPER of Wisconsin. Has the design of the bridge been submitted to the Committee on Interstate and Foreign Commerce?

Mr. ADAMSON. No detailed statement; just what each item shall be—

Mr. COOPER of Wisconsin. No; but has there been any sketch of the bridge submitted to the committee?

Mr. ADAMSON. We have not had a picture of the identical bridge, but we have documents describing the bridge, and it will be either of steel, a two-span bridge, or a reinforced concrete bridge. The difficulty about these plans was that Col. Langfitt stated what he thought could be done, and the War Department, when it makes specifications, is compelled to protect its reputation by making estimates high enough to do so. What we want is to make plans and specifications inside of a million dollars at that place, because we do not want to foreclose all the length of the river and take it for granted that no other bridge will ever be built below.

Mr. COOPER of Wisconsin. The gentleman feels, as we all do, that we would not willingly permit the erection of a structure here that would in anywise detract from the beauty of the National Capital. We can combine utility with beauty. We do not want to indulge in extravagance and do not want to be negligent enough to permit the erection of a thing that by and by will constitute an eyesore.

Mr. ADAMSON. I am satisfied that a two-span steel bridge, or a concrete bridge with 250 feet span, as described by Col. Langfitt, will look a great deal better than anything else in that vicinity. The plans and specifications which we have are for the bridge at this place, but the War Department was trying to include consideration of a bridge from here to Arlington and all possible bridges. We do not want that, but we want a bridge built where it is now, a good bridge of its size, and leave open the building of a larger and better bridge down the river.

The documents referred to above are as follows:

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, March 2, 1916.

Hon. W. C. ADAMSON, House of Representatives.

MY DEAR SIR: In reply to your letters of February 26 and March 2, 1916, requesting information as to whether an estimate of less than \$1,000,000 for the reconstruction of the Aqueduct Bridge was submitted during the Sixty-second Congress, I have the honor to state that no special communication to any committee of Congress from this department presenting such an estimate has been found. It is thought that you may have in mind statements found in the Annual Report of the Chief of Engineers of 1910 and subsequent, copies of which are sent to you herewith.

It will be seen by reference to the report of 1910, page 2624, that Capt. W. T. Hannum, Corps of Engineers, estimated that a new bridge could be built for about \$950,000. This estimate was repeated in the reports of 1911 and 1912, but it will be seen by reference to page 3178 of the report of 1913 that on further study by Col. W. C. Langfitt, Corps of Engineers, he thought that estimate too low. On December 1, 1913, he reported the estimated cost of rebuilding the bridge on the present site as \$975,000, and on the Thirty-fourth Street site as \$1,100,000, but these figures do not appear to have been communicated to Congress.

In using these estimates it should be considered that the price of steel and other bridge-building materials has increased materially since the estimates were made.

Very respectfully,  
DAN C. KINGMAN,  
Chief of Engineers, United States Army.

WAR DEPARTMENT,  
UNITED STATES ENGINEER OFFICE,  
Washington, D. C., November 4, 1913.

From: Col. W. C. Langfitt, Corps of Engineers, United States Army.  
To: Hon. WILLIAM C. ADAMSON, House of Representatives, Washington,  
D. C.  
Subject: Bridge across Potomac River.

DEAR SIR:

AQUEDUCT BRIDGE.

The following estimates and suggestions are entirely informal and, necessarily, only roughly approximate.

The situation of this bridge is complicated by the existing heavy traffic over it and the necessity for interfering therewith to the minimum possible degree. The best way to do this is to build on a different site and then remove the old structure complete, including piers, etc.

Two possible sites suggest themselves: A, at Thirty-fourth Street, and B, just above the existing bridge.

A. Thirty-fourth Street site. Elevation of roadway 77 feet, or 22 feet higher than present Aqueduct Bridge. Affords easy grades and greater area for passing of floods. Approach, from either Thirty-

fourth Street or M Street, the former to be graded, perhaps widened, and all necessary property on south side of M Street to be purchased, to give a wide, easy approach from either direction. The axis of the bridge is more nearly at right angles to undercurrent than at present site or above it.

The style of bridge suggested is concrete (reinforced) arches of 250 feet span; width of roadway, 60 feet, with two 10-foot sidewalks, or 80 feet altogether. Estimated cost, \$1,100,000.

B. Site just above existing bridge. Elevation of roadway, 55 feet, as in existing bridge. The axis of the bridge to strike existing Government land at Virginia end and existing roadway is necessarily oblique to current, giving skew arches. The only approach is over M Street in front of car barns, and the conditions for making a suitable approach or entrance are not so good as either present site or Thirty-fourth Street site. Estimated cost, \$1,000,000.

If the present site is to be retained, the solution that occurs to me as offering the least interference with traffic during erection is that of a two-span steel bridge, the main trusses of which can be erected outside the existing bridge. The erection of this bridge will necessarily at times interfere with traffic, its materials are not of the enduring nature of those proposed for the others, and its cost of maintenance will be greater. To give a proper entrance from M Street some property will have to be acquired. M Street is very congested and, while better than for the site just above, the entrance can not be made as good as for the Thirty-fourth Street site. Estimated cost, \$975,000.

As I understood your request for information, this is a personal letter to you, and I am very glad, indeed, to give my views as now held. Of course, with authority and money for a thorough investigation, things might develop that would alter them materially. If you care to do so, I would be glad to have you come to the office, where I can show the layout on the maps.

I leave Thursday, the 6th, for Arizona, but hope to be back by the 24th or 25th.

Very respectfully,

W. C. LANGFITT,  
Colonel, Corps of Engineers.

After a good deal of correspondence with the War Department the chairman of the committee received letters recommending the Carlin bill, but insisting that the State of Virginia and the District of Columbia share in the expense, and one of the letters concluded as follows:

If the committee has already decided upon the limits within which it desires to have the bridge built and should conclude to introduce a measure providing for immediate construction, it is suggested that the wording of the bill be sufficiently flexible to permit the department to select the best possible site within the limits designated.

Very respectfully,

LINDLEY M. GARRISON,  
Secretary of War.

Mr. A. R. Serven, of the Washington Board of Trade, presented these resolutions to the Committee on Interstate and Foreign Commerce:

1. That the present Aqueduct Bridge be replaced at the earliest possible date with a modern commercial bridge of ample capacity to meet the requirements of the present and those of the future.

2. That this new bridge be placed at or as near the location of the present bridge as is practical and, at all events, not east of Thirty-fourth Street in Georgetown.

3. That any railway company or companies which may use said bridge be required to pay its or their proper proportion of the cost of said bridge, together with its or their proper proportion of the cost of the maintenance of same.

Very truly, yours,

J. HARRY CUNNINGHAM,  
Secretary.

FEBRUARY 16, 1916.

The CHAIRMAN. If no one else wishes to address the committee, the Chair will announce that general debate is closed. The Chair would like to call the attention of the chairman of the committee to the fact that the Chair understands the Committee on Interstate and Foreign Commerce has reported a bill in the nature of a substitute, striking out all after the enacting clause and inserting a new bill. Without objection, the Chair will ask the Clerk to read the substitute and not read the original bill unless some Member wishes it.

Mr. MANN. I suggest that the gentleman from Georgia ask unanimous consent that the Clerk read the substitute as though it was the original bill.

Mr. ADAMSON. Mr. Chairman, I was going to suggest that the substitute and not the original bill be read, section by section, subject to all the rights and privileges that would prevail if it were the original bill.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that in the consideration of the bill the substitute be read, section by section, and treated as an original bill with the right of amendment that the original proposition would have. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed a bridge across the Potomac River at or near what is now known as the Aqueduct Bridge, replacing said bridge with a substantial structure, at a cost of not more than \$1,000,000.

Mr. ADAMSON. Mr. Chairman, on behalf of the committee I move to amend by striking out the period after "\$1,000,000" and inserting a comma and also the words "and so construct it as to protect the interests of navigation."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 3, by striking out at the end of line 2 the period, inserting a comma, and adding the words "and so construct it as to protect the interests of navigation."

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

Mr. STAFFORD. Mr. Chairman, I would like to inquire of the chairman of the committee about the amendment that he has just submitted. I desire to inquire whether he believes that amendment will require the installation of a drawbridge?

Mr. ADAMSON. That is in the discretion of the department.

Mr. STAFFORD. If I thought for one minute that it would result in the installation of a drawbridge, I would oppose this amendment, and for this reason—

Mr. ADAMSON. I have no idea that they will put in a draw.

Mr. STAFFORD. For this reason: I do not believe it should be the policy of this Government to encourage manufactories to be located along the beautiful shores between the rapids of the Potomac and the Aqueduct Bridge, which is in the nature of highlands along the shores, and that they should be preserved for their scenic beauty and not for any purpose of exploiting manufacturing along those banks. I listened to the argument made two weeks ago by the gentleman from Pennsylvania [Mr. MOORE], and then could not agree with him that there was any impairment or danger of impairment of the rights of navigation.

Mr. ADAMSON. I will say to the gentleman from Wisconsin that in none of the hearings, correspondence, plans, or specifications during the six years of continuous consideration has anyone ever suggested that the plans did anything else than to contemplate a bridge without a draw, and the amendment is put in simply to satisfy the gentleman from Pennsylvania, who is very cautious.

Mr. STAFFORD. I think if the gentleman from Pennsylvania will consider the situation for a moment that he will not press this amendment.

Mr. ADAMSON. It will not do any harm.

Mr. STAFFORD. It might do some harm.

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

Mr. STAFFORD. Yes.

Mr. ESCH. The bridge will probably have a clearance of 30 feet above high water, and no craft that uses that section of the river would need a higher clearance. Whatever transportation of freight there is is now carried by the canal, which is alongside the river.

Mr. STAFFORD. Then what is the need of putting this provision in it at all, because in all the plans that have been recommended heretofore there is nothing that would impede the motor boats that now ply the river.

Mr. CARLIN. Mr. Chairman, there is no draw in the bridge at all.

Mr. STAFFORD. And why should we encumber this bill with a direction as if to say to the Secretary of War that we want to have it so provided that it is capable of future uses of navigation?

Mr. ADAMSON. Mr. Chairman, while I differ with the gentleman from Pennsylvania as to the necessity for it, it is on a different ground. I differed on the ground that the department would do it without this amendment, but it is necessary that the Secretary of War shall so build it as to protect the interests of local navigation. It is right at the head of the harbor, and all sorts of little boats are running around there, and the Secretary of War, if he did not have any better sense, might so construct it as to interfere with the present harbor arrangements.

Mr. STAFFORD. There is no navigation, in a commercial sense, above this bridge.

Mr. ADAMSON. No; but right at the bridge there is. I have landed in little boats all around there.

Mr. STAFFORD. If we are going to despoil that mile and a half of water between the Highway Bridge and the rapids of the Potomac above by saying that one day it shall be dredged and manufactories placed on either shore, then I am strenuously opposed to this amendment. I can not see any necessity for putting this amendment in this bill. The present navigation of pleasure boats will be amply protected, because no bridge could be built that would impair that navigation.

Mr. ADAMSON. Does the gentleman think that changes the present law at all? Does he not think the Secretary of War would do that without any such amendment?

Mr. STAFFORD. No; I think the Secretary of War might take that as a direction that he should so construct the bridge that it would be possible to use it with subsequent development of navigation on the upper river. I am opposed to that because I do not believe that beauty spot should be ever changed by the establishment of manufacturing plants along the sides of

the river. It is a delightful camping ground for the people of Washington, and I do not wish to have it despoiled by manufacturing sites.

Mr. MOORE of Pennsylvania. Mr. Chairman, referring to what my friend from Wisconsin [Mr. STAFFORD] has suggested, I would like to remind him that the million dollars that is to go into this bridge is not the money of the people of Washington; it is not the money even of the people of Wisconsin. They have the same interest in it and they have the same right to be considered in a matter of this kind as they would have with respect to a bridge being built over any other stream in this country. I am surprised that the gentleman from Wisconsin should show some little feeling against the manufacturing interests of the United States. I had no thought that the manufacturing interests were going to locate anywhere between this bridge and the Falls of the Potomac, the beauty of which he seems anxious to protect for those who are able to visit that vicinity and obtain some pleasure out of the construction of this bridge. I have been informed that the construction of this bridge is a matter of utility, that it is to be constructed for the convenience of the people of the Nation, although practically for the benefit of those who come from Virginia across the line into the District of Columbia and return therefrom. Why we should make an exception of this bridge, costing a million dollars of the people's money, or take it out of the purview of that legislation which controls all bridge construction in this country I do not know.

I wish to say that the interests of navigation, if there are any, ought to be protected. The gentleman seems to think that this is a special instance that ought to be taken out of the general rule. I do not think so. Whatever is navigable in fact, according to the decisions of the Supreme Court of the United States, is navigable in law, and here is a statement that boats are coming and going under this bridge. What would the gentleman want even for the pleasure seekers whom he now delights to refer to? Does he want a bridge solidly built across this stream, so the water can not pass through? Does he want the engineers of the United States to be so awkward and foolish in their plans and specifications that they will build a solid structure, attempting to dam up the water between the bridge and the Great Falls of the Potomac? Does the gentleman desire that the engineers of the United States Government shall build a bridge in such manner that neither the water nor the boats can pass through? I think the gentleman's objection to this provision is very far-fetched. As the gentleman from Georgia [Mr. ADAMSON], says, it is simply a reiteration of existing law, and gives specific direction where none was given in the bill. There can not be any objection to putting in this saving clause directing the Secretary of War that the interests of navigation, whatever they may be, on a navigable stream at this point, shall be protected. To dam up the waters, as the gentleman seems to think they want to do, would lead to the flooding of property, which would cause a great deal of trouble to the people of the Capital. I think this amendment is right, and hope it will be permitted to stand.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes? Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Mr. Chairman, I regret I have not been able to subscribe to the policy advocated consistently by the gentleman from Pennsylvania [Mr. MOORE] of making navigable little fishing creeks and streams, that sometimes in the dry season you can spit across, and improving the inland waterways which are along the Atlantic coast and which are designed largely for pleasure purposes and not really for commercial navigation purposes.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. STAFFORD. Not at the present moment. I do wish to say to the gentleman that it has been the policy of this Congress for a decade in the past not to encourage the development of manufacturing establishment in the District of Columbia. The District has a direct interest in safeguarding and protecting the banks along the Potomac above the Aqueduct Bridge to the Potomac rapids. Those banks on the Maryland side are exclusively in the District of Columbia. They could be developed for the purposes of manufacturing, and I can conceive of manufacturers who might desire to locate there.

The engineers of the War Department are not so foolish as to regard any direction from Congress in their authorization of a bridge to misconstrue it into the authorization of a dam, as the suggested fantasy of the gentleman from Pennsylvania. We are carrying out the policy here of not wishing to have this

stream made navigable to any depth, so as to preserve it in its present state, and that is my purpose in opposing this amendment. The gentleman in his advocacy two weeks ago submitted that it was desired to have the river there dredged for navigation purposes. I am seeking to retain that stream for pleasure purposes for the denizens of Washington who go there in large numbers during the summer, canoeing and the like, and who enjoy the outer life along its banks. Mr. Chairman, I can not see any real reason for this amendment, and I hope it will not be adopted.

Mr. MOORE of Pennsylvania. Has the gentleman any time left?

Mr. STAFFORD. I will yield to the gentleman now.

Mr. MOORE of Pennsylvania. Will the gentleman yield to me now?

Mr. STAFFORD. For a question.

Mr. MOORE of Pennsylvania. How much time has the gentleman remaining, Mr. Chairman?

The CHAIRMAN. The Chair does not understand the gentleman can yield time.

Mr. STAFFORD. I only yielded to the gentleman for a question. I thought the gentleman wanted to ask me a question.

Mr. MOORE of Pennsylvania. Does the gentleman think that the expenditure of a million dollars for the construction of this bridge is solely for "the denizens of the city of Washington," as he has defended them in this instance?

Mr. STAFFORD. It is not only for them but for the residents on the Virginia side; but I am trying to conserve and protect the pleasure grounds above the bridge, which are utilized largely by the residents of Washington. I do not want to see those beautiful shores despoiled by the building of any manufacturing establishments located along the banks of the stream.

Mr. MOORE of Pennsylvania. Is the gentleman arguing that the expenditure of this million dollars is merely to create a bridge for pleasure purposes?

Mr. STAFFORD. I am arguing for the construction of this bridge so that the people of Washington and visitors to Washington may have a safe means of going to visit the environs of Washington and Virginia, and especially Fort Myer, Arlington, and Mount Vernon.

Mr. MOORE of Pennsylvania. May I ask the gentleman this: So long as the gentleman has a prejudice against factories being built along this site because of the possible water power, would the gentleman object to the construction of breweries along that site?

Mr. STAFFORD. I am as much opposed to the establishment of a brewery as to any other manufacturing establishment.

Mr. MOORE of Pennsylvania. Does the gentleman have such an innate, inborn prejudice against water—

Mr. STAFFORD. Not for good, pure water; but for such water as that of the Schuylkill River, which the people in Philadelphia are sometimes compelled to drink.

Mr. MOORE of Pennsylvania. It is about the purest you can get, purer than the Milwaukee brand. [Laughter.]

Mr. MANN. Mr. Chairman, I move to strike out the last word of the amendment. The gentleman from Pennsylvania [Mr. MOORE] is always alert and active in the interests of navigation, and we often owe very much to his attention to such matters. I think possibly he may be slightly mistaken as to the effect of the amendment, however. The term "interests of navigation" is a term which we have constantly used in legislation, and it has usually been taken as implying all the interests of navigation which are on a river or which may possibly get on a river or a stream.

So now if we say that this bridge shall be constructed so as to preserve the interests of navigation the bridge must be so constructed that a steamboat or a sailing vessel can pass up the river beyond this bridge. That necessarily will require either a draw in the bridge or else that the bridge shall be located so high that the masts of a sailing vessel or the smokestack of a steamboat may pass beneath. The War Department has no other construction which it can put upon it, because wherever we use that term in the law the engineers are directed to protect the interests of navigation either by requiring a draw or by requiring a bridge constructed so high, as is the case at a number of places on the Ohio River, that vessels can pass beneath the bridge.

Mr. ADAMSON. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. ADAMSON. Does not the gentleman from Illinois concur with me that in constructing a bridge by the Government under the Government direction and supervision the Secretary of War would do under existing law what would be right and proper in the premises?

Mr. MANN. I have no doubt that the Secretary of War, if authorized to construct this bridge, will of his own volition, and

necessarily, protect the interests of navigation as navigation now exists on the river, because that is no difficulty at all. In fact, I know of no way that the Secretary of War could construct this bridge where he did not protect the interests of existing navigation.

Mr. ADAMSON. Does not the gentleman think I was correct in maintaining there would be no necessity for this amendment?

Mr. MANN. I think the gentleman was incorrect in offering the amendment.

Mr. ADAMSON. I was trying to please my friend from Pennsylvania [Mr. MOORE].

Mr. MANN. I was seeking to reason with the gentleman from Pennsylvania [Mr. MOORE] that if this provision goes into the bill either the Secretary of War must require a draw or a very high bridge or else must lie down on the construction of the term which we usually put in bills where we do desire a draw or a very high bridge. If we authorize a bridge across the Ohio River, it requires a draw or a bridge under which any vessel that can operate upon that river can pass. I want that construction to remain. I do not want the Secretary of War to let down on a construction of the language which we use in order to protect the interests of navigation.

Mr. MOORE of Pennsylvania. Mr. Chairman, does not the general bridge and dam act provide that the Secretary of War shall protect the interests of navigation in the construction of any bridge?

Mr. MANN. It does. That would not apply to this one.

Mr. MOORE of Pennsylvania. That is the reason I raised the question that this was being taken out of the general rule; that a bridge was to be constructed here which was not to come under the provisions of the general bridge law.

Mr. MANN. Now, that is the very thing—

Mr. MOORE of Pennsylvania. The gentleman raises the point, and it is a very interesting one, that steamboats or sailing vessels, although sailing boats are rapidly going out of existence—

Mr. MANN. Lots of them come up the Potomac River.

Mr. MOORE of Pennsylvania. They are fast declining along the coast, I will say to the gentleman. If it is true that these vessels would have to be taken care of, then account would have to be taken of the depth of the stream leading up to the bridge, and I would ask the gentleman whether the depth of the water leading up to the bridge is sufficient to have us now regard the necessities of steam vessels or sailing vessels of a commercial nature?

Mr. MANN. If you put in this bill that the Secretary of War may preserve the interests of navigation, the presumption is that he must take notice of that; that it is the intention of Congress to deepen the water so that navigation can be actually carried on in the river. There is no navigation in the ordinary sense on this river up there now. There is no freighting business up there.

Mr. MOORE of Pennsylvania. The boats that are going back and forth are boats of small dimensions.

Mr. MANN. They are pleasure boats.

Mr. MOORE of Pennsylvania. The bridge would have spans to accommodate those boats?

Mr. MANN. I know of no way they could construct a bridge without them.

Mr. MOORE of Pennsylvania. My point was that it would not be a solid bridge.

Mr. MANN. It can not be a solid bridge there. There is no way of constructing a dam up there to put a bridge over. You could not do it for \$10,000,000.

Mr. MOORE of Pennsylvania. Would not this amendment protecting the interests of navigation be construed by the War Department to pertain to those vessels that pass back and forth under the present bridge?

Mr. MANN. I think there is no way of constructing a bridge without taking care of those vessels. I think the Secretary of War would take cognizance of that fact. It seems to me it would be a direction to the Secretary of War to construct a bridge under which steamboats coming up the river might pass; under which excursion steamers coming up the river might pass. That would require a draw or a very high bridge.

Mr. MOORE of Pennsylvania. If the gentleman is right as to our ignoring the provisions of the general bridge and dam act, then those of us who vote against this amendment vote that the interests of navigation shall not be cared for in the construction of this bridge?

Mr. MANN. Well, I do not think that follows at all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, I would like to arrange to have the debate end on this section.

Mr. COOPER of Wisconsin. I would like to have a few minutes.

Mr. GREEN of Iowa. And I would like to have a little time. Mr. ADAMSON. I ask unanimous consent, Mr. Chairman, that the debate on this section and amendments thereto end in five minutes, that time to be divided equally between the gentleman from Wisconsin [Mr. COOPER] and the gentleman from Iowa [Mr. GREEN].

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized for two minutes and a half.

Mr. GREEN of Iowa. Mr. Chairman, I think both my friend from Pennsylvania [Mr. MOORE] and my friend from Wisconsin [Mr. COOPER] are unduly exercised over this matter. As a question of fact, in the ordinary sense there is no navigation above this bridge, except of the character that was at one time referred to in this House by the gentleman from Georgia [Mr. ADAMSON], being that carried on by love-sick individuals who were gazing mostly at the moon, and were likely to run upon shoals and sand bars, in any event. [Laughter.]

There are, of course, a few craft a little larger than row-boats—those launches that carry several passengers—and I would not have traffic of that kind interfered with, because I at one time participated in it myself with a great deal of pleasure. In fact, it would be impossible, as the gentleman from Illinois [Mr. MANN] very well said, to construct a bridge such that these craft could not pass under. But no sailing vessel carrying cargo could possibly navigate the channel above this bridge, so that it seems to me that the fears of the gentleman from Wisconsin are not well founded. On the other hand, the gentleman from Pennsylvania [Mr. MOORE] seems to fear that manufacturing will in some way be interrupted or interfered with.

Mr. MOORE of Pennsylvania. I was merely making a general defense against the view of our friend from Wisconsin.

Mr. GREEN of Iowa. If there is any place any distance above the bridge where a factory could be located, I do not know where it is. There would be no need of a draw. That region is not at all suited for the construction of such establishments. It has not the necessary railway facilities. It is not sufficiently near to available labor, and therefore it seems to me that the bill as it originally stood was in the best form that it could be.

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] commented upon the fact and rather complained that it is proposed by this bill to make an exception in legislation relating to the construction of bridges over navigable streams.

That may be true, but the circumstances are exceptional. There is but one National Capital. There are a thousand navigable streams, but there is only one National Capital City of Washington. Thus far it has been kept a residence center and the seat of Government. Upon grounds of high public policy it has been deemed best not to have Washington become a center of manufactures. Gentlemen will understand why.

The objection made by my colleague from Wisconsin [Mr. STAFFORD] is, I think, perfectly good, that there can not be any reason for this anxiety to have navigation above this bridge, unless it is to accommodate manufacturers who may hereafter desire to locate there; and the argument of the gentleman from Illinois [Mr. MANN] strikes me as being absolutely unanswerable against this proposed amendment. We ought to make an exception in this case, because there is but one National Capital, and we wish it to retain the character that it has had from its foundation.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the sum of \$300,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of securing proper plans and for the payment of any lands, easements, rights, or property, and for the removal of the present structure, and immediately to commence the construction of said bridge and the approaches thereto.

Mr. ADAMSON. Mr. Chairman, I desire to offer two amendments to that section. First, I move that, in line 19, page 3, "\$300,000" be stricken out and "\$150,000" be inserted in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 19, strike out "\$300,000" and insert in lieu thereof "\$150,000."

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

The amendment was agreed to.

Mr. ADAMSON. Mr. Chairman, I desire to ask the Clerk if he has a copy of those amendments there?

The CHAIRMAN. The Chair will answer the question. There is no copy of any amendment at the desk.

Mr. ADAMSON. Then I offer an amendment which I send to the Clerk's desk. Strike out all after the word "property" and insert in lieu thereof the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Page 3, line 23, strike out all after the word "property" and insert in lieu thereof the following:

Mr. ADAMSON. That is all of the section after the word "property."

The Clerk read as follows:

Strike out all of section 5, after the word "property," and insert in lieu thereof the following:

"Provided, the plans and specifications herein authorized shall be so drawn and prepared as to insure the construction of a bridge and approaches thereto within the limit of cost of \$1,000,000 as fixed herein. As soon as the plans and specifications are approved the Secretary of War shall give public notice of the specifications and invite competitive bids for the construction of the bridge and approaches thereto according to the specifications, reserving the right to reject any and all such bids."

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

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. I would like to inquire whether that means that \$150,000 will be added to the million dollars for construction?

Mr. ADAMSON. The purpose of the committee was to provide \$1,000,000 for the building of the bridge. Part of the \$150,000 may be used to prepare for building the bridge. It will not cost that, unless they condemn some property, and we do not expect they will condemn much property, because I think the idea is to build the bridge near the old site.

Mr. MOORE of Pennsylvania. If the item passes, the bridge stands to cost \$1,150,000.

Mr. ADAMSON. The bridge stands to cost \$1,000,000. If the entire \$150,000 is not all expended in preparing for the bridge, the balance will remain in the Treasury.

Mr. MOORE of Pennsylvania. Then what is spent of the \$150,000 will be in excess of the \$1,000,000.

Mr. ADAMSON. Yes; because it does not go for the building of the bridge.

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia [Mr. ADAMSON].

The amendment was agreed to.

The Clerk read as follows:

Sec. 6. That the said bridge shall be used as a highway for traffic, and for gas and water mains, power, telegraph and telephone wires or cables upon such conditions as may from time to time be prescribed by the Secretary of War: *Provided*, That the Washington & Old Dominion Railway, now using the Aqueduct Bridge, shall be permitted, with the approval of the Secretary of War, to change its location so as to cross with a double track the new bridge and approaches herein provided for, and to connect its railway, located in Alexandria County, Va., and in the District of Columbia, with the tracks of said new bridge; and that all plans for such change are to be approved by the Secretary of War: *And provided further*, That a standard system of electric propulsion shall be installed by said railway on said new bridge, and no dynamo furnishing power to this portion of the road of said railway shall be in any manner connected with the ground, and that the cost of paving and maintaining in good condition between the tracks and 2 feet outside thereof shall be paid by said railway: *And provided further*, That any electric railway chartered or that may hereafter be chartered by Congress shall have the right to cross said new bridge upon terms mutually agreed upon with the said Washington & Old Dominion Railway, or, in case of disagreement, upon terms determined by the Secretary of War, who is hereby authorized and directed to hear the interested parties and to fix the terms of joint trackage. And all electric railways, including the said Washington & Old Dominion Railway, using said new bridge shall, in addition to taxes and other charges prescribed by charter, pay monthly into the Treasury of the United States the sum of one-half of 1 cent for each passenger transported each way over said new bridge, and just and reasonable rates or charges on all freight transported thereon, and of these sums, when paid into the Treasury, one-half shall be credited to the District of Columbia.

Mr. ADAMSON. Mr. Chairman, I move to insert, after the word "conditions," in line 3, page 4, the words "and for such compensation."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 3, after the word "conditions," at the end of the line, insert the words "and for such compensation."

The amendment was agreed to.

Mr. ADAMSON. I move to strike out entirely line 21, on page 4.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, strike out all of line 21, which line reads as follows: "chartered or that may hereafter be chartered by Congress."

Mr. STAFFORD. Mr. Chairman, I should like to inquire whether it is the purpose of this amendment, and others that the chairman of the committee intends to offer, to grant to any railway company the right to use the trackage over this new bridge without getting any authorization from Congress, but to leave it entirely to the discretion of the Secretary of War.

Mr. ADAMSON. We are providing that after the Washington & Old Dominion Railway places its tracks on this bridge, then any electric railway shall have the right to use such new bridge upon terms determined by the Secretary of War, who is hereby authorized and directed to hear the interested parties and fix the terms of the joint trackage.

Mr. STAFFORD. Then that would grant the right to any railway company which has charter rights at present to approach the termini, to use the tracks, upon the approval of the Secretary of War, without any further authorization from Congress.

Mr. ADAMSON. We are striking out anything about charters. We are going to provide, following exactly the terms of the general bridge act, that all electric railways shall have equal rights to use the tracks on the bridge. We are striking out anything about charters.

Mr. STAFFORD. Then any electric railway company that has the right to reach the termini of the bridge would, without obtaining any further authorization of Congress, have the right to use the tracks?

Mr. ADAMSON. It would have to apply to the Secretary of War to adjust the terms, unless there was some satisfactory arrangement between the companies.

Mr. STAFFORD. It would not have to come to Congress to get the authorization.

Mr. ADAMSON. No; and that is true as to other bridges authorized by Congress.

Mr. MOORE of Pennsylvania. If the general bridge act will apply as to railways, and so forth, under this bill, why will it not apply in the matter of navigation?

Mr. ADAMSON. The general bridge act provides for such bridges as are built by private capital, and the Secretary of War simply watches that private capital and makes it build the bridge exactly in the way that the Secretary of War would build it if he was doing it with public money. This is not a question of navigation. This is a question of how you will treat the instrumentalities of commerce which are expected to accommodate the traffic of the District of Columbia and the balance of the country, and we make the same wise provision for equality that prevails wherever any railroad wishes to cross any bridge. We provide that they must all be treated just alike; that is all.

Mr. MOORE of Pennsylvania. This section, as printed, provides that all electric railways, including the said Washington & Old Dominion, and so forth, shall pay so much for the use of the bridge. It also provides, at the beginning of the section on page 4—

That the said bridge shall be used as a highway for traffic, and for gas and water mains, power, telegraph, and telephone wires or cables upon such conditions as may from time to time be prescribed by the Secretary of War.

Mr. ADAMSON. Yes.

Mr. MOORE of Pennsylvania. Where is provision made for these concerns to pay for the privilege of using the bridge?

Mr. ADAMSON. Section 6, as just amended, provides— and for gas and water mains, power, telegraph, and telephone wires or cables upon such conditions and for such compensation as may from time to time be prescribed by the Secretary of War.

Mr. MOORE of Pennsylvania. That amendment as to compensation is new.

Mr. ADAMSON. Yes.

Mr. MOORE of Pennsylvania. That was not in the bill as printed?

Mr. ADAMSON. No; it has just been adopted.

Mr. MOORE of Pennsylvania. Then the matter of charging for the use of the bridge for gas and water companies and power, telephone, and telegraph companies is now covered by the amendment offered by the gentleman?

Mr. ADAMSON. That is true.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. ADAMSON].

The amendment was agreed to.

Mr. ADAMSON. I move to strike out the word "cross," in line 22, page 4, and to insert the word "use."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 22, strike out the word "cross" and insert the word "use."

The amendment was agreed to.

Mr. ADAMSON. I move to strike out all of lines 23 and 24 on page 4.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 4, strike out lines 23 and 24, which read as follows: "mutually agreed upon with the said Washington & Old Dominion Railway, or in case of disagreement, upon terms," so that it will read "That any electric railway chartered or that may hereafter be chartered by Congress shall have the right to cross said new bridge upon terms determined by the Secretary of War."

The amendment was agreed to.

Mr. ADAMSON. Mr. Chairman, I move that, beginning with the word "including," in line 2, page 5, and all of line 3, the words "including the said Washington & Old Dominion Railway," be stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, lines 2 and 3, strike out the words "including the said Washington & Old Dominion Railway."

The amendment was agreed to.

Mr. ADAMSON. Mr. Chairman, I move to amend further by striking out the words, on page 5, line 5, "prescribed by charter."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 5, strike out the words "prescribed by charter."

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. That the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the purpose of maintaining and repairing the present Aqueduct Bridge until the new bridge herein provided for is completed.

Mr. ADAMSON. Mr. Chairman, I move to strike out, on page 5, line 18, the figures "\$50,000" and insert "\$25,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 18, strike out the figures "\$50,000" and insert in lieu thereof "\$25,000."

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Georgia about section 7, whether that is a permanent or continuing appropriation, or whether that question has been considered by the committee. It reads as follows:

SEC. 7. That one-half of the entire expense of constructing said bridge, and its maintenance when constructed, including the amount appropriated in section 5 of this act, shall be paid by the District of Columbia and shall be set aside and deducted by the Secretary of the Treasury from any funds in the Treasury belonging to the District of Columbia and not otherwise appropriated.

Do I understand from that that one-half of the cost of the maintenance of the bridge is hereafter to be paid by the Secretary of the Treasury out of the District funds, without appropriation by Congress?

Mr. ADAMSON. I understand that we are not appropriating at all, and that that will have to come from another committee.

Mr. MANN. Why do you say "not otherwise appropriated"? You use language which may be considered as a permanent appropriation.

Mr. ADAMSON. We expect the appropriation to be made at every session of Congress.

Mr. MANN. The only place that I know of in bills where you use the term "not otherwise appropriated" is where you are making an appropriation of funds in the Treasury.

Mr. ADAMSON. I understand that we are building a bridge and prescribing a policy for operation, and our idea was that as the District of Columbia was to receive one-half of the benefits of the revenues it should also pay one-half of the upkeep as well as for the construction, and we use the words "not otherwise appropriated" as applying to the time when any repairs are necessary to be made.

Mr. MANN. The gentleman certainly does not mean that. "Not otherwise appropriated" has nothing to do with the time. The intention is plainly that the cost of the bridge and the maintenance shall be paid one half by the District of Columbia and the other half from the funds of the Treasury. When we say that we say enough.

Mr. ADAMSON. The gentleman's idea is to strike out the words "not otherwise appropriated."

Mr. MANN. I was trying to get the gentleman from North Carolina [Mr. PAGE], sitting beside the gentleman from Georgia, to see that proper language was used. He is the chairman of the Subcommittee on the District of Columbia, and plainly we do not want to make a permanent continuing appropriation.

Mr. PAGE of North Carolina. Mr. Chairman, I will say to the gentleman from Illinois that the matter to which he calls attention escaped my notice in reading the paragraph. I have no hesitation in saying to the chairman of the committee having charge of the bill in the Committee of the Whole that, in my judgment, the last four or five words ought to be stricken from section 7. It ought not to be made in that form, but left to the appropriation bill when the appropriation is made.

Mr. MANN. It seems to me it would be safer, and fully accomplish the purpose, to strike out all after the word "Columbia," in line 14.

Mr. PAGE of North Carolina. I agree with the gentleman.

Mr. ADAMSON. Mr. Chairman, I do not think the words are necessary, and therefore I move to strike them out.

The CHAIRMAN. We have passed section 7, but if there is no objection the amendment will be considered.

There was no objection.

The Clerk reported the amendment, as follows:

Page 5, line 14, strike out, after the word "Columbia," the following language: "and shall be set aside and deducted by the Secretary of the Treasury from any funds in the Treasury belonging to the District of Columbia and not otherwise appropriated."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The amendment was considered and agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Georgia to line 18, page 5, striking out "\$50,000" and inserting "\$25,000."

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

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise and report to the House the bill, recommending that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, 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. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ADAMSON. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

Mr. ADAMSON. Mr. Speaker, I call the attention of the Chair to the fact that a substitute was read for the bill reserving all the privileges of the original bill, and that substitute is one amendment.

The SPEAKER. That has all been taken care of in the adoption of the amendments.

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

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

#### BRIDGE ACROSS ST. LOUIS RIVER, MINN. AND WIS.

The next business on the Calendar for Unanimous Consent was the bill H. R. 3032, authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin.

The SPEAKER. Is there objection?

Mr. LENROOT. Mr. Speaker, I object.

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

Mr. MILLER of Minnesota. Mr. Speaker, will not the gentleman withhold his objection for a moment?

Mr. LENROOT. If the gentleman desires that it be passed over without prejudice I am quite willing, otherwise not.

Mr. MILLER of Minnesota. Will the gentleman kindly indicate to the House if there is any likelihood of his failing to object to the bill at some subsequent date if it is not passed over without prejudice? There is no use of passing it over from time to time if he is ultimately going to object to it.

Mr. LENROOT. I hope an adjustment of that controversy will be made at some time, but I can not give the gentleman any assurance now.

Mr. MILLER of Minnesota. Can the gentleman indicate what adjustment will be sufficient to cause him to change his attitude respecting this bill?

Mr. LENROOT. That would involve a statement of 15 or 20 minutes in length, and I do not believe the House cares to go into that matter. I am willing to either let the matter go over without prejudice or to object.

Mr. MILLER of Minnesota. I do not think it is fair to the House to have this bill constantly at the head of the calendar if the gentleman is going to object. I can not see, and no one else can see, why he should object—

Mr. LENROOT. Mr. Speaker, I object.

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

ASSISTANT INSPECTORS, STEAMBOAT-INSPECTION SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4786) to provide for the appointment of certain assistant inspectors, Steamboat-Inspection Service, at ports where they are actually performing duty, but to which they are at present detailed.

The SPEAKER. Is there objection?

Mr. GARDNER. Mr. Speaker, I understand that this bill is upon the Union Calendar.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, do I understand from the remarks of the gentleman from Massachusetts that he expects to take up the rest of the day in debating the bill?

Mr. GARDNER. No; I want to speak for only about 15 minutes.

Mr. ALEXANDER. Mr. Speaker, will the gentleman be willing to waive that privilege until a little later in the evening? My engagements are such that I am compelled to leave in a few moments, and if the gentleman will wait until some time later in the day it would be a very great accommodation to me. This bill has already been debated.

Mr. GARDNER. I have no objection.

The SPEAKER. The bill is on the Union Calendar.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the eighth paragraph of section 4414, Revised Statutes of the United States, be, and the same is hereby, amended so as to read as follows:

"And in addition the Secretary of Commerce may appoint, in districts or ports where the exigencies of the service require, assistant inspectors, at a salary for the port of New York of \$2,000 a year each; for the port of New Orleans, La., the districts of Philadelphia, Pa., Baltimore, Md., the port of Boston, Mass., and the district of San Francisco, Cal., at \$1,800 per year each; and for all other districts and ports at a salary not exceeding \$1,600 a year each; and he may appoint a clerk to any such board at a compensation not exceeding \$1,500 a year to each person so appointed. Every inspector provided for in this or the preceding sections of this title shall be paid his actual and reasonable traveling expenses incurred in the performance of his duties, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce."

Mr. ALEXANDER. Mr. Speaker, the bill was discussed the other day thoroughly, and I do not care to detain the House further at this time.

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

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

The title of the bill was amended so as to read: "A bill amending the eighth paragraph of section 4414 of the Revised Statutes, so as to authorize the Secretary of Commerce to appoint assistant inspectors in districts or ports where the exigencies of the service require."

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

BOY SCOUTS OF AMERICA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 755) to incorporate the Boy Scouts of America, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That Colin H. Livingstone and Ernest P. Bicknell, of Washington, D. C.; Benjamin L. Dulaney, of Bristol, Tenn.; Milton A. McRae, of Detroit, Mich.; David Starr Jordan, of Berkeley, Cal.;

F. L. Seely, of Asheville, N. C.; A. Stamford White, of Chicago, Ill.; Ernest Thompson Seton, of Greenwich, Conn.; Daniel Carter Beard, of Flushing, N. Y.; George D. Pratt, of Brooklyn, N. Y.; Lee F. Hamner, of Jeremiah W. Jenks, Charles P. Neill, Frank Presbrey, Edgar M. Robinson, Mortimer L. Schiff, Lorillard Spencer, and James E. West, of New York, N. Y.; G. Barrett Rich, Jr., of Buffalo, N. Y.; Robert Garrett, of Baltimore, Md.; John Sherman Hoyt, of Norwalk, Conn.; Charles C. Jackson, of Boston, Mass.; William H. Murray, of Plainfield, N. J.; and George D. Porter, of Philadelphia, Pa., their associates and successors, are hereby created a body corporate and politic of the District of Columbia, where its domicile shall be.

SEC. 2. That the name of this corporation shall be "Boy Scouts of America," and by that name it shall have perpetual succession, with power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to hold such real and personal estate as shall be necessary for corporate purposes, and to receive real and personal property by gift, devise, or bequest; to adopt a seal, and the same to alter and destroy at pleasure; to have offices and conduct its business and affairs within and without the District of Columbia and in the several States and Territories of the United States; to make and adopt by-laws, rules, and regulations not inconsistent with the laws of the United States of America, or any State thereof, and generally to do all such acts and things (including the establishment of regulations for the election of associates and successors) as may be necessary to carry into effect the provisions of this act and promote the purposes of said corporation.

SEC. 3. That the purpose of this corporation shall be to promote, through organization and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scout-craft, and to teach them patriotism, courage, self-reliance, and kindred virtues, using the methods which are now in common use by boy scouts.

SEC. 4. That said corporation may acquire, by way of gift, all the assets of the existing national organization of Boy Scouts, a corporation under the laws of the District of Columbia, and defray and provide for any debts or liabilities to the discharge of which said assets shall be applicable; but said corporation shall have no power to issue certificates of stock or to declare or pay dividends, its object and purposes being solely of a benevolent character and not for pecuniary profit to its members.

SEC. 5. That the governing body of the said Boy Scouts of America shall consist of an executive board composed of citizens of the United States. The number, qualifications, and terms of office of members of the executive board shall be prescribed by the by-laws. The persons mentioned in the first section of this act shall constitute the first executive board and shall serve until their successors are elected and have qualified. Vacancies in the executive board shall be filled by a majority vote of the remaining members thereof. The by-laws may prescribe the number of members of the executive board necessary to constitute a quorum of the board, which number may be less than a majority of the whole number of the board. The executive board shall have power to make and to amend the by-laws, and, by a two-thirds vote of the whole board at a meeting called for this purpose, may authorize and cause to be executed mortgages and liens upon the property of the corporation. The executive board may, by resolution passed by a majority of the whole board, designate three or more of their number to constitute an executive or governing committee, of which a majority shall constitute a quorum, which committee, to the extent provided in said resolution or in the by-laws of the corporation, shall have and exercise the powers of the executive board in the management of the business affairs of the corporation, and may have power to authorize the seal of the corporation to be affixed to all papers which may require it. The executive board, by the affirmative vote of a majority of the whole board, may appoint any other standing committees, and such standing committees shall have and may exercise such powers as shall be conferred or authorized by the by-laws. With the consent in writing and pursuant to an affirmative vote of a majority of the members of said corporation, the executive board shall have authority to dispose in any manner of the whole property of the corporation.

SEC. 6. That an annual meeting of the incorporators, their associates and successors, shall be held once in every year after the year of incorporation, at such time and place as shall be prescribed in the by-laws, when the annual reports of the officers and executive board shall be presented and members of the executive board elected for the ensuing year. Special meetings of the corporation may be called upon such notice as may be prescribed in the by-laws. The number of members which shall constitute a quorum at any annual or special meeting shall be prescribed in the by-laws. The members and executive board shall have power to hold their meetings and keep the seal, books, documents, and papers of the corporation within or without the District of Columbia.

SEC. 7. That said corporation shall have the sole and exclusive right to have and to use, in carrying out its purposes, all emblems and badges, descriptive or designating marks, and words or phrases now or heretofore used by the Boy Scouts of America in carrying out its program, it being distinctly and definitely understood, however, that nothing in this act shall interfere or conflict with established or vested rights.

SEC. 8. That on or before the 1st day of April of each year the said Boy Scouts of America shall make and transmit to Congress a report of its proceedings for the year ending December 31 preceding, including a full, complete, and itemized report of receipts and expenditures, of whatever kind.

SEC. 9. That Congress shall have the right to repeal, alter, or amend this act at any time.

Mr. MANN. Mr. Speaker, I understand that there is to be an amendment offered to the bill.

Mr. CARLIN. Mr. Speaker, that is correct. It is to strike out the name of one of the proposed incorporators.

Mr. MANN. Who is not an American citizen.

Mr. CARLIN. That is correct.

Mr. MANN. Mr. Speaker, I offer to amend by striking out, on page 1, line 8, all after the word "Illinois," down to but not including the word "Daniel," in line 9.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 8, after the word "Illinois," strike out all of the language down to but not including the word "Daniel," in line 9.

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

The amendment was agreed to.

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

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

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

#### LEAVE OF ABSENCE TO HOMESTEAD SETTLERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9691) authorizing leave of absence to homestead settlers upon unsurveyed lands.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. GARDNER. Mr. Speaker, this is a bill that is on the Union Calendar.

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

The SPEAKER. The gentleman from Colorado asks unanimous consent to consider the bill in the House as in the Committee of the Whole. Is there objection?

Mr. GARDNER. I object.

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9691.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9691, with Mr. MURRAY in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9691) authorizing leave of absence to homestead settlers upon unsurveyed land.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, I am going to avail myself of the rules of the House which enable us to speak on any subjects which we choose when the House is in the Committee of the Whole House on the state of the Union.

The House of Representatives for several days has been engaged in one of those exasperating performances which make the average man in the street itch to strangle every one of us. Half of us have been embarked in a maneuver to escape the cold hillside of a yea-and-nay vote on the question of American passengers on armed merchantmen, and the other half have been jockeying over the precise nature of the rule under which we are to take up the McLemore resolution.

If I came from a district where the sentiment was half pro-German and half proally I have not much doubt that I should follow suit and execute every kind of a skirt dance rather than let the pestiferous question come to a vote. Fortunately for me there are very few, if any, Germans in my district, so it is not difficult for me to support the President.

Mr. SIMS. Will the gentleman yield for an inquiry?

Mr. GARDNER. Certainly.

Mr. SIMS. As the gentleman is an authority on parliamentary law, this being the first Monday of this month, being individual suspension day, can not any gentleman get up and move to pass the McLemore resolution, to suspend the rules and pass it, and have a direct record vote on it at this time regardless of the Committee on Foreign Affairs or the rules of the House or anything else except, of course, the Speaker's recognition?

Mr. GARDNER. The gentleman has to have the recognition of the Speaker.

Mr. SIMS. Of course he has.

Mr. GARDNER. And he has to have a two-thirds vote to pass it.

Mr. SIMS. Yes; to pass it; but I am talking about a record vote. He can also move to suspend the rules and pass the resolution, with an amendment which he may have striking out everything after the enacting clause and putting in anything else he wants to, so if the gentleman wants a record vote on the

McLemore resolution, or a substitute to it, all he has to do is to get recognition from the Speaker in order to have it.

Mr. GARDNER. And a two-thirds vote.

Mr. MANN. It is like saying that all a man has to do to go to heaven is to die; one is just as ridiculous as the other.

Mr. GARDNER. I think what the gentleman from Tennessee says is absolutely true as a matter of theory, but as a matter of practice there is only one way to get the McLemore resolution before the House, and that is by a report from the Committee on Rules.

As you all know full well, neither the McLemore resolution nor any other resolution dealing with this armed-merchantmen question can come before this House unless a majority of the Committee on Rules can come to an agreement. A majority must agree both on the nature of the resolution which is to be proposed for our consideration and likewise on the method under which we are to consider it.

The Committee on Rules, practically speaking, can bring in to the House any rule which it wishes. That is to say, the committee can propose or, as we call it, report to us a rule providing for the consideration of any measure under the sun in any way under the sun. It is for us to say whether we adopt or whether we reject the rule proposed. If we adopt the rule proposed, we then proceed to consider the measure to which it relates. On the other hand, if we beat the rule proposed, that ends the matter, and the measure, whether it is the McLemore resolution or some other resolution, does not come to a vote at all. That is precisely what many gentlemen are aiming at.

Now, the maneuverers who want no record vote on this awkward question hope to secure the assistance of those Members of the House who may be dissatisfied with the particular form which the rule for the consideration of this resolution may ultimately take. They likewise count on the votes of those Members—and there are a few—who sincerely believe that the President has no business to ask us to act on the McLemore resolution. Of course they can count on the votes of many Members who are afraid that their side will be beaten if the main question comes to a vote. The maneuverers are sanguine that this combination of forces may result in a majority against the adoption of any rule proposed by the Committee on Rules, and thus a yea-and-nay vote on the main question may be avoided.

To say, as many persons do, that the Republicans are practically a unit against the adoption of a rule is absolutely untrue as will conclusively appear before long.

A few of us Republicans had a meeting in my office this morning and immediately afterwards seven or eight petitions were started out on the Republican side of the House asking the Committee on Rules to report a rule so that we might have a vote on the McLemore resolution. Those petitions, by the way, have been very extensively signed and there will be more signatures unless, as is rumored, the Committee on Rules has already come to an agreement to report a rule such as we seek.

Mr. Chairman, while I deny that the Republican side of the House is overwhelmingly against a rule for the consideration of the McLemore resolution, nevertheless it can not be gainsaid that some of the Republican leaders are against it, and at this identical moment are working tooth and nail to defeat it.

Mr. MONDELL. Will the gentleman yield?

Mr. GARDNER. Not at present. I will when I get through.

Now, Mr. Chairman, if this House wishes the respect of the country there are two things which we must not do. We must no longer delay a record vote on the armed merchantmen question and we must vote for or against a real resolution of warning, not for or against a humbug resolution of warning, which would mean nothing and would still leave our attitude a matter of doubt.

What I mean by a real resolution of warning is a resolution notifying American citizens, through the President or otherwise, that if they travel on the armed merchantmen of belligerent nations we shall abandon them to their fate. What I mean by a humbug resolution of warning is a resolution merely expressing the sapient opinion of this House, or of both Houses, that to travel on an armed merchantman belonging to a belligerent is an unpatriotic thing to do. Everyone of us knows at heart that a resolution of this latter sort is an adroit evasion of what the people of the country believe to be the issue. The McLemore resolution, with all its faults and vices, is a genuine proposal.

Personally I should prefer to see the vote come directly on the adoption or the rejection of the McLemore resolution, without dotting an "i" or crossing a "t," and my reason for that preference arises from the fact that it has been heralded to the world that the fate of the McLemore resolution is the test by which the attitude of this House is to be judged.

Moreover, I am not unmindful of the fact that the McLemore resolution was considered plenty good enough by its supporters when they thought that they had sufficient votes to carry it.

Any difficulty which we have with the parliamentary situation and any ambiguity which may surround our action will be entirely our own intentional handiwork or that of the Committee on Rules.

The parliamentary tangle can easily be straightened out if the Committee on Rules wishes to straighten it out, and our action can be made as clear as crystal unless we purposely confuse it.

Mr. SIMS, Mr. MANN, and Mr. COLEMAN rose.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. GARDNER] yield to the gentleman from Tennessee [Mr. SIMS]?

Mr. GARDNER. Yes, sir.

Mr. SIMS. If the gentleman from Illinois [Mr. MANN] wants to talk, I have no objection to it.

Mr. MANN. The gentleman from Massachusetts [Mr. GARDNER] resumed his seat.

Mr. GARDNER. If the gentleman from Illinois [Mr. MANN] will pardon me a moment, the gentleman from Pennsylvania [Mr. COLEMAN] wants to ask me a question.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] has the floor.

Mr. MANN. The gentleman from Massachusetts [Mr. GARDNER] yielded the floor, and I asked for recognition. The gentleman from Massachusetts has not the floor. I yielded to the gentleman.

Mr. GARDNER. I did not yield back the balance of my time. I asked the gentleman from Illinois [Mr. MANN] to allow the gentleman from Pennsylvania [Mr. COLEMAN] to ask me a question.

Mr. MANN. Certainly. I will yield for that purpose. The Chair erroneously was trying to take me off my feet.

The CHAIRMAN. The Chair will ask if the gentleman from Massachusetts yielded the floor?

Mr. GARDNER. I did yield the floor.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] will then take his seat.

Mr. MANN. And I yielded to the gentleman from Massachusetts some time.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] yields to the gentleman from Massachusetts.

Mr. COLEMAN. I would like to ask if the gentleman from Massachusetts [Mr. GARDNER] will yield to me?

Mr. TAYLOR of Colorado. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. TAYLOR of Colorado. I thought I had an hour on this bill which is pending before the committee, and I yielded 15 minutes to the gentleman from Massachusetts [Mr. GARDNER]. How can you take the time away from me?

The CHAIRMAN. The Chair will state that you had an hour, and you will get the rest of your time later.

Mr. MANN. I do not desire to ask for recognition as against the gentleman from Colorado [Mr. TAYLOR], who was entitled to the floor, although he did not rise to take it.

Mr. TAYLOR of Colorado. Somebody was talking.

Mr. MANN. That was not my fault. The gentleman ought to have been attending to business. But I do not desire to take the balance of it.

Mr. TAYLOR of Colorado. I will reserve the balance of my time.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] has the floor.

Mr. COLEMAN. I will ask the gentleman from Massachusetts, if the House is to pass upon the McLemore resolution, should it not have ample time to discuss the measure on its merits?

Mr. GARDNER. I understand, Mr. Chairman, that the rule provides for four hours' discussion. I should think that was reasonable.

Mr. LONGWORTH. May I ask the gentleman from Illinois [Mr. MANN] if he will yield, so that I may ask the gentleman from Massachusetts [Mr. GARDNER] a question?

Mr. MANN. Yes.

Mr. LONGWORTH. The gentleman spoke of having an answer as clear as crystal on this proposition. Would he say that the action of another body on this matter was as clear as crystal?

Mr. GARDNER. Certainly not. The Senate was the victim of its own rules. Even if Senator GORE had warned the Senators six months beforehand of what he was going to do, they could not have helped themselves. Under their own rules they could not come to a vote excepting on the question of tabling the Gore resolution in whatever final form the Oklahoma Senator

chose to present it. The Senate had to vote on the motion to table the Gore resolution just as it stood. The Senate could not amend it. So the Senate did the proper thing and tabled the whole business. The Senate was helpless. But we are not at the mercy of any individual Member. We are only at the mercy of the Committee on Rules, but we are not at its mercy one moment after it has reported a rule to the House. We can not force the committee to present a report, but once a report is presented we can do what we choose with that report.

Mr. MANN. Mr. Chairman, the gentleman from Massachusetts [Mr. GARDNER] has charged the membership of the House, in the consideration of the matters to which he referred off the floor, with having been actuated, first, by partisan reasons, and, second, by fear of how their constituents might treat their votes in the House. The gentleman from Massachusetts, in such matters, is entitled to speak for himself, but for no one else in the House. [Applause.]

I do not believe that either side of the House, in giving private consideration and discussion to the questions at issue to which the gentleman has referred, has been actuated either by partisan motives or by fear of votes at home. If there is anything to the question at all, it is too grave and great for the patriotic men of this House to determine how they shall act by base methods, as is suggested by the gentleman from Massachusetts. [Applause.]

I have not been in favor of bringing the matter before the House at all. I have been quite content to let the House attend to its constitutional duties [applause] and to let the President attend to his constitutional duties [applause], thinking that if at any time the President desired the action of the House he would come before the House or Congress and say so. [Applause.] There has been no complaint to speak of—at least voiced on the floor of the House—in criticism of what the President has done; certainly not from the Republican side of the House, and I think not from the Democratic side of the House. But gentlemen now insist that we shall record our views—upon what? Upon a grave question of international complications, or upon a resolution which somebody dropped in the basket, and which resolution no one in the House had ever heard of or read until the matter was urged to be adversely acted upon. Nobody was asking that the resolution be passed. Some people suppose that when a bill or resolution is introduced into the House it is matter of great moment. Anybody who is a Member of the House, and nearly anybody who is not, can secure the dropping into the basket of a formal matter, a bill or resolution, relating to anything under or above the sun, and the House does not treat these things too seriously. I dare say there are few Members of the House who would say that the McLemore resolution, so called, expressed his sentiments or his position; and I undertake to say that a majority of the Members of this House, if they expressed their opinions, are of the opinion that American citizens at this time ought not to complicate the situation by traveling in armed merchant vessels. [Prolonged applause.]

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

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Massachusetts?

Mr. MANN. I yield.

Mr. GARDNER. Is the gentleman of the opinion that a majority of this House thinks we ought to abandon those American citizens if they do disregard that warning that the gentleman has given them?

Mr. MANN. I think that when that question arises we ought to meet it [applause]; but I hope that our citizens may be so advised that we shall never be put to the test whether we have to fight because some fool had entered upon a joy ride or voyage. [Applause.] If we leave the matter as it is, we have expressed no opinion. We have left the situation to the wisdom and the discretion of the President. But if we are forced to vote simply and solely upon the proposition to table the McLemore resolution, which is the proposition which the Committee on Rules will submit to the House, and we vote to table the resolution, we have voted that we invite American citizens to travel on armed merchant vessels, with the assurance that we will go to war if they do. [Applause.]

I am in favor of keeping out of war, if it is possible. [Applause.] Who is it that proposes that we have a square vote? Not the gentleman from Massachusetts. He thinks that we ought to have a square vote on the McLemore resolution, but that we ought not to have a square vote on what we think ought to be done. [Applause.]

Now, gentlemen may say in denunciation of those with whom they do not agree that certain propositions are "fake" propositions. My idea of a "fake" proposition usually is one that I do not agree with. [Laughter.] Is the gentleman from Massa-

chusetts, or anyone else in the House who is going to vote with him, willing that the House shall have a chance to amend the McLemore resolution? [Applause.] Putting up a man of straw and knocking him down is a favorite device, but it gets no one anywhere. If the President of the United States, for whom I have respect, desires to know what the Members of the House think upon a proposition, he certainly must desire to know what they honestly think upon it. [Applause.] If we take no action at all in the House, to that extent we do not endeavor to bind the hands of the President or to influence his conduct; to that extent it is a vote of confidence. But if we insist, or the Committee on Rules or the House insists, that we shall vote upon a question of grave international importance, I do not propose to register the will of anybody else, but to register my own judgment. [Prolonged applause.]

The CHAIRMAN. The gentleman from Colorado [Mr. TAYLOR] is recognized.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, I never did believe in crossing a bridge until I came to it, or in anticipating trouble which may never arise, and especially when it is a matter which certainly is not now our concern, and I hope never will be.

The gentleman from Massachusetts [Mr. GARDNER] was mistaken in saying that the Senate was the victim of its own rules. It was no victim at all. It did the right thing, to kill whatever proposition came up under which Congress assumed without invitation to meddle with the diplomatic affairs of the country, which are peculiarly and constitutionally in the province of the President. [Applause.]

It makes no difference what the merits, what the substance of the resolution, or which side of any proposition the resolution favors, it ought to be defeated in the shortest and quickest and best possible way.

The question now, however, is not what the language or substance of our action should be, whether for or against the President's position; that is immaterial. It is none of the business of Congress to interfere with diplomatic relations at all.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. ADAMSON. I have not time to yield. I am trying to tell the gentleman some truths, but he does not listen. I agree that if an American citizen has not sense enough to keep off of a belligerent ship—if he thinks advice will be more impressive than torpedoes—I am willing that we should continue our warnings in thunder tones, as has been done; and that warnings should come from the President and his Cabinet and Members of Congress, all the way down, but it is not necessary that Congress should do everything. The notice given, however, should not be for the illogical reason assigned by some gentlemen, that if these people are warned of their danger this Government will not be responsible if they are destroyed, but because their presence on such ships may involve this country in complication with other nations.

If you pass a resolution now to warn them off these belligerent ships and say we will not be responsible, it would be regarded as a wholesale license to murder American citizens on any ships.

It is an international right of any neutral or noncombatant to ride on any merchantman or liner which is a ship of commerce hurrying from port to port and seeking no fight, whether armed or unarmed, and is not a battleship nor, like a battleship, carrying no commerce but seeking a fight. [Applause.] I do not care to discuss pro or con an international proposition that is now in the province of the President. I do not care to decide now whether I will vote to go to war or not. I do say it would require a very grave situation to induce me to involve my country in war. It may not be, as some Member has said, that I would not do it until an enemy actually invaded the district I represent here, but there would have to be danger of invading that or some other district in the United States. I certainly would not vote to go to war on account of anyone like the fellow who was proud and comforted that he saved his bulldogs, although he had allowed his mother to drown, in case of a ship torpedoed. The proper course for us to pursue here is to perform our constitutional duties and let diplomatic affairs alone and allow the President, who has managed them so successfully and gloriously for the last 18 months, to continue to do so, and I believe that with equal skill and wisdom he will continue to save us from trouble.

#### INTERMEDDLING OF CONGRESS.

The intermeddling of Congress is as liable to produce international complications as is the folly of the citizens in riding on ships of the belligerents. The point is, which all patriots ought to see plainly, that it is the President's business to manage diplomacy concerning our foreign relations and that Congress ought to do and say nothing until the situation should assume such

shape that the President would be compelled to call on Congress for action. It is not necessary for Congress to become nervous and try to anticipate that sort of a situation and try to take action before the necessity arises. If we attend to our own business, that crisis may never come. The President has steered us clear of trouble pretty well for the last 18 months, and if Congress will let him alone he will so continue, in my judgment. [Applause.]

The thing for us to do is, whether by tabling, by direct vote, or in one way or another way, to put the death stroke as soon as possible on any resolution, no matter what it is, no matter whose views it conforms to, which affects the business of the President and means the assumption of a task which does not really rest upon us. [Applause.]

The gentleman from Illinois erroneously contends that the course pursued by the Committees on Rules and Foreign Affairs with regard to the McLemore resolution is ridiculous and farcical. He insists that the resolution was already dead and as securely nailed on the table as it will be after the proposed action under the rule to lay it back on the table; but the gentleman remembers that under the rule it was taken from the table, where the Committee on Foreign Affairs placed it, on the request of the gentleman from Illinois [Mr. FOSS] and placed on the calendar in conformity with a rule of the House. Now, when the action of the House to-morrow votes the McLemore resolution back on the table, it will not be competent for any Member to have it taken from the table and have it placed on the calendar again, so it was certainly not nailed as fast to the table under the report of the Committee on Foreign Affairs as it will be when voted back there to-morrow under the rule reported by the Rules Committee.

What would have been thought of us and what would have become of our commerce and our infant Republic if during the Napoleonic wars Congress had been craven enough to warn American citizens that if they undertook to sail the high seas and were injured by the warring nations our Government would not be responsible? What would have been our aspect and the plight of our commerce if instead of cleaning out the pirates in the Mediterranean and the buccaneers in the Caribbean Sea Congress had passed a resolution warning our people to avoid ships in those waters, as this Government would not be responsible for outrages inflicted on American citizens? Our duty is plain and clear. Stick to our business and as quickly and emphatically as possible drop or kill all interference with the President's prerogatives, and let the world know that Congress is squarely behind the President in his diplomacy. Then, in my honest judgment, it will never be necessary for Congress to act on these questions at all. [Applause.]

Mr. TAYLOR of Colorado. I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, I take the floor simply because I made an inquiry of the gentleman from Massachusetts [Mr. GARDNER] when he was on his feet. To-day is the first Monday in this month, and under Rule XXVII is suspension day for individuals. The third Monday in the month is suspension day for committees. To-day any Member of this House can rise in his seat and move to suspend the rules and pass the McLemore resolution just as it is, or he can move to suspend the rules and ask for the passage of the McLemore resolution with any amendment that he may offer, even to the extent of striking out all of the resolution except the resolving clause, and then putting in anything that he may see proper, with his motion to suspend the rules and pass it as amended.

Mr. MANN. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. MANN. The gentleman from Tennessee has the same privilege of moving now that the McLemore resolution be laid upon the table. Why does he not try it?

Mr. SIMS. Wait a moment and I will tell you. The gentleman from Illinois will not contend that I am stating the rule incorrectly.

Mr. MANN. The gentleman has not stated it correctly at all, according to my notion.

Mr. SIMS. Let me inform the gentleman that it is within the rules of this House to move to suspend the rules and pass the resolution just as it is, or with such amendments as any gentleman may offer in his motion to suspend.

Mr. MANN. If the gentleman will pardon me, what the gentleman said was that any Member of this House, this being the first Monday in the month, could rise and move to suspend the rules and pass the resolution. Now, the gentleman knows that is not a correct statement.

Mr. SIMS. Why is it not correct?

Mr. MANN. Because he can not; that is the reason.

Mr. SIMS. Tell why.

Mr. MANN. In the first place, a man in order to move to suspend the rules must have the recognition of the Speaker.

Mr. SIMS. That is provided in another rule.

Mr. MANN. The Speaker does not recognize gentlemen for motions to suspend the rules on Mondays until late in the afternoon. Then he has the calendar on his desk for suspension of the rules; and the gentleman knows as well as I do that a great many Members of this House are already promised recognition by the Speaker for the suspension of the rules on other matters and that the Speaker would have no moral right to do this. Now, if the gentleman believes what he says, why does he not move to suspend the rules and dispose of the McLemore resolution? [Applause on the Republican side.]

Mr. SIMS. Mr. Chairman, of course I did not think that any Members of this House would for a moment suppose that he could make a motion without recognition. Of course, I knew he had to have recognition. I do not know what is on that calendar. Personally I have not said a word to the Speaker. I do not know whether he would recognize me or anybody else to make this motion; but when the gentleman from Illinois stood up there and described this question as one of the most momentous and one that may be fraught with such interest to our country as he has pictured, I will never assume, until I know I have to assume it, that the Speaker of this House would not recognize him to make a motion in order that he might offer an amendment that would express the feelings and real motives of the Members of this House. I do not know whether the Speaker would recognize the gentleman, for I have not said a word to him about it; but no little unanimous-consent matter and no ordinary bill should get in the way of taking the proper action in the right way, as described by the gentleman from Illinois, on a matter so important as this; and I want to say to him, without having said a word to the Speaker, I do not believe, if he believes as the gentleman from Illinois does as to the great importance of having a direct vote, that he would decline to grant recognition for such reasons as the gentleman from Illinois has suggested.

Mr. GARDNER. Will the gentleman yield to me?

Mr. SIMS. Yes.

Mr. GARDNER. Does not the gentleman know that the Speaker himself had decided that he can leave the Unanimous Consent Calendar when he gets ready, and recognize gentlemen for motions to suspend the rules even if the Unanimous Consent Calendar is not exhausted?

Mr. SIMS. I really do not know whether the Speaker has taken that position or not.

Mr. GARDNER. The Speaker has so ruled.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I would like one minute more.

Mr. TAYLOR of Colorado. I yield to the gentleman one minute.

Mr. SIMS. I am not in favor of the resolution. That is the reason I have not risen to make the motion to suspend the rules.

Mr. MANN. The resolution has been laid on the table, and being on the calendar where it is impossible under the rules to reach it, the gentleman is going to vote to lay it on the table again.

Mr. SIMS. If the gentleman from Illinois wants a real test, let him offer an amendment which he now has an opportunity to offer in the way I have pointed out.

Mr. MANN. I will offer the amendment if I have a chance.

Mr. TAYLOR of Colorado. I yield, Mr. Chairman, 10 minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman, I believe that every man in this House is agreed upon the one proposition that he regrets the situation should have arisen which requires expression on the part of the membership of this House touching an international matter that is more or less acute at this time, but that regret has no practical bearing now. There has arisen a situation which makes it essential that the House of Representatives express its view. Now, why? It is true that the dropping in the basket of a resolution means nothing, but after a resolution is dropped in the basket and such agitation is had informally, it is true, not on the floor, but elsewhere, as to cause the newspapers of the country to carry it out as one of the matters that was imminent in the House, and when, following that, statements are made by men in high and responsible positions in the House that such a resolution—and mark you, the resolution was not only a resolution of warning but a resolution of repudiation of responsibility in case the warning was disregarded—I repeat that when men in high and responsible positions in the House carry to the world the statement that such a resolution would, if it came up, pass by a 2 or 3 to 1 vote, and the effect of

that information or misinformation is to paralyze the Executive arm in dealing with international affairs, he has to use that common sense that should always characterize a man in his position in coming here and saying to the House, "I ask of you such action as will go to show what I consider the rights of America, represents the will of the American people or does not." Here is the position. It is not whether we shall go to war because some fool sees fit to travel when he ought not. Oh, no; there is a great controversy touching sea warfare. One of the belligerents insists that because of facts that have developed touching that warfare that it is entitled to change the rule of international law as it existed when the war broke out so as to affect the rights of neutrals. America stands to-day as the one great Nation that can defend the rights of neutrals, and the day is coming in this world in the time of progress when the belligerents will learn that they are the outlaws, that they have only such rights as a peaceful world is willing to give them [applause], and that peaceful world has not simply such rights as it can take away from the outlaws of the world.

Now the President is standing for a great international issue. It may be that men conscientiously think that they are voting a warning simply as an indication of caution, but that is not the effect of it. The logical effect of it is that this Nation is not prepared to protect men in this right, and that right means more than in my time I can go into. It means much more than the approval of foolhardiness in traveling on a ship. Since the war broke out I have arranged for more than 20 Americans to come back to their country, and many of them had to travel on merchant vessels belonging to belligerents. Is America going to say that they are not to be protected in their right not to be killed, not to have a peaceful ship sunk without warning? If that be true, what need for dispute over the *Lusitania*? If the right is only to be upheld when it can be upheld without any risk to us, God pity this country. [Applause.]

I am for my country, and I believe in standing for its real rights, let the risk be what it may. And men by foolish talk, by forcing an issue, giving aid, not intentionally but actual aid and comfort to the nation we are in controversy with, have made it necessary that this House shall say to the world that the President does not speak for himself alone but for all the people of America. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from West Virginia.

Mr. NEELY. Mr. Chairman, I avail myself of this opportunity to speak to the McLemore resolution, which will come up to-morrow under a rule that will probably admit of no general debate.

It was written long ago, in language so clear, concise, and simple that the wayfaring man could not misunderstand it, that "Every city or house divided against itself shall not stand," and "Every kingdom divided against itself is brought to desolation." To-morrow we shall subject ourselves to the crucial test that will determine whether this House shall stand or fall. Our action on the resolution will proclaim to the world that we will either stand together and support our Chief Executive in his supreme struggle to maintain the honor, the dignity, and the prestige of this Nation, or that we have divided our House and caused it to fall in utter ruin and as an impassable barrier across the perilous pathway in which the President is successfully leading his people in peace while all the rest of the world is bleeding to death from the ghastly wounds of war.

The passage of the resolution would bind the President's hands, annihilate his authority, and silence his tongue. It would be a confession that we have abandoned the right of making the law of nations to the international outlaws on the other side of the water; that we have repudiated the Declaration of Independence, and bowed the knee in fear and trembling before the brutal belligerents of the old world.

Some say that the rejection of the resolution will mean war. On the contrary, it will mean continued peace; for when the war-crazed nations of Europe once know that this country is united, from the White House to the Capitol and from the Capitol to the firesides of a hundred million patriotic people, then our rights will be respected in every land and our flag will be honored on every sea. But if the rejection of the resolution should mean war—and no one shall go before me in opposing war or in confidently believing that we shall have none so long as we refrain from meddling with the President's business—but if the rejection of the resolution should mean war, were it not a thousand times better that we should all die in the trenches and national honor live than that we should all live to see the honor of this Nation ignominiously die?

This is a contest between European empire and the American Republic; a contest between might in the Old World and right in the New; a contest between military despotism and the

peace-loving President of the United States. In such a contest I, for one, am against every foreign potentate, prince, and power—the world, the flesh, and the devil—and with the President of my country.

In God's name, let the resolution die and let the honor of the Republic live in unsullied grandeur forever and forever. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. FLOOD].

Mr. FLOOD. Mr. Chairman, this is a broader question than whether Americans shall be warned not to travel on armed merchant vessels of belligerents. It is a broader question than whether Congress has the constitutional power to warn American citizens not to exercise what is their undoubted right. It is a broader question than what has been the practices and the precedents of this country. The issue we are to vote upon tomorrow presents a question of whether in diplomatic negotiations going on between the Executive of this country and a foreign Government we shall stand with our President or with a foreign Government. [Applause.] It is whether you are going to stand with America or a Government with which America is negotiating; and when that time comes, Mr. Chairman, when that issue is presented, I believe that every patriotic Congressman—and I believe we have none here but patriotic Congressmen—will be found standing behind the President and behind this country. [Applause.]

I regret that this matter has had to come before Congress, but it is not the first time that the House of Representatives during my service here has had to deal with a question of this kind. In the Sixty-first Congress the gentleman who now so ably represents a New York district, Mr. BENNET, introduced into the House a resolution requesting the President to enter into negotiations with Great Britain for the annexation of Canada to the United States. At that time "our President" was negotiating a reciprocity treaty with Great Britain, and I recall that he sent for Mr. FOSTER, chairman of the Committee on Foreign Affairs and myself, and said to us that the Bennet resolution, although it had just been dropped into the basket and was quietly resting in the Committee on Foreign Affairs, was hampering his negotiations, and he asked us to report it out with an adverse report; and we took it up, and every Democrat and every Republican upon that committee, except Mr. BENNET, voted to carry out the wishes of the President of the United States. [Applause.]

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

Mr. FLOOD. If I have the time.

Mr. BENNET. And when the committee had reported it adversely, and it had gone on the table under the rules of the House, the House left it there, did it not?

Mr. FLOOD. Mr. Chairman, in that instance we took the action that the President of the United States, in his wisdom and with the knowledge he had of the diplomatic situation, asked us to take. A more serious question confronts us to-day. We know that we have talked in this House about warning resolutions, and it has gotten in the newspapers, and the impression has gone abroad that the House of Representatives favored the McLemore resolution warning Americans to stay off armed merchant vessels and disavowing responsibility for their safety if they traveled upon them. That impression has hampered the President in negotiations with the German Government, and he asks action just as President Taft did, though he desires us to go further than was deemed necessary in the case of the Bennet resolution, because the situation is more serious. Action now in the way the Foreign Affairs Committee has recommended would do more to keep us out of war than to pass the warning resolution in any shape. [Applause.]

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

Mr. FLOOD. No; I have not the time.

Mr. GOOD. For just a question?

Mr. FLOOD. If I can have a minute or two in which to finish.

Mr. TAYLOR of Colorado. I will grant the gentleman one minute more.

Mr. GOOD. Does the gentleman think, then, that under the present circumstances the House, irrespective of the convictions of the Members, ought to vote with the President, whether they think the President is right or wrong in this emergency, especially when the President, in a letter to the chairman of the Committee on Rules, asked us for a vote upon this question?

Mr. FLOOD. I think in this emergency, in this crisis, it is the duty of patriotic Congressmen to stand with their President and with their country. [Applause.]

The President asks for this action. We recognize his constitutional right to deal with these matters, to carry on these

negotiations unhampered. He knows how he has been hampered and how much he has been hampered.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Will the gentleman yield me another minute?

Mr. TAYLOR of Colorado. I yield one more minute to the gentleman from Virginia.

Mr. FLOOD. He knows, and we do not know, the extent to which he is and has been embarrassed by exaggerated reports of what has taken place in the cloakrooms, and we should give him this vote.

Mr. HOPWOOD. Will the gentleman yield?

Mr. FLOOD. No. There is no man in this country who has tried so hard to keep this country out of war as Woodrow Wilson. [Applause.] I do not see how a patriotic American can take the slightest action that will prevent the success that has so far characterized his efforts in that direction from reaching full fruition. [Applause.] To-day we are the only great Nation upon the face of the earth throughout whose borders peace and prosperity walk hand in hand, and we owe that to the cool, calm, courageous man at the other end of the Avenue. [Applause.] I believe in this crisis it is our duty, when the rule comes up tomorrow, to vote for the adoption of that rule, and, when the McLemore resolution is submitted to this House, to vote to lay it on the table. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, in view of the prevailing excitement I will, in an effort at self-restraint, begin with the reading of a resolution which I introduced a few days ago, and which I believe meets the situation.

Joint resolution (H. J. Res. 170) constituting a declaration by Congress of the policy and intention of the people of the United States toward the belligerent nations.

Whereas the President of the United States has called upon Congress to uphold him in his view of the rights of Americans traveling in armed merchantmen carrying the flag of a belligerent nation; and

Whereas the belligerent nations, in their struggle to survive in the contest, have disregarded vital interests of neutrals in comparison with which the claim of the right to travel in armed merchantmen sinks into insignificance; and

Whereas the prevailing apprehension among the people of the United States that an attempt may be made to enforce American rights and claims by means of war, makes it imperative that a definite and unequivocal declaration of the policy and intentions of the United States toward the belligerents be made by Congress: Therefore be it

Resolved, etc., That Congress solemnly declares its unalterable opposition to war as a means of enforcing the claim that Americans may travel in armed merchantmen of belligerents.

That Congress solemnly declares that, except when repelling an enemy invading the territory of the United States, there can be no justification for a resort to arms.

We are discussing in advance a rule which the Committee on Rules is to report to-morrow, and which will prevent any action on the McLemore resolution except that of tabling the resolution. The McLemore resolution proposes to warn Americans off armed merchantmen flying the flag of a belligerent nation. The Committee on Foreign Affairs recommends that the resolution be tabled. It will be made impossible to amend or improve the resolution. All discussion will thus be choked off. A matter of unprecedented magnitude, involving the gravest problem which can present itself in the life of a nation, will be disposed of, if the judgment of the committee prevails, without any discussion whatever. What a dangerous mistake; what a serious blunder! We are advised to refuse to consider on its merits a proposition which forms the subject of obstinate contention between our Government and that of another nation; a proposition which, we are told, involves the rights of neutrals under international law; a proposition the dispute about which threatens to bring this country to the brink of war.

The President asks that Congress declare itself on the subject. In his letter to the acting chairman of the Committee on Rules he says, in substance, that his ability to negotiate a settlement of the controversy relating to the rights of Americans to travel in merchantmen armed for defensive purposes is being destroyed by reports that Congress does not indorse his views.

What does the committee recommend? It recommends that we lay on the table the McLemore resolution. Will that be an approval of the President's attitude? Will that mean that Congress believes there is no distinction between an armed and an unarmed merchantman? Will that mean that Congress seriously thinks that a merchantman armed for defensive purposes will resist the temptation to destroy a submarine on sight and before the submarine has accomplished its intended harm? Or shall we assume that an armed merchantman will carry guns for the purpose of offering friendly salutes and offering courtesies to the enemy submarines? Why, the captain of an armed ship who will permit a murderous submarine to come

within striking distance has a mighty poor conception of his obligations.

The difficulty lies with the permission to use the submarine at all. The submarine is a thievish sort of a thing. It works quietly. It works stealthily.

Will our vote here mean that Congress is determined to go to the extent of permitting a rupture of diplomatic relations with the Government of a friendly nation? And after diplomatic intercourse has been severed, then what? War? Wholesale murder? Death and destruction? Chaos? The most powerful neutral Nation engulfed in the maelstrom?

I refuse to treat the subject lightly. I can not treat the request of the President as a command to agree with him. We should rather welcome his invitation of action by Congress as an offer to cooperate with the Chief Executive in determining the foreign policy of the Republic. We are, after all, some kind of a democracy. I am almost inclined to offer a vote of thanks to the President for the opportunity to extend the principle of democracy to international relations. The President asks for an expression of opinion. In order to obtain a collective expression of opinion we must have a thorough discussion and exchange of views.

Had the nations of Europe been given the opportunity which is now offered to Congress by the President there would have been no war in Europe. I insist that we must defeat the motion to lay on the table. Let us face this big problem as men should face a big problem. The motion to lay on the table is a subterfuge. We can not follow the method of the Senate, which acted first and debated afterwards.

What is really in the minds of the people is the fear and apprehension of war. We have been going the way of the other nations. The great masses of the people are not interested in the quibbles of international law. After all, international law is more or less of a myth. It exists principally in textbooks. There is not a nation which has not disregarded fundamental principles of international law whenever it suited its purpose, either in times of peace or in time of war. There seems still to prevail in international law "the good old rule, the simple plan, that they should take who have the power, and they should keep who can."

Between wars the nations of Europe have been amusing themselves by more or less forcible invasion and occupation of territory of small nationalities and small peoples. In war times nations powerful enough to disregard a rule relating to the game of war have not hesitated to do so.

This is a titanic struggle. The very nations that helped frame this code of so-called international law are participants in the contest. Each contesting party interprets the law as best suits its interests.

We owe an answer not only to the President but to the people of the United States and the rest of the world.

We are in a dispute with one of the belligerents. Disputes between nations have recently been terminating in war. What the people fear is that we are driving toward war. We have had resignations of members of the Cabinet. We have our war party as the countries of Europe had which joined in the war after August, 1914. There are here those who now talk, as of a simple business proposition and as a matter of course, about our need of participating in the war.

First of all it is this apprehension that must be allayed. It is this fear that must be dispelled. That can not be done by a motion to lay on the table.

An appeal is being made in the name of international law. The great masses of the people are under the impression that international law means a code of rules which prescribes the conditions under which war is justifiable. Now, we all know that is not so. The conception of international law which exists in the minds of the masses is superior to the international law which we find in the textbooks. So far as war is concerned, the textbook international law deals primarily with the rules of the game of war and does not attempt to formulate a moral code for the guidance of nations in their mutual intercourse. We should utilize this opportunity to lay down a rule of conduct for the guidance of this Nation and for the enlightenment of others. We owe it to the world to declare that we will not waive any right of neutrals, but that we will not resort to the use of physical force; that we will not employ the Army and the Navy to compel compliance with our view of international rights. What we should do is not to table the McLemore resolution, but permit a free and full discussion of the entire subject; and, above all, we should adopt a clear and unequivocal declaration to the effect that, first, we have no quarrel with the people of any European nation; second, that any dispute which we may have with the government of any of the belligerents shall be submitted, after the passions of the war have subsided,

to the determination of a board of arbitration; third, that we refuse to resort to physical force as a means of compelling respect for our rights.

In its report the Committee on Foreign Affairs submits that—

In the practice and precedents of this country the conduct of diplomatic negotiations has been left to the President, and with this practice the committee does not feel it proper to interfere. We know that if the President reaches a point in any negotiations with foreign Governments at which he has exhausted his power in the premises he will, in the usual way, report all facts and circumstances to Congress for its consideration.

The committee evidently fails to grasp the full meaning of its own words. The committee leaves open the question whether it is within the power of the President to terminate diplomatic negotiations. This should not be left open. An emphatic answer should be given not only to the President but to the people. Not only to the people of the United States but to the rest of the world.

Secret diplomacy and the absence of democracy in international relations which secret diplomacy involves has been the curse of mankind.

Diplomacy had its origin among the small Italian States and developed to its present importance when most of the nations of Europe were monarchies, in the government of which the people had no voice. The sovereigns, on the theory that they were anointed by God to rule over the respective nations, exchanged diplomatic agents.

The people had no voice in determining the internal policy of the States, and much less in determining the policy toward other nations. Diplomacy became an art. Had diplomacy consisted in telling the truth it is doubtful whether it would ever have become an art. The diplomat was supposed to play the part of a spy and was regarded as one. While theoretically representing the nations, the diplomats in fact represented the sovereigns, their intrigues, their designs, their schemes. Strangely enough, this notion of personal diplomacy, representing the person of the sovereign, has survived in our great democracies.

A few days before the war the peoples of Europe had no notion that calamity was so near.

This Government is founded on the idea that only such governments may exist as have the consent of the governed; that only those laws are to be obeyed in the making of which the people have had a part. How strange that simultaneously with these theories of government within the geographical limits of the Nation the people should permit their international relations to be determined by secret diplomacy!

The United States has no secret designs against any nation. We can afford to say openly and to the world all that we have to say.

The extent to which this one-man diplomacy is untenable appears in the very complaint of the President, in which he says that it has been reported in European capitals that there is divided opinion on a certain subject in America. Why, there is only one way in which to prevent a division of opinion, and that is to prevent the people from thinking or giving expression to their thoughts. This course has been pursued in several countries of Europe by sentencing to imprisonment those who dared to attack monarchical institutions. Why should we, the 435 Representatives of the people, elected by the people, permit the question of war and peace to be determined by an individual? And why should any individual undertake the task?

The fact that the Constitution vests in Congress the power to declare war would necessarily imply that it also vests in Congress the power to determine those conditions which, if not controlled by Congress, would lead to war.

Is there any doubt that with the generally prevailing notions of national honor and with friendly intercourse interrupted and diplomatic negotiations terminated, with the patriotic fervor aroused, Congress may be put in a position where it will vote a declaration of war in spite of the innermost convictions of its individual Members?

The diplomacy which has been playing one nation against another and working havoc with all of them should not be ours. Diplomacy which gives one man the opportunity to make war inevitable can not be ours.

I intend no reflection upon the President of the United States. He has had an extraordinarily difficult task imposed upon him. It is not against his theories that I raise objection. It is with Congress that I am having my quarrel.

We can not long exist as a Republic within the limits of our own territory and permit monarchical notions to survive in the realm of international policy. And as we have inherited from the days of monarchism our notions of diplomacy, we keep on repeating, without analysing their meaning, the phrases coined by that very diplomacy.

We speak of fighting for national honor. What is national honor? I contend that there is only one people that can violate the honor of the United States, and that is the people of the United States. A nation, like an individual, must faithfully observe its obligations. And to the extent to which a nation meets its obligations to the rest of the world it is honorable.

There can be no such thing as offending national honor. One may offend national pride or injure national interest. Let us not confuse national honor either with national pride or with national interest. If a nation had failed to carry out its obligation to us, an obligation which it has assumed either by implication or in explicit terms, it has not offended our honor, but it has injured our interests.

If the injury is of a serious character, the practical problem that will present itself to the people will be to determine the extent of the injury that has been inflicted or that is threatened to be inflicted upon us. To what extent are our interests threatened? To what extent is our welfare adversely affected? Is the injury irreparable? Can we forego the advantage which would have been ours had the obligation not been violated? Thus presented, the people of the United States would be able to intelligently determine whether the advantage they lose by reason of an injury to their national interest is of a nature which would warrant the people in resorting to arms. Then each man would be able to search his own conscience and answer to himself the question whether he was ready to shed the blood of a fellow man in order to retrieve a possible financial or economic loss. And there is not any doubt that the great majority of every enlightened people would rather forego many economic advantages than destroy one human life.

There may be an injury to national pride. The attempt to punish a nation for an injury to national pride always assumes the character of a war for revenge. We can not accept the code of honor of revenge. We can not accept "vendetta" as our moral law. Unfortunately, we are victims of the very phrases which we coin. We talk about international law while in truth the difficulty with international law is that it has no international sanction; that the great nations have been defying it in times of peace and in times of war; and that there has not grown up among the masses of the people a definite conception of what the relation of one nation toward another should be.

We talk about national honor, forgetting that in almost all cases national honor is either national interest or national pride.

The people of the United States abhor war and tremble at the very suggestion of it. Let us allay their fears. A fear to do a wrong is not an ignoble fear. There is no glory in bloodshed. There is no glory in modern warfare. Secret diplomacy decides upon war, and men who have been forced into the armies by conscription are marched against one another. The men in the front ranks are not always the bravest. They are very often placed in the front ranks because they have offended against army discipline. The men in the second line are instructed to shoot the men in the first line as soon as the latter turn their backs. The men in the third line are instructed to shoot the men in the second line under the same circumstances. And so from the beginning to the end, we have the human machine driven by the threat of destruction—forced into destroying his fellow man.

How long will we be slaves of meaningless phrases? How long will we permit combinations of words which long ago lost their significance to act as substitutes for thought?

Modern war eliminates the necessity for physical courage. It does not require any particular bravery to hide in trenches or to shoot at an invisible enemy with long-range guns.

#### THERE IS SOME TALK ABOUT COWARDICE.

The American people can certainly not be charged with cowardice in this instance as there is no particular bravery required in joining 10 nations in attacking one.

Let us preserve the opportunity to be the peacemaker in this contest. It may involve some humility. The peacemaker is always kicked about by those whom he seeks to restore to their senses.

Whatever difference of opinion we may have with the Governments of some of the European powers we have no quarrel with any of the peoples of Europe. The average American will shrink from the thought of shedding the blood of a German or Austrian, of an Englishman or of a Frenchman, as he would shrink from shedding the blood of his brother. We underestimate the humanity of the American people.

Let us give notice to the world that the code which justifies the use of physical force to settle international disputes has been repudiated by the American people. Such a declaration will be a greater boon to mankind than the Declaration of Independence which laid the basis of this Republic.

The Socialist movement, in the name of which I speak, has in all countries and at all times opposed war and anything that would lead to war. It has opposed oppression of nationalities. It has resisted imperialism and colonial conquest. It has opposed the maintenance of armies and navies. It has everywhere demanded that international relations should be conducted in the open and by the representatives of the people, and it has insisted that every nation, no matter how small, be given full scope to develop its genius. It has not hesitated to tear away the mask of hypocrisy which in the name of law enables the strong of each nation to grind its own weak. It brands as hypocrisy the international law which permits the crushing of the weak nations by the stronger. It has always contended for an international code of morality which would enable the nations of the world to live in peace and to settle their disputes through international arbitration and not through the arbitrament of war.

In season and out of season I will urge the need of a higher code in our international relations. In season and out of season I will repeat the warning of the Socialists—the warning which has been disregarded by the nations of Europe, and for the flouting of which Europe is paying a heavy penalty to-day; the warning that there is no civilization worth while which is not based upon free men within each nation and upon free nations in the brotherhood of nations.

I submit that House joint resolution 170, which I read in the beginning of my address, is the proper resolution to be adopted in lieu of the McLemore resolution.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield two minutes to the gentleman from South Carolina [Mr. RAGSDALE].

Mr. RAGSDALE. Mr. Chairman, it was no feeling of party loyalty nor desire to pay a tribute to the present occupant of the White House that was responsible for my action as a member of the Committee on Foreign Affairs. To my mind the broad question was, How far shall the President of the United States be interfered with in this crisis? How far shall we go in interfering with him? You gentlemen of this body, do you know the facts that are under consideration by the State Department? Are you conversant with the facts that are there in the archives? How far will you go in interfering to-day with that department in dealing with other Governments?

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

Mr. RAGSDALE. I have only two minutes. I do not know the situation that confronts us to-day. I think few men in America know. I do know that we are in one of the worst crises that this country has ever been called upon to face and in which the President of the United States has preserved the peace of this country. I believe there are few men could have preserved that peace with the dignity and honor that has been maintained. [Applause.] Feeling this way, Mr. Chairman, realizing conditions that are almost intolerable across the water, knowing that we have from time immemorial vested the right of conducting foreign affairs in the President of the United States, I ask this House to stop and consider before any action is taken for which we may repent too late. The President has not exceeded his authority, he has not transgressed our powers in this matter. This is our flag, our country, and our Executive. Let no personal or party consideration influence any Member against that which is due them in this crisis.

I beg this House will stop and consider whether we shall paralyze the hand of the man into whose keeping we have placed the power of directing our foreign affairs. A blow at that power now is a blow against our flag and our country.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Illinois [Mr. MANN] desire to reserve the remainder of his time?

Mr. MANN. I first yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I think the American people understand very well what the situation is. They know the character of armament now being carried on the merchant ships of certain great powers. They know the orders given to the masters of those vessels. They know that, without regard to what treatment they may be accorded by the attacking enemy, there is bound to be a fight when they meet and some one is certain to get hurt; that is likely to bring about international complications leading to war. And, knowing this, the American people are in favor of having our citizens warned to keep off these powder ships. [Applause.]

Further than that, the American people will not be fooled by any fake appeals to patriotism or any buncombe appeals for loyalty to the President when the question of loyalty to the President is not involved. The question is, Shall we be loyal to our convictions and loyal to our country? That is the ques-

tion before us. It is not true that the warning of American citizens from armed merchant ships is an international question. No one dreamed that it was an international question until it was suggested from certain quarters. It is not true that action by Congress warning Americans from armed ships will in any way embarrass this Government in its negotiations with foreign States. The question is a purely domestic one, and it is one for us to determine.

It is true that if this House voted squarely on the question of warning our people from armed merchantmen and voted its convictions, such a warning would have the vote of at least two-thirds, if not three-quarters, of the Members of this House. That is so true that certain gentlemen who know it is true are trying to dodge the issue and, to a certain extent, they have been able to dodge the issue by presenting this matter to the House in a way making it impossible to have a square vote on a simple, plain proposition of warning.

The gentleman from Massachusetts and those who agree with him do not, in my opinion, want a square vote on the simple proposition of warning. There are people in this country who insist that American lives shall be sacrificed and American honor shall be put in jeopardy to insure the cargoes of certain American exporters. That is the proposition contained in a refusal to warn our people off these armed ships. The question is not one of diplomacy; it is not one coming wholly within the purview of the duties and responsibilities of the President. It is a duty and responsibility resting on us as representatives of the people to say, that in the condition of affairs now existing relative to the merchantmen of the world, armed to fight, purposed to fight, intending to fight, we warn our people to keep out of that kind of danger imperiling their lives and the peace of their country. [Applause.]

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. It seems to me, Mr. Speaker, that in world affairs we have come to a juncture when we might well exclaim with Mark Anthony, "Oh, judgment, thou art fled to brutish beasts and men have lost their reason." The people of the United States expect us to maintain our sanity. They do not expect the Members of this House to lose their reason, even though madness stalks abroad on the other side of the Atlantic. [Applause.]

I have heard several gentlemen to-day speak of our national honor. I yield to no man in love of country or in a feeling of pride for the honor of the United States. To me our national honor should be maintained pure, unsullied, stainless. But it seems to me, Mr. Speaker, that we have come to a condition under which we have established a double standard of national honor. I remember a few weeks ago when 18 American young men—money earners, if you please—went into Mexico to find employment in the mines of that country. They were massacred in cold blood while en route to the place of employment by a band of Mexican insurgent soldiers. The people of the United States were horror-stricken when they heard the awful news. The relatives of the murdered men appealed to our Government to endeavor to have something done to bring the murderers to justice and prevent a repetition of such an outrage. It seems to me that our national honor was involved in that instance. But the relatives of these men were told that their loved ones had gone into Mexico at their own risk. That they had been warned not to go into Mexico, and having refused to accept the warning they virtually took their lives into their own hands. That is one standard of national honor that has been set up by this administration.

And now, because some American wants a thrill, because some money spender, some blasé, foolhardy citizen wants to do something in order to spur his jaded appetite, we have another standard, a second standard of national honor; a standard that possibly might bring us into war because of some willfully foolish act of some reckless American citizen. Mr. Speaker, the American people do not want war. The American people do not propose to get into this European conflict. They look to us to keep them out of it. And the Congress and the President will find, if anything is done to bring this country into this European war, that, in the final analysis, the consequences, if war should come, will be placed upon the shoulders of those who will be responsible for forcing the country into war. I for one am satisfied that the Congress will do its duty; it will gladly take its share of responsibility. But it should also leave to the Executive his share of responsibility. [Applause.]

Mr. MANN. Mr. Chairman, I yield five minutes to my colleague from Illinois [Mr. STERLING].

Mr. STERLING. Mr. Speaker, it seems to me that some gentlemen are seeking to evade the very question upon which

the President of the United States desired that this House should vote. A week ago he wrote a letter to the chairman of the Committee on Rules asking that Congress express its views on one of these several resolutions that have been pending in the committees since the opening of the session, and, so far as I know, those resolutions would be pending there still if it were not for the fact that the President of the United States insisted on the House voting on one of the resolutions with the hope that it might be defeated.

The newspapers for a week have set it out in the headlines that the President of the United States was demanding a "show-down." I for one believe that the President is entitled to a "show-down." I believe that he is entitled to know whether the Members of this House favor a resolution giving warning to American citizens or whether they are opposed to it. Under this proposed plan this House intends to deny him that which he has asked for. It seems to me it would be far better and more manly to vote on the resolution to the end that the President may know what our convictions are. Presumably that is what he wants, and that is what he will not get under this plan to lay on the table.

When we have voted on this question to lay this resolution on the table, the President will not know how a single Member of this House stands on that question, except those who may have an opportunity to express themselves in debate on the floor. He will not know from the vote that is taken to-morrow on the motion to lay the resolution on the table where any Member stands on this proposition. The people of the country, our constituents, will not know where we stand on that question. The people in the capitals of foreign nations, if it makes any difference what they think about it, will not know, when we have taken this vote to lay on the table, whether the Congress of the United States approves the course of the President in his diplomatic negotiations or whether it disapproves that course.

And so I submit to you that that is the situation, whether or not we ought to take a vote to lay this resolution on the table, or vote on the resolution itself, and let not only the President but the people of the country know just where the House of Representatives stands.

Now, I say to you frankly that I am in favor of a resolution to warn American citizens to stay off armed vessels. I would not vote to deduct from the rights of Americans on the high seas, but a plain resolution of warning does not take away any right. It has for its sole and only end the high patriotic purpose of saving life and insuring peace. It does not involve any international question at all. It is a question between the Government of the United States and the people of the United States, and the purpose, or at least the purpose that I will have in mind when I come to vote on the resolution, and I dare say the purpose of the Members who have introduced resolutions of warning, was to save the lives of American citizens and to avoid complications with foreign nations that tend to involve us in war. [Applause.]

Is not that a worthy motive, if warning the American people of the dangers of ocean travel in armed vessels would tend to save the lives of American citizens and to avoid complications with the belligerent powers of Europe? Then the President ought to gladly make this warning. Suppose the President when the war began had warned American citizens of the dangers of ocean travel and called to their mind that the death of American citizens on the high seas might engulf this country in serious complications, it would doubtless have saved some of the lives of those which have been sacrificed, and might have avoided some and maybe all of the incidents that have arisen by the sinking of ships carrying American citizens.

The President came nearly doing so in August, 1914. The President did issue a warning to the American people urging neutrality. Neutrality in thought as well as in action, and his purpose in that warning, the only purpose that he could have had, was to keep our country free from complications that might involve us in that awful struggle.

Let me read you a part of what he said in that warning:

I venture, therefore, my fellow countrymen, to speak a solemn word of warning to you against that deepest, most subtle, most essential breach of neutrality which may spring out of partisanship, out of passionately taking sides. The United States must be neutral in fact as well as in name during these days that are to try men's souls. We must be impartial in thought as well as in action. We must put a curb upon our sentiments as well as upon every transaction that might be construed as a preference of one party to the struggle before another.

Might we not consider that if it is our duty as American citizens to curb our thoughts and our actions, to curb our sentiments and our transactions, it is equally our duty to curb a desire to travel the high seas, a thing that will much more likely

involve the Nation in difficulties and in international disputes than anything we might say or do at home.

When the President made that utterance a year and a half ago I felt that it was a wise and patriotic utterance. To curb our words and deeds in order to maintain a national neutrality is no sacrifice of American rights. To desist traveling the high seas in armed ships is no surrender of the rights of an American. A warning to the thoughtless and to those who travel the seas in time of danger to satisfy the spirit of adventure is not a denial of their rights to do so. It is a precautionary step which the President, Congress, and the press of the country ought to take in the interests of patriotism and peace.

Gentlemen who will vote to lay this resolution on the table will not be able to fool the country by making them believe that it is a vindication of the President or that it will strengthen his hands in his negotiations with foreign powers. It will not do so. The country will understand that it is a pure evasion by the House of the question, and instead of being a help to the President it will be seized upon as a hindrance. It will have no tendency to curb the acts of those who want to sail the seas. It may multiply instead of lessen the difficulties which arise in our foreign affairs.

These gentlemen can not say that a vote to lay the resolution on the table means a vote against the resolution. Gentlemen may try to satisfy their consciences and their constituents by saying that when they voted to lay the resolution on the table they voted against the resolution. But the President and the country want to know how they would have voted on the resolution if it had been submitted to this House. If a vote to lay on the table is a vote against the measure, then why this parliamentary fluke of laying it on the table? Why not submit the resolution itself to a yea-and-nay vote, so that every Member will show the country just where he stands, and that the country, the President, and the world may know the attitude of this House on the proposition.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. STERLING. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MANN. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. FOCHT].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOCHT] is recognized for two minutes.

Mr. FOCHT. Mr. Chairman, it has been well said by the leader of the Republican side of the House that there has been nowhere any intimation of interference with the prerogatives of the President of the United States, or any suggestion that this House meant in any way to curtail his constitutional rights.

But we find a demand made upon this Congress to give an expression of its opinion in regard to what has been characterized or denominated here as a great crisis. We have heard of the President himself in public declarations saying that war was only at arm's length, that it might occur to-morrow or in a week. And now we have Members on this floor to-day stating that there is information in the archives of the State Department that would make us tremble if we knew of it.

I say to you, Mr. Chairman, if war is as near as that, and there is information in the possession of this Government of that character, I would like to know what patriotic citizen, be he President or anybody else, would withhold it from the sovereign body of Congressmen, the Representatives of the people, to whom, as the designers of the Constitution well provided, is intrusted the power to declare war, as a direct expression from the people, and to whom we are accountable. While the makers of the Constitution curtailed the powers of the President, they gave an unlimited sway in that regard to the Members of Congress. [Applause.]

Therefore, wherein is Congress subordinate or subservient to the President, and why instead is it not our duty to call on the Chief Executive to make a show-down by dignified message or some agency of mutual confidence than to submit to his attempt to "big stick" the death of a resolution that is vague and obscure and which can only confound and confuse as to its purpose and effect? This resolution and the method of attempting to kill it is unworthy of this great body, and especially at this time. If the President wants the resolution to be lifeless, it is that now; then why the absurdity of bringing it back to life only to kill it again? The action to-morrow on this question will prove no man's patriotism nor will it detract from any Member as to his love for his country. When I speak I do so for a section of Pennsylvania, seventeenth congressional

district, which gave Lincoln his first troops, the Logan Guards, when followed thousands of men as brave as any, including Gen. John P. Taylor, Gen. Hulings, Gen. William McCall, Col. Gilbert Beaver, and that heroic student-captain of Bucknell University, Andrew Gregg Tucker, while the unspeakable tragedy of death and flame when Chambersburg was devastated by war's cruel hand, are all a token of that burning patriotism that will again be unloosened if ever a foe dishonors that sacred flag. [Applause.] There will be no faltering and no failing if war comes, which the record of history guarantees. But the people do not want this country to become involved in war as the result of the madness of the enthroned bosses of Europe, and history will wonder and marvel, then condemn this Congress if we accept the challenge as to our patriotism based upon such a rayless, obscure, and beclouded document as this resolution. If a call were to come from the President ringing true with confidence and the worthy assurance that Congress will back him in every patriotic purpose he makes clear to this body, there would be a unanimous response, but he can not expect concert of action on this sort of table juggling and shuttlecocking of a resolution which may be fraught with peril to the country.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FOCHT. I ask unanimous consent, Mr. Chairman, to extend my remarks and print in the RECORD as part of these remarks my personal observations regarding this subject made in an editorial in the Lewisburg (Pa.) Saturday News of March 4.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

#### WAR'S FEARFUL FLAME.

There is much said these days about "standing by the President" in the matter of the resolution suggested for congressional action with respect to warning Americans to keep off of armed ships or merchantmen of belligerent nations. There is no contention on the part of the President's bitterest opponent that his assertion as to boarding these armed ships bound for ports in the war zone where submarines are operating is not technically right or correct according to international law, even though the law is by no means clear on account of the appearance of the submarine as a recognized instrument of warfare since any treaties or understandings on the subject have been had with the warring nations. The President has so constantly changed his mind on public questions that many members of his own party have expressed themselves as weary following his somersaults and political gymnastics, and the measure of warning was designed as a method of precaution to keep the country out of any possible rupture and conflict with any other country. It has been shown that the American flag has not yet been fired upon by any belligerent, and it is not likely that it will be, so the President seems to be beating up a straw man to answer his political purposes and excite the people into a cry of "stand by the President." The ships the much-discussed resolution was meant to sound a warning against are armed vessels ordered to repel attacks and to attack. They were armed by the belligerent Governments, and expert gunners are in charge of the 6-inch guns they carry. Unprejudiced opinion can not regard these so-called merchantmen flying the flags of belligerent nations, and in many instances heavily laden with war material, as anything other than auxiliary cruisers.

In any event, the country is not going to back the President in any slam-bang war propaganda when the nations at war are not bothering us and will not bother us, and the great common sense of the people calls for sanity about traveling on armed ships and under foreign flags when there are plenty of ships flying the American flag crossing the seas which have not and will not be molested. Common prudence would dictate what we ought to do and thereby keep out of the other fellow's fight, which England would no doubt rejoice to see us become a party to.

Right, wrong, or even foolish, the people will "stand by the President" and the flag and the rights of nations on land and sea if we get into a mix up, but to prevent such a contingency would it not be better to stand off a bit while the world is in flames instead of trotting around with a chip on our shoulder when the other fellows are in a fighting mood? The war can not last much longer, hot heads will cool and normal conditions must sooner or later prevail, and the American people are not going to applaud any act of the President that will lead us into war just because of some diplomatic red tape and a condition not yet made clear as an international proposition due to the coming of the submarine as a new force and factor in warfare.

A little while ago the President declared this Nation "is too proud to fight." Whether merely a fanciful expression or not, it is not so. For our rights, for our flag and country we will fight only too quickly, and the Germans, the British, and the rest know all about this, hence their great caution to keep away from ships flying the American flag. But the President has suddenly changed from being "too proud to fight" to bullying Congress and setting himself up as the whole Government, forgetting the precedent established by President Cleveland in the Venezuelan affair and President McKinley in the Cuban situation. In both cases Congress was called upon to solve the problems. The people rule directly through Congress and not through the President, hence the President gets beyond his business when he attempts to drive the people's representatives to do his will now that he seems to have changed from proud complacency to a warlike attitude.

Commenting on the question of Americans going on or staying off of armed foreign vessels flying foreign flags, the Pittsburgh Leader of recent date says:

"It is a misfortune that President Wilson has used the party club on Congress and forced his foreign policy, if it may be called a policy.

"It is unfortunate, because Americans who trust to the protection of President Wilson are reasonably certain to lose their lives on belligerent ships.

"It is unfortunate, because President Wilson is actually inviting Americans to run grave risks, trusting his promise of protection which he can not deliver.

"It is unfortunate, because governmental warning would save lives that are now quite certain to be lost.

"The world is in flames, and it is childish to stand around and make speeches about the rights of people to be protected from fire.

"His wishes and desires cut no figure. However much he may want to protect the technical rights of Americans, he can not save them if endangered, or avenge their deaths if killed. He can't do anything, and it is unfortunate that he continues to pretend he can.

"All his diplomacy has not brought back one life lost. For months he wrote and wrote, threatened and threatened, and all the while the conditions he threatened punishment for kept right on. Neither England nor Germany has swerved a hair's breadth.

"Lives would be saved and all danger of war averted by the simple expedient of ordering Americans to stay off belligerent ships."

Mr. ADAMSON. I make the same request, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia makes the same request. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. MOORE].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] is recognized for two minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, what is it the President of the United States wants? Gentlemen have indicated that he has been hampered in the performance of his constitutional duty. In what respect has the House of Representatives, which has been severely criticized throughout the country, hampered the President of the United States? Has the President of the United States come to the House of Representatives with a message upon a subject of world-wide interest involving any possible catastrophe to the people of this Nation?

I well remember, Mr. Chairman, when asked, along with my fellow Members, to stand by the President in another instance. We were told that the honor of the flag was at stake in Mexico. I voted to stand by the President then, in the war upon Huerta, the provisional President of that country. Did we sustain the honor of the people of the United States in that controversy? Was my vote to stand by the President in vain?

What is it that the President wants now? This House has constitutional privileges and prerogatives. Have they been consulted at all in this transaction up to date? Has the President exercised his constitutional right of calling upon this House to confer with it in a matter pertaining to the honor of the Nation?

What are we expected to vote upon? Is this House informed as to the conditions that seem to be familiar to the Committee on Foreign Affairs? If report be true, the President sought to smother the McLemore resolution in the Committee on Foreign Affairs. Ten days thereafter, if report be true, he sought to have the resolution voted upon. How can we vote upon that resolution in its present form and satisfy the President? Please tell us where the President stands, and what he wants the Representatives of the sovereign people to do. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] is recognized for five minutes.

Mr. LENROOT. Mr. Chairman, the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Virginia [Mr. FLOOD], I think, fairly stated the situation that will be before this House to-morrow; and the effect of their statements was that this House would to-morrow determine whether it will sustain the present policy of the President of the United States upon the international question of law concerning armed merchantmen to any extent that may be necessary to maintain the position which he had taken.

Now, Mr. Chairman, Germany or any other belligerent nation is interested in the attitude of this House only in one respect, and that is how far will the House of Representatives and the Congress of the United States go in sustaining the President. And we have only one constitutional duty to perform in that respect, and that is the making of a declaration of war.

Now, Mr. Chairman, I am not prepared, as a Member of this Congress, to decide that question now. I am not willing either to vote to sustain the President of the United States to the extent of war upon this question nor ready to vote that under certain circumstances I would not so vote; and so, Mr. Chairman, when the proposition comes before the House to-morrow I shall vote against the rule bringing up the matter for consideration, as I voted against it in committee to-day, because I want to keep myself free and untrammelled to vote upon that question when the question properly comes before the House. [Applause.] Those who are in favor of declaring war if Germany will not yield will, of course, vote to adopt the rule and table the resolution.

I do not want any inferences to be gathered that this House has committed itself one way or the other upon that most serious and important question, but I want to leave it in the hands of the President of the United States, where it now is, until the time shall come—which I hope never will come—when the House must consider it in the performance of its constitutional duty. On the other hand, if the President of the United States desires the advice of this House upon the attitude that he shall take with reference to this question, then let him come before the House with a message to the Congress, giving the reasons for his action, asking for affirmative action; and I, as a member of the Committee on Rules, whether I believe in the policy proposed or not, will gladly vote for a rule that will permit this House to express itself upon that affirmative proposition. But until that time comes, Mr. Chairman, this House ought not to commit itself either for or against war, ought not to commit itself upon these very grave problems, but ought to leave them where they now are, in the hands of the President of the United States. [Applause.]

Mr. MANN. I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, I think there can be little doubt in the mind of any man that if this McLemore resolution had been called up for action in the committee it would never have been reported favorably to this House as it stands. I think there can be little doubt that if it had been reported favorably it never could have passed the House in its present form. The reason is not far to seek, because the resolution contains a lot of matter that would not meet with the approval of gentlemen of this House, both in its numerous preambles and in the body of the resolution itself.

Mr. FLOOD. Will the gentleman allow me to interrupt him?

Mr. TOWNER. I have only five minutes, but I will yield to the gentleman.

Mr. FLOOD. I will say that so far as I am concerned, and I think I can speak for the members of the committee, the reason we voted against amending the McLemore resolution so as to put it in more artistic form was because the McLemore resolution has become known abroad, and some foreign capital might say that the McLemore resolution was torn to pieces, and that the President of the United States was not indorsed.

Mr. TOWNER. Ah, Mr. Chairman, I am very much afraid that the gentleman is acting upon the suggestion of somebody else rather than upon his own judgment.

Mr. FLOOD. Well, I am not.

Mr. TOWNER. I will submit to the gentleman that I do not know upon what ground he is acting. However, Mr. Chairman, I think I am justified in saying that there is no man on the floor of this House who has examined the McLemore resolution—unless it is the author himself—who would approve of it. Yet, Mr. Chairman, there is in that resolution a sentiment and an idea that has gone abroad throughout the country as the McLemore resolution, which sentiment gentlemen in this House do approve. I am not qualified to speak for others, but, Mr. Chairman, from what I know of the opinion on both sides of this House there is a very general opinion among the Members that we ought to warn American citizens not to travel on armed merchant belligerent vessels. And that is the view of the people of the country. But if now we are going to have this McLemore resolution presented to us, we must believe that it is presented in its present form because some gentlemen who desire to have it voted down believe there are things in it that will cause men to vote against it, who would not vote against the principal idea for which it stands and by which it is known. Now, that is just what we ought not to allow. It is as much the duty of gentlemen on the other side of the House as it is our duty to see that this question, if it is to be decided by the House at all, shall be decided fairly and squarely upon the only vital question which it stands for, and that these extraneous matters ought not to be allowed to become reasons why gentlemen may justify themselves in voting to table it and put it out of the way. So I say that these assertions that are made here, that we must stand or fall by the McLemore resolution without any amendment, are made, in my judgment, for the purpose of discrediting it if possible in the view of some gentlemen. As it stands some Members will doubtless vote to table the resolution, not because they believe or do not believe in its vital principle, but because of some extraneous matter, and that ought not to be allowed. [Applause on the Republican side.]

Mr. MANN. I yield five minutes to the gentleman from Pennsylvania [Mr. Horwood].

Mr. HOPWOOD. Mr. Chairman and gentlemen, I feel that the President has put up to us a question that he had no right to put up to us to begin with. It was not a question of

such magnitude and importance as to demand solution by anyone except himself; and when he did put it up to this House, he ought to have put it up to us in a very different way. He ought to have sent to Congress what information he had and what correspondence he had, and to have given us such information as would have enabled us to act intelligently in regard to all the circumstances of the case. That is the way the President has put it up to Congress before. In the War of 1812 and for five or six years prior thereto Jefferson and Madison put questions up to Congress time after time, about the insults to our flag, and about the impressment of our seamen, and about the killing of men on our vessels, and other matters of that kind, but they never put them up to Congress without presenting to Congress all the information they had in regard to the matters at issue.

So I say the President has been unfortunate in putting this up to us in this way. I yield to no man in my loyalty to the Government, but I do not yield to the President of the United States or to anybody else my judgment. I think the Members of Congress have as much right to their judgment, and that they represent the people of the country perhaps as much as the President does, in the capacity in which they are sent here.

The President was also very unfortunate in his speech that he made to the club the other night, when he said he would rather hear from the people at their firesides than from Congress in the cloakrooms. About 435 of us here represent firesides ourselves. Each of us represents probably 250,000 people on an average—that is about the number in my district—and there are a good many firesides in each district. I visit a great many of the firesides of my district when I am at home, and I know the people intimately who live there, because I have lived there 59 years. So I have known many of them, and I know many of their firesides. The President can not know as many firesides as 435 Members of this House can know. So I think he was very unfortunate in making that declaration.

The President wants a vote of confidence here. What does he want? It is pretty hard to tell just what he wants. At first he wanted this resolution kept in committee, and now he wants it out of the committee. Well, it is out, and I am willing to vote on the square on that resolution or any other resolution; and my theory is that this country will never go to war and our people back home will never allow us to vote to go to war upon any foolish right of some foolhardy people traveling on these armed vessels. I do not care whether you call them war vessels or what you call them, they are armed with heavy guns, at least, and they can shoot a long distance, and the submarine, which is a new instrument of warfare, can not hope to cope with them in the open.

So if the submarine is any good in this war it has to do its work in the way it is doing it. I am not saying that laws are to be changed during the time of war, but I do say that this instrument of warfare is to be used in a different way from any other instrument, and the old rules and precedents do not apply. Laws are changed. International laws are not settled things. Who knows what international law is? It is changed with the years just as the common law has changed in centuries from the beginning or the inception of the common law down to this minute. The courts have ruled and ruled, and under new conditions and the common law changes. Under new conditions international agreements and international law has changed. So I say that this House ought never to vote for such a doubtful and nonessential right as they are claiming, and if Americans insist on traveling on armed vessels it should not make it a cause of war if that vessel be sunk. I will never go to war, nor will I allow my three sturdy sons, sturdier and stronger than I am, to go to war because some foolhardy person goes upon a vessel and loses his life.

I am free to vote on the question, however it may come up. I am not acquainted with the rules of the House. As soon as I learn one a new one comes up that I had not found out, and it will be a good while before I do know about them. [Laughter.] I do not know yet just how this question will come up; but what I do know is that if I can find out the question I know how I want to vote on it, and when I do vote I am going to vote against Americans traveling on armed vessels and bringing us into war by their foolishness. [Applause.]

I referred to the fact of Jefferson and Madison presenting important questions to Congress in the stormy times just prior to the War of 1812, when the conditions of the world were much the same as they are now. I desire to read two messages, one from Jefferson and one from Madison, to supplement my argument that our President in presenting this matter might have followed the precedents established by them and presented to Congress all the correspondence and information in his possession for the guidance of Congress in determining their action in

this matter. Secret diplomacy is not popular in America, and should never be.

Message of Thomas Jefferson to Congress, dated March 22, 1808:

Although I have heretofore and from time to time made such communications to Congress as to keep them possessed of a general and just view of the proceedings and dispositions of the Government of France toward this country, yet in our present critical situation, when we find that no conduct on our part, however impartial and friendly, has been sufficient to insure from either belligerent a just respect for our rights, I am desirous that nothing shall be omitted on my part which may add to your information on this subject or contribute to the correctness of the views which should be formed. The papers which for these reasons I now lay before you embrace all the communications, official or verbal, from the French Government respecting the general relations between the two countries which have been transmitted through our minister there or through any other accredited channel since the last session of Congress.

France had, on December 17, 1807, promulgated a decree which, in the words of Jefferson—

amounted to a declaration that every neutral vessel found on the high seas, whatsoever be her cargo, and whatsoever foreign port be that of her departure or destination, shall be deemed lawful prize.

Message of James Madison, June 1, 1812:

I communicate to Congress certain documents, being a continuation of those heretofore laid before them on the subject of our affairs with Great Britain. Without going back beyond the renewal in 1803 of the war in which Great Britain is engaged, and omitting unrepaid wrongs of inferior magnitude, the conduct of her Government presents a series of acts hostile to the United States as an independent and neutral nation, \* \* \* violating the American flag on the great highway of nations, \* \* \* seizing and carrying off persons sailing under it, \* \* \* Thousands of American citizens, under the safeguard of public law and of their national flag, have been torn from their country and everything dear to them; have been dragged on board ships of war of a foreign nation and exposed under the severities of their discipline to be exiled to the most distant and deadly climes, to risk their lives in the battles of their oppressors.

British cruisers have also violated the rights and the peace of our coasts. They hover over and harass our entering and departing commerce. To the most insulting pretensions they have added the most lawless proceedings in our very harbors and have wantonly spilt American blood within the sanctuary of our territorial jurisdiction. \* \* \* When called upon to punish those who committed these offenses her Government has bestowed on their commanders additional marks of honor and confidence.

\* \* \* Our commerce has been plundered in every sea, the great staples of our country have been cut off from their legitimate markets, and a destructive blow aimed at our agricultural and maritime interests. \* \* \* We behold, in fine, on the side of Great Britain a state of war against the United States and on the side of the United States a state of peace toward Great Britain. \* \* \*

Whether the United States shall remain passive under these progressive usurpations and these accumulating wrongs, or opposing, force to force, in defense of their national rights, shall commit a just cause into the hands of the Almighty Disposer of events, is a solemn question which the Constitution wisely confides to the legislative department of the Government. In recommending it to their early deliberations I am happy in the assurance that the decision will be worthy the enlightened and patriotic counsels of a virtuous, a free, and a powerful nation.

On June 18, 1812, Congress declared that war existed between the United Kingdom of Great Britain and Ireland and the dependencies thereof and the United States of America and their Territories.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Chairman, I have listened with very much interest to the remarks of the gentleman from Kentucky [Mr. SHERLEY] and the remarks of the gentleman from Virginia [Mr. FLOOD] upon this very grave and important question. It seemed to me that the force of the argument contained in their remarks was that any Member of Congress who opposed the tabling of the McLemore resolution was unpatriotic. Now, I do not believe that all the patriotism in this country lies with the gentleman from Virginia or with the gentleman from Kentucky or altogether with the gentlemen on that side of the House. Nor do I believe, Mr. Chairman, that in this Nation the sum total of patriotism and love of country lies alone with the President of the United States. We have here a very simple question to meet. The President has seen fit to ask the membership of this House their judgment on a very plain question, on the question as to whether the membership of this House desires to have him warn Americans not to travel upon armed ships of belligerents.

Mr. KEARNS. Will the gentleman yield?

Mr. NORTON. Certainly.

Mr. KEARNS. If we vote to table the resolution, would that advise the President of our attitude on the question?

Mr. NORTON. I must say to the gentleman that I do not think it would. A vote to table the resolution the way the resolution is going to be presented to the House, or at least the way certain Members of the House are going to try to have it presented to the House, certainly would not inform anyone of the real attitude of the House on the question at issue. I trust that the House will vote to-morrow against the rule that is to be offered and that the House will vote to-morrow instead

to put the McLemore resolution before the House so that it can be amended and so that a full and free opportunity will be given to vote squarely on the question to warn or not to warn American citizens to refrain from traveling on armed vessels of belligerents during the continuance of this terrible world war.

To no man do I yield in the love and veneration which I bear for my country. I feel fully as patriotic and fully as zealous for the honor of my country and for the welfare of its people as any man who has spoken here to-day or as the President of the United States can feel. When the President asks me as a Member of the Congress for my judgment on any question presented to the Congress, I am going to give him that judgment freely, frankly, and honestly. I am not going to endeavor to dodge behind some technicality of parliamentary procedure. I am not going to change any honest opinion I may have on the question merely to be in accord with the views the President may entertain. The President should not expect Members of Congress to do this. No man is worthy of being a Member of this great forum who is so puerile, weak, and suppliant as to yield in a question of this character and in times like these his honest opinions and convictions to any mere whim or dictum of the President.

This question fairly presented does not involve a question of restricting, denying, or repudiating any of the authority or powers any President of these United States has had in the past or rightfully and properly has to-day. The President's opinion and conclusion on this question is not the only opinion and conclusion that should have weight in determining the right policy to be pursued. A few nights ago the President said, in addressing a banquet in this city, that he wanted more to hear from the firesides of the country than from the halls of Congress. If to-morrow a proper procedure is adopted, and he hears squarely and honestly from this House on this question, he will have heard from the firesides of the country. The firesides of the country—the East and of the West, of the North and of the South—to-day, by an almost unanimous voice, are in favor of urging and warning all American citizens to refrain from traveling upon armed vessels of belligerents during the continuance of this world war.

Not one good reason has been advanced why such warning should not be issued. None can be advanced. In this debate other questions than the real one at issue can be raised and have been raised. Arguments based on these questions are beside the real issue as to whether American citizens should or should not be warned and urged to keep off of armed vessels of belligerents during this war, and are arguments that have no proper place in this debate.

I have wondered how much the desire and influence of the powerful banking, manufacturing, and shipping corporations of this country that are carrying on a superlatively profitable trade with the allies to-day is responsible for the newspaper expressions and sentiment in opposition to a direct and decisive vote on this question by the Congress. I have wondered if the sentiment in some quarters against the adoption of the proposed resolution arises so much from a spirit of national honor and patriotism as from a spirit of private gain and profit.

Why was it right a short time ago to warn Americans not only to keep out but to get out of Mexico, and why is it now weak and dishonorable to warn Americans to keep off of armed vessels of belligerents? Do we hold that Sweden has been weak and dishonorable in warning her citizens to keep off of armed vessels of belligerents during this war? I think not. [Applause.]

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

Mr. MANN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has six minutes.

Mr. MANN. I yield three minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Chairman, I do not understand how a Member of this House, especially a Republican Member, can criticize the President of the United States for warning people out of Mexico instead of protecting them and then in the same breath turn around and ask him to warn Americans off belligerent ships on the high seas. It seems to me that that is the apex of idiotic inconsistency. [Laughter.] And several Republicans have made speeches of that kind. Mr. Chairman, this is not a question of the rights of some blatant fool from New York or Brooklyn who says when he gets aboard a ship that he enjoys the "thrills" of going through the war zone. It is not a question of that kind at all. That sort of braggart would not travel on a ship where there were not a lot of other Americans where he would feel well protected. It is not a question primarily of trans-Atlantic travel. There are American men and women all over the world, many of them missionaries or engaged in errands of mercy or engaged in business, in building up American trade. They must travel sometimes, and they are compelled to travel

on such ships as they can find. I was talking with old Gen. Prime down here in the House restaurant the other day. He said he had a daughter in Syria; that she could not get out of there; and that he only heard from her occasionally, and then the censor cut off the letter just as she got to the most interesting part when she tried to say something. Mr. Chairman, in every country there are Americans, men and women, in missionary work or in business, who want to come home here to America. Suppose they are in South Africa or in China or in India? They will have to go to London and will have to travel on such ships as are bound for England. Now, some of these ships may carry a 6-inch gun or a machine gun of some kind, may be armed for defense. Are we going to serve notice on a foreign nation which is using submarines against merchant ships that she can torpedo any of those ships on sight, without warning? Are we going to serve notice that we do not propose to protect our American citizens if traveling upon such ships? We have not any ships of our own upon which they can travel. If we are going to stop them entirely from traveling, if we are going to be so cowardly as to say in advance that we are not going to give them any protection, I for one feel as though I would like to renounce my American citizenship. I do not like to belong to a country of such cowards. [Applause.]

Mr. MANN. Mr. Chairman, if this were not serious, it would seem to me like an opera bouffe. On Saturday the Committee on Foreign Affairs reported the McLemore resolution with the recommendation that it lie on the table. That is the usual form of an adverse report upon a bill, and, under the rules of the House, thereupon it was laid on the table. Nobody who favored the resolution asked to have it placed on the calendar, as was in order under the rules within three days; but, unfortunately, my colleague from Illinois [Mr. Foss], who, I understand, is opposed to the resolution, this morning asked to have it placed on the calendar. Being on the calendar, there is no way under the rules of the House, under our procedure, by which it can be reached for consideration. On Saturday it was on the table. This morning it was lifted from the table under the rules and placed on the calendar, hanging in the air, where nobody can reach it. To-morrow the Committee on Rules proposes to bring in a rule under which any gentleman will have priority and right of recognition to move to lay it back on the table, where it was Saturday and this morning. For Heaven's sake, how does that method of procedure settle any grave international complication? [Applause.] It is a silly procedure. Those who favored laying the resolution on the table are going to vote that way to-morrow. Why do they not leave it on the table to-day? They say they want a vote of the House. It will be no more tightly attached to the table if the House tables it than it was when the committee tabled it under the rules; but if gentlemen are on the square, if they really want to know the opinion of the House, then there ought to be an opportunity to amend the resolution so as to express the opinion of the House.

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

Mr. MANN. I would if my time were not expired.

Mr. TAYLOR of Colorado. Mr. Chairman, how much time is there left?

The CHAIRMAN. The time of the gentleman from Illinois has been exhausted. The gentleman from Colorado has three minutes remaining.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield three minutes to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I shall not attempt a detailed discussion of this important question, but, as an advocate of peace, will discuss what the McLemore resolution proposes and its effects. If the President did not already have in hand the delicate foreign diplomatic issues touched upon by this resolution, it would, to a great extent, present a different case, but we are confronted with a condition and not a theory. It is a matter upon which there is an honest difference of opinion. Others who are sincere are entitled to their opinions, and I, equally as sincere, am entitled to mine. Some one is mistaken in the correctness of their views, and, of course, I think the gentlemen of a contrary idea to mine are mistaken. There is no need for feeling. We are all Americans and interested in the welfare and glory of our great common country. I agree that Americans should stay off armed merchantmen flying belligerent flags and should do all in their power not to involve us, but the handling of the matter should be left with the President.

What does this resolution propose? It proposes to take from the executive branch of our Government the right and duty to handle questions affecting our foreign relations. Its result would be an insult to the President and a direct repudiation of him in all questions relating to our foreign policies. Whether so intended or not, it would operate along this line, and, if passed, will not only humiliate our President and the Nation in every country of the world, but will lead us into complications that

unquestionably mean war. The President is earnestly seeking to avoid war. The country does not want war.

In this I am with the President, and hope he will be permitted, without handicap or interference, to work out this situation to the end that war will be averted and our national honor preserved. International law is our only safeguard against war, and the consequences will unquestionably be serious if we interfere at this time with the President, whose work is in the interest of "peace with honor."

Since the birth of our Republic, which gave liberty a new and hopeful meaning to all mankind, it has been the unquestioned right and duty of the executive branch of our Government to deal with and manage the delicate questions affecting our foreign affairs and relations. Our forefathers, who christened this young Republic with their blood that liberty might live and that America's honor might rise above expediency and cowardice, saw the wisdom of leaving these intricate foreign questions to the President, and all these years it has been the law and the custom.

Why the change at this time? Why should Congress come in and do that which the President now has the right to do if he considers it wise that it should be done? The custom that has obtained since the birth of our Nation has proven satisfactory, and, whether under Republican or Democratic administrations, the ship of state has been, to this good hour, wisely guided in foreign issues and kept off the rocks of ruin. To make a change in the custom of handling our foreign affairs in this serious crisis would engulf and embroil us in war in a short time. To adopt this resolution would mean to surrender American rights and forfeit our national self-respect. No man respects another who has no respect for himself, and the same is true with nations.

This country has been neutral, and properly so, during the awful war that has raged like the fury of an inferno in Europe. Ours is comparatively a new country, and our citizenship is made up of blood from nearly all the other nations of the world.

President Wilson has thus far handled, with the hand of a master and the wisdom of a sage, the hundreds of confusing and complexing questions that have arisen since the European war began, and he has had one great aim, "peace with honor." Who can ask for less? In this war we have "played no favorites," but have sought to keep out of the conflict, and the only hope for success in this regard is to firmly demand a strict observance by all countries of the rules of international law. To do less is to "give up the ship" and run up the white flag of surrender in the most serious crisis and the greatest hour of need that has confronted this country in half a century.

Unwise and unjust comment, through the press and otherwise, has sought to arouse suspicion and prejudices against those American citizens of the German blood. For one I resent this on the part of those people. Such suspicions are not well founded and do a grave injustice to millions of true Americans. A small percentage of German blood courses through my veins, and in the district I have the honor to represent are hundreds of people of German blood, and there are no truer Americans than those people. They, like our great President, even in a conflict with Germany, are for "America first," and in the unfortunate and regrettable event of war with Germany, or any other country, would be found, to a man, fighting for the Stars and Stripes.

In this connection I wish to call to the attention of Congress and the country the fact that no section of the country has stood more loyally by the President in this crisis for the preservation of our national honor, respect, and liberties than have the Representatives and Senators from the South. I mention this in answer to slanderous insinuations that have been made in certain quarters that the South could not be depended upon in a crisis. No section of our great common country will ever contribute, proportionately, more of its men and means for the preservation of America and its free institutions than has and will the South.

This, my friends, is not a partisan question. We should rise above parties and sections on this occasion like the sun rises above a settling fog, and high above party or personal interest we should be actuated only by patriotic motives and vote for our country and its welfare.

No greater man has been President of these United States since Jefferson's time than Woodrow Wilson—a peace advocate, wise, patriotic, patient, liberty-loving, God-fearing, and a slave in the performance of his duties. He has borne great burdens for months, sustained and encouraged by the sympathies and prayers of millions of loyal Americans that he might continue to pilot our Nation in the waters of peace, and now, like a bolt from a clear sky, comes this resolution to discredit and humiliate him. The American people will countenance nothing of the kind, and to-day millions of Americans are praying that Congress will act wisely and bravely in sustaining our customs and laws in

order that Congress will not take these functions from the Executive.

To pass this resolution is to upset old and valuable customs and bring ridicule and shame upon our country and possibly shed the innocent blood of her sons in a useless and preventable war. May God guide us in our deliberations as He has guided our fathers in perils that confronted them in days gone by, and may He, in His wisdom and goodness, keep us in the paths of peace, that our country might lead other nations and other people into a higher and nobler civilization, and that we might yet be of aid in bringing peace to the bleeding and tottering countries of Europe. [Applause.]

Mr. ADAMSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ADAMSON. If we succeed to-morrow in taking up this resolution and laying it on the table, can any Member then call it up again and put it upon the calendar?

The CHAIRMAN. The present occupant of the chair is the Chairman of the Committee of the Whole House on the state of the Union, and does not care to pass upon such a parliamentary question.

Mr. MANN. Anyone can reintroduce it.

Mr. ADAMSON. The gentleman from Illinois has already said that the McLemore resolution was as tightly nailed to the table as it could be.

Mr. MANN. The gentleman will find that there are methods by which it can be brought up again.

Mr. TAYLOR of Colorado. Mr. Chairman, I desire to have the debate closed and proceed with the consideration of the bill.

The CHAIRMAN. Does the gentleman desire to consume the remaining time that he has?

Mr. TAYLOR of Colorado. No.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That any qualified person who has heretofore or shall hereafter in good faith make settlement upon and improve unsurveyed unreserved unappropriated public lands of the United States with intention, upon survey, of entering same under the homestead laws shall be entitled to a continuous leave of absence from the land settled upon by him for a period not exceeding seven months in each year after establishment of residence: *Provided,* That he shall have plainly marked on the ground the exterior boundaries of the lands claimed and have filed in the local land office notice of the approximate location of the lands settled upon and claimed, of the period of intended absence, and that he shall upon the termination of the absence and his return to the land file notice thereof in the local land office.

With the following committee amendment:

Page 1, lines 7, 8, and 9, strike out the words "continuous leave of absence from the lands settled upon by him for a period not exceeding seven" and insert the language "leave of absence in one or two continuous periods not exceeding in the aggregate five."

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

The committee amendment was agreed to.

Mr. TAYLOR of Colorado. Mr. Chairman, I introduced this bill—H. R. 9631—for the relief of a large number of settlers upon the unsurveyed public domain of the West. The act of Congress of May 4, 1880, Twenty-first Statutes, page 140, reads as follows:

RIGHTS OF SETTLERS.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SEC. 3. That any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application and perfect his original entry in the United States Land Office as is now allowed to settlers under the preemption laws to put their claims on record, and his right shall relate back to the date of settlement the same as if he settled under the preemption laws.

Approved, May 14, 1880. (21 Stat., 140.)

Ever since the passage of that act the rights of homestead settlers upon unsurveyed public lands have been recognized as equally legitimate with those of settlers upon surveyed lands. But there never has been any system of protecting those rights, and during the 35 years since that law was enacted whenever a settler went away from his claim, even to obtain necessary work to support himself and family, or whenever he left his home for the purpose of educating his children, or on account of illness, or for any other necessary purpose, he thereby jeopardized his right to hold the place. The justice of a bill allowing him the same right to leave of absence that the settlers upon surveyed lands have has never been questioned and never can be questioned by anybody. But, strange to say, Congress has never enacted any law to specifically recognize and protect that right.

A bill of this kind was passed by the Senate in the last Congress and it was favorably reported to the House by the Public Lands Committee, of which I am a member, but owing to the large volume of business ahead of it it was never acted upon by the House. This bill was submitted for report to the Interior

Department, and Secretary Lane has made the following report upon it to the chairman of my committee:

DEPARTMENT OF THE INTERIOR,  
Washington, February 1, 1916.

HON. SCOTT FERRIS,  
Chairman Committee on the Public Lands,  
House of Representatives.

MY DEAR MR. FERRIS: I have the honor to acknowledge receipt of your request for a report on H. R. 9691, to grant an absence privilege during each year to homestead settlers upon the unsurveyed public lands. The bill is identical in its provisions with S. 2316, Sixty-third Congress, as reported to the House of Representatives by your committee March 20, 1914, except that the maximum absence is now fixed at seven months instead of five.

We had recommended passage of S. 2316, and the committee's amendment was made at the suggestion of the Department of Agriculture, in order to remove ambiguity which might have resulted to the detriment of the public interests in the national forests. I repeat here the reasons for my recommendation of the enactment, set forth in my report on S. 2316.

By section 3 of the act of May 14, 1880 (21 Stat., 140), settlers upon unsurveyed public lands are allowed a preference right to make entry for the tracts claimed by them within three months after the filing of the plats of survey; their rights relate back to the time of settlement, and they are, consequently, on submission of final proof, allowed credit for residence and cultivation had before the dates of their entries. In a general way these settlers are required to keep up a substantially continuous residence in order to maintain their preference right of entry and in order to entitle themselves to credit for compliance with the homestead laws prior to the dates of their entries. However, there is no statute law as to the extent to which they may absent themselves without forfeiting their preference rights, nor is there such a law to allow them to absent themselves without forfeiting their credit for residence.

As stated, the law expressly grants these settlers the right to initiate their homestead claims by settlement, and no good reason appears why they should not be allowed the same periods of absence from the land as are, by the three-year act of June 6, 1912 (37 Stat., 123), allowed to persons who have actually placed their entries of record.

However, no reason exists why the settlers should be accorded the privilege of longer absence than is granted persons who have made entries, and the homestead law does not allow credit for a year's residence unless there has been actual stay upon the land for at least seven months thereof. Therefore the word "seven" (relating to absences) should be changed to "five."

On the other hand, the act of August 22, 1914 (38 Stat., 704), permits the entrymen to divide the allowable absences in each year into two periods; and I see no reason why the same privilege should not be given to settlers on unsurveyed land. Therefore I recommend the enactment of the bill, provided the allowable absence be limited to five months, but that it be amended before its enactment by striking out "continuous" in line 7, all of line 8, and "period not exceeding seven" in line 9, page 1, and inserting in lieu thereof "leave of absence in one or two continuous periods not exceeding in the aggregate five."

Cordially, yours,

FRANKLIN LANE, Secretary.

In order to give the House some idea of the importance of this measure and of the extent of territory to which it will apply, I will insert a table taken from the last report of the Commissioner of the General Land Office, showing the amount of unsurveyed land in the various States and the Territory of Alaska at the present time, from which it will be shown that there are over 600,000,000 acres of remaining unsurveyed lands. The table is as follows:

Public lands surveyed and remaining unsurveyed.

State or Territory.	Land area.	Surveyed during fiscal year ending June 30, 1915.	Surveyed to June 30, 1915.	Unsurveyed to June 30, 1915.	Resurveyed during fiscal year ending June 30, 1915.
	Acres.	Acres.	Acres.	Acres.	Acres.
Alabama.....	32,818,560		32,818,560		
Alaska.....	378,165,760	221,177	411,718	377,754,042	
Arizona.....	72,838,400	2,010,012	25,272,762	47,565,638	76,593
Arkansas.....	33,616,000	23,149	33,616,000		
California.....	90,617,280	642,871	79,944,663	19,672,617	126,595
Colorado.....	66,341,120	78,476	63,349,063	2,992,057	1,149,171
Florida.....	35,111,040	6,678	30,919,249	4,191,791	
Idaho.....	53,396,560	1,342,179	31,274,427	22,072,133	134,963
Illinois.....	35,867,520		35,867,520		
Indiana.....	23,068,800		23,068,800		
Iowa.....	35,575,040		35,575,040		
Kansas.....	52,335,360		52,335,360		
Louisiana.....	29,061,760		27,181,384	1,880,376	
Michigan.....	36,787,200	64	36,787,200		
Minnesota.....	51,749,120	4,948	49,827,895	1,921,225	
Mississippi.....	29,671,680		29,671,680		
Missouri.....	43,985,280		43,985,280		
Montana.....	63,568,640	2,719,075	68,510,463	25,058,177	45,201
Nebraska.....	49,157,120		49,157,120		165,235
Nevada.....	70,285,440	1,046,641	41,748,315	28,537,125	1,727
New Mexico.....	78,401,920	1,607,953	56,840,655	21,561,265	14,397
North Dakota.....	44,917,120	206,155	42,975,347	1,941,773	
Ohio.....	26,073,600		26,073,600		
Oklahoma.....	44,424,960		44,424,960		
Oregon.....	61,188,480	479,587	51,672,099	9,516,381	5,742
South Dakota.....	49,195,520	4,573	48,694,173	501,347	
Utah.....	32,597,760	1,351,245	29,784,558	22,813,202	
Washington.....	42,775,040	172,838	34,090,420	8,684,620	
Wisconsin.....	35,363,940	43	35,363,940		
Wyoming.....	62,460,160	70,723	58,577,041	3,883,119	631,338
Total.....	1,820,366,080	11,988,387	219,819,192	600,546,888	2,350,962

In Arkansas, Illinois, Iowa, Michigan, and Wisconsin the lands surveyed were not regarded as public when the surrounding lands were originally surveyed.

There are in every State in the Union, where there is any appreciable quantity of unsurveyed land, a large number of homestead settlers who have been living upon their lands for a great many years without being able to obtain title thereto, because of the Government being unable to extend the survey to such lands. It was shown before our committee, and I personally know of instances, where men have been living on land for 25 years without being able to induce the Government officials to survey their claims. These settlers have been extended authority under the act of Congress above quoted, which law is still in full force, to settle upon these unsurveyed lands and initiate a preference right thereto. But there is no law or authority that allows them the five months leave of absence that is allowed to all other homestead settlers every year upon surveyed land, nor is there any proceeding whereby he can obtain any leave of absence without jeopardizing his rights.

Moreover, after a homestead entryman on surveyed land has resided upon his claim for three years and complied with the law in relation to cultivation, he is given permission to remove from his claim, if he so desires, or if it becomes necessary for his business, or to support or educate his family, while no such privilege has ever been granted to the settlers on unsurveyed lands at any time. Many of them will have to continue residence upon their lands, even under this proposed legislation, for probably many more years in the future, waiting the Government survey before they can obtain any leave of absence, or safely remain away from their land for any period exceeding the five months in any one year, notwithstanding they may have complied with all the requirements of the law as to residence two or three times over.

The amendment suggested by the Secretary of the Interior and adopted by your committee is in conformity with the act of August 22, 1914 (38 Stat., 704). The settler upon surveyed land knows when he can make final proof, while the settler upon unsurveyed land has no assurance as to when, if ever, he can make final proof, and there certainly is no reason now, and never has been during the past 35 years that that law has been on the statute books allowing settlement upon unsurveyed lands, for requiring any stricter rule as to continuous residence than is required of settlers upon surveyed lands.

The bill as recommended by the Public Lands Committee, and as now adopted by the House, reads as follows:

*Be it enacted, etc.*, That any qualified person who has heretofore or shall hereafter in good faith make settlement upon and improve unsurveyed unappropriated public lands of the United States with intention, upon survey, of entering same under the homestead laws shall be entitled to a leave of absence in one or two continuous periods not exceeding in the aggregate five months in each year after establishment of residence: *Provided*, That he shall have plainly marked on the ground the exterior boundaries of the lands claimed and have filed in the local land office notice of the approximate location of the lands settled upon and claimed, of the period of intended absence, and that he shall upon the termination of the absence and his return to the land file notice thereof in the local land office.

Mr. Chairman, I desire to offer another amendment, which I am authorized by the Public Lands Committee to present to the House for its consideration. This amendment is to afford the settlers upon unsurveyed land the same relief that is given a settler upon surveyed land after he has fully complied with the law in relation to three years' residence and cultivation, which amendment I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 7, after the word "office," insert:

"*Provided further*, That after the expiration of three years' residence upon and improvement of the land as provided by law the entryman may submit to the local land office proof of such residence and improvement, including a description of such land, which proof shall be corroborated by the sworn statement of the entryman supported by the verified statements of two disinterested witnesses, and thereafter such entryman shall not be required to maintain residence upon such land, but shall be required to continue the improvement and cultivation thereof and make final proof thereon as required by law within one year after said land is surveyed."

Mr. MANN. Mr. Chairman, I make a point of order against the amendment. I do not know what it is, but evidently it has no place here. Is this a new proposition entirely?

Mr. TAYLOR of Colorado. Why, no; this is not a new proposition.

Mr. MANN. Is this a substitute for the bill?

Mr. TAYLOR of Colorado. No. It is an amendment offered at the end of the bill.

Mr. MANN. Does the gentleman mean to say that having obtained unanimous consent for the consideration of this bill he is going to tack on another proposition, because if that is the case there will be no more of these bills considered by unanimous consent.

Mr. TAYLOR of Colorado. Let me say to the gentleman from Illinois that if this is not a proper amendment, why, I, of course, do not at all want to jeopardize the bill by offering it.

By way of explanation I want to say that after the committee had reported the bill in this form a number of the members of

the committee from the West, and I will say several Members from that side of the House also, suggested that we really ought to allow settlers who have complied with all the requirements of the homestead law as to three years' residence and cultivation and improvement on the public domain in places where the Government has not yet extended a survey to that land. There are people living on unsurveyed lands in the West up creeks, in gulches, and isolated places, where they have been living for many years waiting for the Government to extend the official surveys to their land, and they can not prove up on them until the survey is extended to their land.

The Government does not feel justified in extending the surveys and expending a large sum of money for the purpose of accommodating only a few, and, in some cases, only one or two settlers. The result is that these men are compelled to live there indefinitely. They can not safely go away to obtain work or educate their children or for any other purpose, and it is for the purpose of according to those settlers on the unsurveyed public domain, who are bona fide settlers, to give to them identically the same rights that the man has on surveyed land. That is all.

Mr. MANN. That is the original bill; what has that got to do with the amendment?

Mr. TAYLOR of Colorado. That is this amendment.

Mr. MANN. It is the original bill; here is the original bill.

Mr. TAYLOR of Colorado. I know what the original bill was, but this amendment does what I say, it allows a leave of absence after final proof. The bill as now approved allows a leave of absence before final proof.

Mr. MANN. Oh, yes; but the gentleman is describing the original bill and I am talking about this amendment. What the gentleman states applies to the original bill.

Mr. TAYLOR of Colorado. I think the gentleman from Illinois misunderstands me. Under existing law when a man proves up on a homestead claim on surveyed land and complies with the law he has the right to leave that homestead claim, if he wants to, and go where he pleases. This amendment gives to the settler on unsurveyed land who has proved his three years' residence and cultivation the same right. Of course if there is any serious objection to this amendment I do not insist upon it, as I do not want to jeopardize the bill. The bill without this amendment will be of very great benefit throughout the West. There are nearly 3,000,000 acres of unsurveyed lands in Colorado, and there are hundreds of people living on those lands.

Mr. MANN. I do not think where we hear a long amendment read like this, which we do not understand, and dealing with a technical subject like this—

Mr. TAYLOR of Colorado. I will say to the gentleman from Illinois that the gentleman from Wisconsin [Mr. LEXROO], the ranking minority member of our committee, has a copy of the amendment there.

Mr. MANN. He may have; I do not know when he got it.

Mr. TAYLOR of Colorado. He has got it and knows what it is, and many other members—in fact, all the members of the Public Lands Committee—fully understand this amendment.

Mr. MANN. I say I do not know when he got it. However, that would not make any difference—

Mr. TAYLOR of Colorado. I had this amendment ready to present two weeks ago to-day, at the last call of this calendar, but we did not reach the bill at that time. Since then I brought the matter up before the full committee, and, after consideration, I was formally authorized to present this amendment at this time as a committee amendment.

Mr. MANN. Does not the gentleman think that the Members of the House ought to have a chance to understand this bill? This bill was up in the last Congress.

Mr. TAYLOR of Colorado. Certainly; I thought this matter was understood. It was passed by the Senate and is a very simple and plain matter.

Mr. MANN. As a Senate bill; it was passed in the Senate. It was reported to the House, but not passed by the House.

Mr. TAYLOR of Colorado. No. It was never formally considered by the House, but the Public Lands Committee of the last Congress favorably reported the bill.

Mr. MANN. And it was introduced again in this House as a House bill. Now at the last minute the gentleman discovers that he wants a long lot of other stuff in the bill.

Mr. TAYLOR of Colorado. It is not a long lot of other stuff; it is a short and plain amendment that every Member from the West wants to have go in the bill, and every one of them will tell the gentleman that is right.

Mr. MANN. That is all right as to Members from the West, but this is not the first time they all wanted something I thought ought not to be granted.

Mr. TIMBERLAKE. Mr. Chairman, the amendment proposed by the gentleman from Colorado [Mr. TAYLOR] is really to accord to settlers on unsurveyed land the same privileges that are now enjoyed by settlers on surveyed land.

Mr. MANN. Mr. Chairman, I make the point of order against the amendment.

Mr. TIMBERLAKE. Will the gentleman reserve it?

Mr. MANN. I will reserve it if the gentleman desires me to do so, but only for a few minutes.

Mr. TIMBERLAKE. If the gentleman will look, he will see that the same provisions are sought to be given to the entryman on unsurveyed land, and none other, that are to-day accorded to settlers on surveyed land. A man on surveyed land takes a homestead. He may prove it up in three years and get a title. He may reserve that proof for five years, but at the end of three years he is not required to live there. Now, this amendment simply gives the same privilege to entrymen on unsurveyed land as to the settlers on surveyed land, and they are entitled to it. That is the full purport of the amendment offered by the gentleman from Colorado.

Mr. MANN. Mr. Chairman, I submit that the amendment is subject to the point of order. It goes way beyond the subject matter of this bill and provides, as I understand, methods in regard to proof of homestead entry, and so forth, which is not the subject matter of this bill at all.

Mr. TAYLOR of Colorado. Well, let the Chairman rule.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. TAYLOR of Colorado. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment that was adopted by the Committee of the Whole, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MURRAY, 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. 9691, and directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

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

The amendment was agreed to.

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

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

#### JUDGMENTS AND DECREES, UNITED STATES COURTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11416) to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888."

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11416) to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888."

Be it enacted, etc., That an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888," be, and the same is hereby, repealed.

SEC. 2. That this act shall take effect on and after January 1, 1917.

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

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

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

#### BRIDGE ACROSS PEND OREILLE RIVER, WASH.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8248) to authorize the construction of a bridge across the Pend Oreille River, between the towns of Metaline and Metaline Falls, Wash.

Mr. DILLON. Mr. Speaker, I ask the present consideration of the bill S. 3144, it being the same as the House bill.

Mr. MANN. I object. We should first consider the House bill, the Senate bill being the next one.

The SPEAKER. Is there objection to the consideration of the bill H. R. 8248?

Mr. MANN. I object.

The SPEAKER. The Clerk will report the next bill.

Mr. MANN. The House bill ought to lie on the table.

Mr. DILLON. Mr. Speaker, I move to lay it on the table, and ask that we take up the bill S. 3144.

Mr. MANN. Dispose of the next bill, and then we will go back to it.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 3144) to authorize the construction of a bridge across the Pend Oreille River, between the towns of Metaline and Metaline Falls, in the State of Washington.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk reads as follows:

*Be it enacted, etc.*, That Pend Oreille County, in the State of Washington, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Pend Oreille River at any point suitable to the interests of navigation, between the towns of Metaline and Metaline Falls, in the county of Pend Oreille, in the State of Washington, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

Also the following committee amendment was read:

Strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

"That Pend Oreille County, State of Washington, and the towns of Metaline and Metaline Falls, Pend Oreille County, Wash., their successors and assigns, be, and they are hereby, authorized, jointly or separately, to construct, maintain, and operate a bridge and approaches thereto across the Pend Oreille River, at a point suitable to the interests of navigation, between said towns, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906."

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

The amendment was agreed to.

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

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

Mr. DILLON. Mr. Speaker, I move that the bill H. R. 8248 be laid on the table.

The motion was agreed to.

#### DIVERSE CITIZENSHIP IN FEDERAL COURTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8028) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

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

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, this is an important bill relating to the jurisdiction of the United States courts, and I think there ought to be some explanation as to its real purpose before the bill is taken up for jurisdiction as to just what it accomplishes.

Mr. GARRETT. Mr. Speaker, all the new law that is contained in this bill is in the last proviso, beginning in line 23, on page 4, and which reads:

*And provided further*, That no suit against a corporation or a joint-stock company brought in a State court of the State in which the cause of action arose shall be removed to any court of the United States on the ground that the parties are citizens of different States if the suit is brought in the county where the cause of action arose or within the county where the defendant is served with process and the plaintiff resides.

Mr. STAFFORD. Now, it is purposed that in any suit brought in the local court where the plaintiff can obtain jurisdiction on a nonresident defendant or on an official of a corporation that has its citizenship in another State. In that instance it can not be removed to the United States court on the ground of diverse citizenship.

Mr. GARRETT. That is the purpose. That a foreign corporation, where service can be had as indicated by the bill, shall not be permitted to remove simply on the ground of diverse citizenship. It does not take away any other right of removal under the general statute.

Mr. STAFFORD. In the report it is stated that this amendment will not prevent the defendant setting up the ground of prejudice of the trial court—of the initial court?

Mr. GARRETT. It is not designed to do it.

Mr. STAFFORD. Where is the limitation that will extend that privilege to the defendant?

Mr. GARRETT. The general law carries it. It is not in this particular section, but in another section of the Revised Statutes.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That section 28 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 28. That any suit of a civil nature, at law or in equity, arising under the Constitution or laws of the United States or treaties made or which shall be made under their authority, of which the district courts of the United States are given original jurisdiction by this title, which may now be pending or which may hereafter be brought in any State court, may be removed by the defendant or defendants therein to the district court of the United States for the proper district. Any other suit of a civil nature, at law or in equity, of which the district courts of the United States are given jurisdiction by this title, and which are now pending or which may hereafter be brought in any State court, may be removed into the district court of the United States for the proper district by the defendant or defendants therein being nonresidents of that State. And when, in any suit mentioned in this section, there shall be a controversy which is wholly between citizens of different States and which can be fully determined as between them, then either one or more of the defendants actually interested in such controversy may remove said suit into the district court of the United States for the proper district. And where a suit is now pending or may hereafter be brought in any State court in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State, any defendant being such citizen of another State may remove such suit into the district court of the United States for the proper district at any time before the trial thereof when it shall be made to appear to said district court that from prejudice or local influence he will not be able to obtain justice in such State court, or in any other State court to which the said defendant may, under the laws of the State, have the right, on account of such prejudice or local influence, to remove said cause: *Provided*, That if it further appear that said suit can be fully and justly determined as to the other defendants in the State court without being affected by such prejudice or local influence, and that no party to the suit will be prejudiced by a separation of the parties, said district court may direct the suit to be remanded, so far as relates to such other defendants, to the State court to be proceeded with therein. At any time before the trial of any suit which is now pending in any district court, or may hereafter be entered therein, and which has been removed to said court from a State court on the affidavit of any party plaintiff that he had reason to believe and did believe that from prejudice or local influence he was unable to obtain justice in said State court, the district court shall, on application of the other party, examine into the truth of said affidavit and the grounds thereof and, unless it shall appear to the satisfaction of said court that said party will not be able to obtain justice in said State court, it shall cause the same to be remanded thereto. Whenever any cause shall be removed from any State court into any district court of the United States and the district court shall decide that the cause was improperly removed and order the same to be remanded to the State court from whence it came, such remand shall be immediately carried into execution, and no appeal or writ of error from the decision of the district court so remanding such cause shall be allowed: *Provided further*, That no case arising under an act entitled 'An act relating to the liability of common carriers by railroad to their employees in certain cases,' approved April 22, 1908, or any amendment thereto, and brought in any State court of competent jurisdiction shall be removed to any court of the United States: *Provided further*, That no suit brought in any State court of competent jurisdiction against a railroad company, or other corporation, or person, engaged in and carrying on the business of a common carrier, to recover damages for delay, loss of, or injury to property received for transportation by such common carrier under section 20 of the act to regulate commerce, approved February 4, 1887, as amended June 29, 1906, April 13, 1908, February 25, 1909, and June 18, 1910, shall be removed to any court of the United States where the matter in controversy does not exceed, exclusive of interest and costs, the sum or value of \$3,000: *And provided further*, That no suit against a corporation or joint-stock company brought in a State court of the State in which the cause of action arose shall be removed to any court of the United States on the ground that the parties are citizens of different States if the suit is brought in the county where the cause of action arose or within the county where the defendant is served with process and the plaintiff resides."

The SPEAKER. Is there objection?

There was no objection.

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

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

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

The SPEAKER. The Clerk will report the next one.

PUBLIC PARK, COLUMBIA RIVER GORGE, NEAR PORTLAND, OREG.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4746) granting to the city of Portland, Oreg., for a public park, a tract of land within a Government reserve.

The SPEAKER. Is there objection?

There was no objection.

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

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Whereas the Interior Department has heretofore withdrawn from sale the hereinafter-described tract for the purpose of protecting the waters of Multnomah Creek, forming Multnomah Falls, in the State of Oregon; and

Whereas the city of Portland, Oreg., has acquired said Multnomah Falls and surrounding lands adjoining said tract for a public park, and can better conserve and improve said tract along with said park: Therefore

Be it enacted, etc., That there is hereby granted to the city of Portland, Oreg., the northeast quarter and the north half of the northwest quarter of section 18, township 1 north, of range 6 east, of the Willamette meridian, Oregon, for public park purposes, and the same are hereby conveyed to the city of Portland, Oreg., upon payment of \$1.25 per acre by the said city to the United States: *Provided*, That the lands hereby authorized to be purchased as hereinbefore set forth shall be held and used by or for the said grantee for the purposes herein specified, and in the event the said lands shall cease to be so used they shall revert to the United States, and this condition shall be expressed in the patent to be issued under the terms of this act."

With a committee amendment, as follows:

Amend by striking out the preamble and also striking out line 4, page 1, and lines 1 to 3, inclusive, and the words "by the proper officers to said city of Portland," on line 4, page 2, and inserting the following: "the right to purchase the northeast quarter and the north half of the northwest quarter of section 18, in township 1 north of range 6 east of the Willamette meridian, Oregon, for public park purposes, and the same are hereby conveyed to the city of Portland, Oreg., upon payment of \$1.25 per acre by the said city to the United States: *Provided*, That the lands hereby authorized to be purchased as hereinbefore set forth shall be held and used by or for the said grantee for the purposes herein specified, and in the event the said lands shall cease to be so used they shall revert to the United States, and this condition shall be expressed in the patent to be issued under the terms of this act."

Mr. MANN. Mr. Speaker, I offer an amendment to the amendment.

The SPEAKER. The gentleman from Illinois offers an amendment to the amendment, which the Clerk will report. This is an amendment to the amendment of the preamble?

Mr. MANN. No. That is to be stricken out, but that is after the bill passes. This is an amendment to the committee amendment.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Strike out in the committee amendment the words "and the same are hereby conveyed to the city of Portland, Oreg.," and insert "and a patent for the same is hereby authorized to be issued by the proper officers to the said city of Portland, Oreg."

Mr. MANN. Of course the gentleman from Oregon [Mr. McARTHUR] does not want to convey it by this act, because they may never do it.

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

The amendment to the committee amendment was agreed to.

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

The committee amendment as amended was agreed to.

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

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

The SPEAKER. The question is on agreeing to the committee amendment to strike out the preamble.

The committee amendment to strike out the preamble was agreed to.

The SPEAKER. The question is on the passage of the bill as amended.

The bill as amended was passed.

The SPEAKER. Without objection, the title will be amended to conform to the text.

There was no objection.

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

The SPEAKER. The Clerk will report the next one.

#### FORT McHENRY MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 68) to cede to the State of Maryland temporary jurisdiction over certain lands in the Fort McHenry Military Reservation.

The SPEAKER. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that the joint resolution be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] asks unanimous consent that the joint resolution be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the joint resolution. The Clerk read the joint resolution, as follows:

Whereas the Secretary of War is authorized by an act of May 26, 1914 (Public, No. 108, 63d Cong.), to grant to the city of Baltimore permission to use a certain portion of the Fort McHenry Military Reservation as a public park; and

Whereas the Secretary of War, under the authority in him vested by the said act, did, by an instrument dated June 1, 1914, grant permission to the said city to use said portion of the said military reservation for the said purpose; and

Whereas the United States now has exclusive jurisdiction over the said military reservation; and

Whereas it is desirable that the power to preserve order on the said portion of the said reservation during its use by the city of Baltimore be vested in the authorities of the State of Maryland: Therefore be it

*Resolved, etc.*, That the United States hereby cedes to the State of Maryland such jurisdiction over the said portion of the Fort McHenry Military Reservation as the State now possesses elsewhere within its territory, such cession to be coextensive territorially with the said permit of June 1, 1914, and to terminate upon its expiration: *Provided*, That jurisdiction to try and punish all crimes committed within said portion of the military reservation prior to the date that this cession becomes effective is reserved to the United States: *Provided further*, That the cession of jurisdiction made by this resolution shall not take effect until the same is accepted by the Legislature of the State of Maryland or its duly appointed representative clothed with such authority: *And provided further*, That when the United States shall resume possession of the said lands, or any part thereof, the jurisdiction herein ceded over lands so repossessed shall revert in the United States: *And provided further*, That until the cession of jurisdiction shall be accepted by the General Assembly of the State of Maryland or its representative aforesaid the Secretary of War is authorized to adopt as regulations for the government of the said Fort McHenry Military Reservation the rules and regulations promulgated by the board of park commissioners of Baltimore City for the government of other parks of the city of Baltimore, so far as they may apply to the said Fort McHenry Military Reservation: *And provided further*, That the United States marshal for the district of Maryland is authorized to appoint as his deputies such members of the police force under the government of the said board of park commissioners of the city of Baltimore as may be designated by the said board, and that such deputy marshals shall have power to enforce the said regulations.

With a committee amendment, as follows:

On page 2, after the word "States," in line 19, strike out all down to the end of line 21, and on page 3 strike out lines 1 to 13, inclusive.

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

The committee amendment was agreed to.

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. If this resolution is adopted, will the whereas and preamble become a part of the law?

The SPEAKER. That is not a parliamentary inquiry. That might take a Philadelphia lawyer to tell, for all that the Chair knows. [Laughter.] It might require a lawyer of first-class attainments to decide that question.

Mr. MONDELL. I want to call the attention of the gentleman from Maryland [Mr. LINTHICUM] to the fact that if the preamble does not become a law and is stricken out and only the body of the resolution goes into the statute, it would be impossible, except by hunting up this preamble, to determine what the act meant.

The gentleman will notice that the preamble under the first head refers to the act of May 26, 1914, which granted to the city of Baltimore permission to use a certain portion of the Fort McHenry Military Reservation as a public park, and in the body of the resolution the language is that "the United States hereby cedes to the State of Maryland jurisdiction over the said portion of the military reservation," and so forth. If the preamble goes out and does not become a part of this law, then the language of the act is not intelligible.

Mr. LINTHICUM. I think the gentleman will find the whole act harmonious. There was a permit issued by the War Department, and in the body of the bill it refers to that portion of the land covered by the permit. The entire Fort McHenry Reservation is not given to the city of Baltimore, but the major part of it. The other part of it is used as an immigration station, and is not included in this jurisdiction.

Mr. MONDELL. I do not think the gentleman understands me. There is a certain portion of the Fort McHenry Military Reservation with regard to which it is proposed to legislate, giving the State jurisdiction over it. Now, query: What is that portion of the Fort McHenry Military Reservation? It is the portion described in the first whereas of the preamble. But if that goes out and does not become a part of the law, then there is nothing in the resolution itself to indicate what portion is referred to.

Mr. LINTHICUM. I will say to the gentleman that the first whereas refers to the same property that is mentioned on the second page of the bill and mentioned as being in the permit.

Mr. MONDELL. I understand that it does.

Mr. MANN. But the preamble is no part of the law.

Mr. MONDELL. The gentleman is assuming that the preamble is going to be a part of this law. I understand that is not the case, but that, as a matter of fact, we do not legislate in preambles. I understand that when this bill becomes a law it will contain only the language beginning with line 1, on page 2, after the words "Be it enacted." Now, that being true, it would be impossible for anyone reading the act to understand what portion of the Fort McHenry Military Reservation was referred to or what Congress intended to legislate in regard to. What is needed is to strike out the words "such portion," in line 4, and insert a description of that portion referred to in the language in the first section of the preamble.

Mr. LINTHICUM. I would have no objection to striking out the preamble, were it not for the fact that I should like to have the Senate know the full history of this legislation.

Mr. MONDELL. Of course, I have no interest in the matter at all, except as a Member of the House, desirous of assisting my friend in securing the legislation he wants; but it seems to me that unless he does amend his bill, no one will know, except by inference, what is meant.

Mr. LINTHICUM. I said this bill was drawn by the attorneys of the War Department, and is entirely in harmony with their wishes, and I assume that they knew just what they wanted in this matter.

Mr. MONDELL. The War Department understands matters pertaining to war, but is not presumed to understand all the rules relating to legislation.

Mr. LINTHICUM. When I said the War Department, I meant the Judge Advocate General's office of the War Department. The bill was drawn by the attorneys of the War Department, and is, I understand, entirely in harmony with the previous bills which have been passed in this matter, and with the records of the War Department.

Mr. MONDELL. It may be in harmony with the previous bills, but not in harmony with the rules pertaining to legislation; and when the preamble is stricken out, as it will be, no one will be able to tell from anything in the act what portion of the Fort McHenry Military Reservation is intended to be referred to or legislated on.

Mr. LINTHICUM. I think the gentleman is mistaken. I appreciate what he suggests, but the whole matter is a part of the records of the War Department and is easily referred to.

Mr. MANN. Mr. Speaker, I take it that the preamble will not be stricken out, though it ought to be. If the preamble was stricken out, there would not be anything left of the law. The part that comes after the enacting clause is the law, not the preamble that precedes it. The preamble is used wholly and only as a matter of reference, and while the preamble is occasionally left in a bill as it passes and is printed in the statutes the preamble itself is not the law, but is only a matter of reference. I am very much surprised that the Judge Advocate General's office does not know any more about such things than to draw a bill the essential facts of which are stated in the preamble and not in the body of the bill itself. They ought to know enough to know, and they do know enough to know, that the part that comes after the enacting clause is the law, and that it ought to contain the essential provisions of the law, and not expect us to pass long preambles, which ordinarily we strike out, in order to have brevity in the statute.

Mr. LINTHICUM. Has the gentleman read the words "such session to be coextensive territorially with the said permit of June 1, 1914"? That is a part of the War Department record. This bill is identical with the one that ceded jurisdiction to the Presidio, Cal.

Mr. MANN. Yes; I have read that.

Mr. MONDELL. If the gentleman from Maryland will pardon me, it will not be at all difficult to amend the bill so as to be perfectly clear, and that can be done by striking out the word "said," in line 4, and insert, after the word "reservation," in line 5, the words "permission to use which was granted to the city of Baltimore by the act of May 26, 1914."

Mr. LINTHICUM. I have no objection to that amendment.

Mr. MONDELL. I am not insisting on it, but I think it is necessary in order to make it clear.

Mr. LINTHICUM. If the gentleman will offer the amendment, I shall be glad to agree to same.

Mr. MONDELL. Mr. Speaker, I move to amend by striking out the word "said," in line 4, page 2, and after the word "reservation," in line 5, page 2, insert the words "permission to use which was granted to the city of Baltimore by the act of May 26, 1914."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 2, line 4, by striking out the word "said," and in line 5 by inserting after the word "reservation" the following:

"permission to use which was granted to the city of Baltimore by the act of Congress May 26, 1914."

The SPEAKER. The first question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question now is on the amendment offered by the gentleman from Wyoming.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment of the bill.

The bill was ordered to be engrossed.

The preamble was stricken out.

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

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

#### INVESTIGATION AND RESEARCH DEPARTMENT OF COMMERCE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4724) authorizing the Department of Commerce to make original investigation and research concerning forms and processes of manufacture, and for other purposes.

The SPEAKER. Is there objection?

Mr. STAFFORD. I ask, Mr. Speaker, that the bill be reported first.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of Commerce is hereby authorized, through the Bureau of Standards, or any other bureau now under the Department of Commerce, or which may be hereafter created in said department, to make original investigation and research concerning forms and processes of manufacture and needs and methods for improvement in manufacture, both generally and specially; but no process or device which may be discovered or invented by any person while employed in or by said department in accordance with the provisions of this act shall be patented for the use or special benefit of any person, but the same shall be open for the general use of all. For the purposes herein indicated the Secretary of Commerce may employ such experts, special agents, clerical assistants, and other help as may be authorized from time to time by law.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object—

Mr. FOSTER. I think we ought to have some explanation of this.

The SPEAKER. What gentleman has charge of this bill?

Mr. ADAMSON. The gentleman from Illinois [Mr. MANN] is the author of the bill, although it is reported from the Committee on Interstate and Foreign Commerce, and I yield to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, if there is anything which we are short of in the world of competition for trade, it is scientific work in our own manufacturing institutions. I think it is highly desirable that we should have an enabling act under which we can make from time to time, as the occasion requires, some appropriation for the purpose of carrying on scientific research work through the Department of Commerce, which is a department dealing with manufacturing establishments, to the end that we may first learn something ourselves for the benefit of all concerned, and, secondly, encourage those who are engaged in manufacturing to themselves study and put into practice scientific methods. It is the one thing that we need more than anything else to-day. We have the money, we have the men, we have the mind, but we do not have scientific knowledge and application with which to enable us to meet, as we ought to, competition from abroad. That is the purpose of the bill. I do not think it is going to revolutionize the world, but I think it is a step that we ought to take.

Mr. FOSTER. As I understand, this is to take up original research work along certain lines which the Department of Commerce may conclude ought to be made.

Mr. MANN. If they so conclude, they would submit to Congress what they wanted, and Congress would determine in the way of appropriation, not by legislation, whether the money should be granted for that purpose.

Mr. FOSTER. Is that intended to take up the improved methods of manufacture that are in existence now or is it to study up some original matters in reference to manufacture?

Mr. MANN. I suppose to a certain extent both. If they learn through original research, as they do occasionally learn now in the Bureau of Standards, that information ought to be given to everyone alike. This bill would require that to be done, and in whatever direction they acquire the information, which is the result of scientific research work, it would be made public for the benefit of all alike. In other words, great corporations like the Standard Oil Co., the United States Steel Corporation, and many others employ a very large number of trained scientists in their own work, but the ordinary manufacturing concern, with a small factory, has nothing of that sort. I made an investigation some years ago, by order of the House, of the

pulp and paper factories throughout the United States, with other Members of the House on the committee. We went from one pulp factory to another and visited a great many. The one thing that most strongly impressed me was the utter lack of scientific methods generally in use in these concerns, and a very little help from the Government would have been then, and doubtless would be now, of very great value, where each individual concerned does not, probably can not afford to, employ proper scientific people in order to learn the proper scientific methods.

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

Mr. MANN. Yes.

Mr. LEVER. As I take it from the gentleman's explanation, he is seeking to do here for commerce and manufacturing in a broad way about what has been accomplished under the fundamental law creating the Department of Agriculture.

Mr. MANN. Not to the same extent.

Mr. LEVER. I would not think so, but in a general way, the same purpose.

Mr. MANN. Yes.

Mr. LEVER. It seems to me it is a very good undertaking.

Mr. FOSTER. I think, Mr. Speaker, the gentleman from Illinois [Mr. MANN] has stated this proposition very clearly, and I believe we ought to have more investigations along the lines suggested by him, and we ought to do something that will help commerce as well as manufacturing in every way that we can. As he says, there are probably a few manufacturing concerns with large capital that do a large business that are able to take up this work, while many others that might be just as important are unable to do so, and this would give the information to the entire country without reserving any rights for any particular manufacturing concern who might be specially interested.

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

Mr. MANN. I yield to the gentleman from Ohio.

Mr. FESS. I want to ask the gentleman from Illinois whether without this authority the department can not proceed to do just exactly this thing?

Mr. MANN. Without this authority any appropriation for this purpose would be, under the rules of the House, subject to a point of order.

Mr. FESS. I see. I certainly think this is one of the most essential things that could be done, but I supposed that we could do it without such a law.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I believe, if this bill becomes a law, that in a very short time we will be launching out very extravagantly in the expenditure of public funds for the benefit of private manufacturers. The Bureau of Standards at the present time is indulging in some of this work covered by this authorization, work that I may say the members of the Committee on Appropriations having the authorization in hand question the propriety of having done as a Government function. For instance, during the past year the Bureau of Standards has been sending its experts to different parts of the country to study electrolysis of rails connected with electric railway systems. Up to the present time the bureau has been limiting its work, except in one or two exceptional cases, to one of which I have just referred, to only those instances where the Government had some special work to be performed as, for instance, the examination of the quality of cloths or of materials in use in the construction of its buildings. Personally I am in sympathy with the general purpose of having investigations made, but if we are going to proceed along this line it means the expenditure of hundreds and hundreds of thousands of dollars. In 10 years we have seen the Bureau of Standards grow until it now occupies three large buildings and one other projected, with an annual expenditure of several hundred thousand dollars, engaged in very commendable work, which we are limiting alone, except in one or two instances, to functions connected with the Government establishments.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Wisconsin yield?

Mr. STAFFORD. I do.

Mr. MOORE of Pennsylvania. The gentleman seems to think this might be in the interests of private manufacturers?

Mr. STAFFORD. There is no question but the bill is for that purpose.

Mr. MOORE of Pennsylvania. I have been reading the bill and have been wondering whether it was not for some other purpose. The manufacturers generally have about as much inspection and investigation on the part of the Department of Commerce now as they can stand and this might add to their difficulties rather than aid them.

Mr. STAFFORD. Oh, no; it is not intended to embarrass any private manufacturers. It is intended to amplify the work that is now being carried on by the Bureau of Standards, and instead of limiting that work to matters which exclusively pertain to governmental functions and governmental matters, to broaden their activities so that it will cover the whole wide field of commercial manufacturing.

Mr. MOORE of Pennsylvania. The Bureau of Standards is a valuable adjunct to our Government system, and it is being very worthily conducted just now, but this bill proposes that it shall be authorized "to make original investigation and research concerning forms and processes of manufacture, and needs and methods for improvement in manufacture, both generally and specially," and so forth. Now, suppose the power thus conferred upon the bureau took the form of inspection, inquiries, reports, and other details that manufacturers must return to the Bureau of Standards. Does not the gentleman think in that case it would rather increase the burdens of the manufacturers than assist them?

Mr. STAFFORD. Under this phraseology the representatives of the Department of Commerce might have the right, if the Committee on Appropriations grant the appropriation, to go into private establishments and investigate their processes of manufacture; but I do not believe they would indulge in that method. I believe they would continue along the lines that they are doing at the present time—

Mr. MANN. Where would they get their right?

Mr. MOORE of Pennsylvania. It is important to know whether it is compulsory, because that raises a very serious question. There is nothing in the bill that seems to make it compulsory.

Mr. STAFFORD. It says to make research concerning processes of manufacture.

Mr. ADAMSON. Mr. Speaker, will the various gentlemen engaged in colloquy permit me to say just one word. I can not find any room for apprehension as to inspection or anything in that respect. It is confined purely to the question of learning something so as to educate our own people how things are done and the best way for them to do them. It will promote production and to-day, under existing circumstances, we can not have too much information. The time is coming more and more rapidly, and even now absolutely demands that we produce not only everything our people are going to need in this country, but also produce something to exchange with other countries for things we can not produce. [Applause.] And I do hope there will be no objection to this most meritorious bill. The committee considered it well at two sessions of Congress, and there can not be any harm in it as I understand it, and with the Bureau of Standards already in existence we would just as well give it something to do.

Mr. STAFFORD. Mr. Speaker, the Bureau of Standards has plenty to do under its present authorization.

Mr. MANN. Will the gentleman yield?

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

Mr. MANN. Does not the gentleman from Wisconsin know that nearly every item in the legislative bill, which the gentleman helped to report to the House, under the Bureau of Standards is subject to the point of order under existing law?

Mr. STAFFORD. No; I did not; and I can not agree with the gentleman to the full extent of his statement.

Mr. MANN. That is certainly the case.

Mr. STAFFORD. There are some items in the bill subject to the point of order, but there is an authorization under existing law for most of the items reported.

Mr. MANN. I beg the gentleman's pardon; some might be held in order as being a continuation of work in progress for which we have already made a partial provision, but nearly every one was subject to the point of order when it first appeared in the bill.

Mr. FESS. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Ohio.

Mr. FESS. The objection made is that it would entail the expenditure of a lot of money. Does not the gentleman think that the expenditure of money will multiply itself in good results that will more than pay for many, many fold the expenditure?

Mr. STAFFORD. I am not questioning the utility of the work of the Bureau of Standards. I am only questioning whether it is a proper governmental function, and whether we should at this time launch out into this new field, in view of some work that has been done, which has not been to the benefit of the people generally, but has been to the benefit of certain localized communities and industries. I fully approve of the work of the Bureau of Standards so far as it relates to investigations as to materials used by the Government, as to stand-

ardization and the like; but when it is proposed to launch out into a new field and create an agency here, without limit, why it is going to involve an expenditure ultimately of millions and millions of dollars.

Mr. FESS. If the gentleman will permit, he will remember last year there was carried in all of the papers an account of Dr. Rittman's discovery down here in the Bureau of Mines, by which he claims he can treble the production of gasoline out of a given quantity of crude oil. Now, would not this give an opportunity for that sort of investigation, the results of which would be very, very many times more than the expenditure?

Mr. STAFFORD. I am frank to say to the gentleman that under this bill such work of investigation could be accomplished.

Mr. WALSH. If the gentleman will permit, I would like to ask if under the provisions of this bill a manufacturer had some secret process for producing goods, which for some reasons of his own he did not see fit to patent, an investigator from the Department of Commerce would have authority to go into his plant, look over the process of manufacture, and then come out and make it public and open it to other manufacturers and competitors?

Mr. STAFFORD. That authority has been denied, and it is a mooted question whether under this phraseology an investigator would have that right. Of course, if he would have that authority, I would feel compelled to object to the bill, but I question whether this language will bear that particular construction.

Mr. FOSTER. The gentleman does not think the Government would have any right to go into a private factory and steal their process? We would have no power to do that, it seems to me, at all.

Mr. ESCH. Mr. Speaker, I think this bill would have pertinency in connection with the act of 1910, whereby we gave to the Interstate Commerce Commission the power to investigate railroad wrecks. Among the powers granted there was the power of having an inspector go to a wreck and investigate the causes. Many of these wrecks have been found due to defective rails and defective flanges of wheels. These rails have been sent to the Bureau of Standards for investigation by the scientists of that bureau, also some of the defective wheels. The bureau has not now the equipment necessary to make a thorough test of those rails and wheels.

Mr. STAFFORD. Will the gentleman permit right there?

Mr. ESCH. Yes.

Mr. STAFFORD. I would like to take issue with that statement, for on a recent visit to the Bureau of Standards we were shown by the director ample instruments for determining that very matter.

Mr. ESCH. My information comes direct from the division of inspection of the Interstate Commerce Commission, with a further statement that that commission has sent many defective rails and wheels to be investigated and tested by the private plants and workshops of the different railroads of the United States. The Bureau of Standards has not the full equipment.

Mr. STAFFORD. I am not questioning that private establishments have not, but I am maintaining that at the present time the Bureau of Standards is equipped with machinery to determine the tensile strength and the quality of the steel in rails and wheels. In fact, they have issued a bulletin, they have samples which they distribute to the public generally, showing the character of mixtures of steel that should be used in furnaces and the like and in the manufacture of steel.

Mr. ESCH. They have made recommendations that the open-hearth process of steel manufacture is better than the Bessemer, and I think they recommended that the electrical furnace product is even better than the open-hearth product, but nevertheless they have not the full equipment to meet the demands of the Division of Safety of the Interstate Commerce Commission. This bill would grant them those added facilities.

Mr. STAFFORD. Mr. Speaker, though I fear this bill will result in having the Government launch into many fields of activity which I question it should, I am not going to interpose an objection.

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

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

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4724) authorizing the Department of Commerce to make original investigation and research concerning forms and processes of manufacture, and for other purposes.

*Be it enacted, etc.,* That the Secretary of Commerce is hereby authorized, through the Bureau of Standards or any other bureau now under the Department of Commerce or which may be hereafter created in said department, to make original investigation and research concerning forms and processes of manufacture and needs and methods for improvement in manufacture, both generally and specially; but no process or device which may be discovered or invented by any person while employed in or by said department in accordance with the provisions of this act shall be patented for the use or special benefit of any person, but the same shall be open for the general use of all. For the purposes herein indicated the Secretary of Commerce may employ such experts, special agents, clerical assistants, and other help as may be authorized from time to time by law.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I would like to inquire of the gentleman who framed the bill whether it is his purpose to restrict the granting of a patent only to this country? Does he wish to prohibit the inventor of any device from taking out foreign patents?

Mr. MANN. I think that anyone who learns anything through research under this bill should give that information for the benefit of the world.

Mr. STAFFORD. Of course, if our Government is paying men for the benefit of our own manufacturers, I can not see any objection to allowing the inventor to take out foreign patents, if he so wishes, so as to give him protection, and which would not embarrass the users in this country.

Mr. MANN. Well, I do not see how it is practicable for the Government itself to own foreign patents. I do not think it is desirable that the officials whom our Government selects to make investigations should be allowed to make anything on the side by means of patents.

Mr. STAFFORD. While I can see some objections to their taking out patents in this country on their inventions, yet I do not see any objection to allowing them to take out patents in foreign countries.

At the Bureau of Standards a recent graduate of one of our universities has invented a device during the time of the Government, whereby he can detect by just moving a screen the air waves, no matter how many thousands of miles removed, in wireless telegraphy. That man, being paid by the Government, is giving his invention to the United States free; but why should he not have the benefit of that invention, so far as foreign countries are concerned?

Mr. MANN. Oh, if you give a man a patent on these things, that will be what he will be looking for all the time. If he can get any special benefit out of it, that is the way he will conduct his work. He ought to feel that he should attend to his work, regardless of finding some patentable device which can be sold to foreign countries. Most of these things ought not to be patented anyway, in my opinion.

Mr. STAFFORD. The gentleman is aware of the fact that foreign Governments are very jealous of their processes, and that they do not open their doors to the inspection of their secret processes. But here we are proposing to employ experts and give the foreigners the value of these inventions.

Mr. MANN. I do not know that this Government or the Government of any other country obtains any information which it can keep secret.

Mr. STAFFORD. I propose to allow the inventors to get the benefit of their inventions only so far as foreign countries are concerned.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] withdraws his pro forma amendment. The question is on the engrossment and third reading of the bill.

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

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

The SPEAKER. The Clerk will report the next one.

BRIDGE ACROSS FLINT RIVER, GA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9225) granting the consent of Congress to Georgia Lumber Co. to construct a bridge across Flint River, Ga., between Dooly and Sumter Counties.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to Georgia Lumber Co., a corporation chartered under the laws of the State of Ohio, with principal place of business in the city of Akron, Ohio, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Flint River, at a point suit-

able to the interests of navigation, at or near De Vaughn's Siding, in the county of Dooly, in the State of Georgia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

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

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

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

#### EXTENSION OF REMARKS.

Mr. TILSON. Mr. Speaker, I would like to have the right to extend my remarks in the RECORD on the subject of the national defense.

The SPEAKER. The gentleman from Connecticut [Mr. TILSON] asks unanimous consent to extend his remarks in the RECORD on the subject of the national defense. Is there objection? There was no objection.

The SPEAKER. The Clerk will report the next bill.

#### BRIDGE ACROSS THE OHIO RIVER, PITTSBURGH, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10082) to authorize the construction of a bridge across the Ohio River from a point on its banks in the city of Pittsburgh, Pa., at or near the locality known as Woods Run, to a point on the opposite shore of said river within the borough of McKees Rocks, Pa.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the county of Allegheny, in the State of Pennsylvania, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto over the Ohio River, at a point suitable to the interests of navigation, from a point on its banks in the city of Pittsburgh, Pa., at or near the locality known as Woods Run, to a point on the opposite shore of said river within the borough of McKees Rocks, Pa., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and also an act entitled "An act to authorize the construction of bridges across the Ohio River, and to prescribe the dimensions of the same," approved December 17, 1872, as amended by the act approved February 14, 1883.

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

With a committee amendment, as follows:

On page 2, line 5, after the word "six," strike out the comma and the remainder of the line down to and including line 10.

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

The committee amendment was agreed to.

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

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

The SPEAKER. The Clerk will report the next one.

#### BRIDGE ACROSS SNAKE RIVER, IDAHO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9920) granting the consent of Congress to the counties of Minidoka and Cassia, State of Idaho, to construct a bridge across Snake River.

The SPEAKER. Is there objection?

Mr. DILLON. Mr. Speaker, Senate bill 3873 is of the same tenor, and I ask unanimous consent for the present consideration of that bill.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that Senate bill 3873, of identical tenor, be considered in lieu of the House bill. Is there objection? There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read the bill (S. 3873) to authorize the counties of Minidoka and Cassia, State of Idaho, to construct a bridge across Snake River, as follows:

*Be it enacted, etc.,* That the counties of Minidoka and Cassia, State of Idaho, are hereby authorized to construct, maintain, and operate a bridge, and approaches thereto, across the Snake River, at a point suitable to the interest of navigation, in sections 7, 8, 17, and 18, township 9 south, range 25 east, Boise meridian, in the counties of Minidoka and Cassia, in the State of Idaho, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, the printed copy of the Senate bill, as we have it, contains a typographical error in line 9, where the word "Cassia" is misspelled, but I have examined the enrolled copy of the bill, which is the one that we go by, and find that that is correct.

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

On motion of Mr. DILLON, a motion to reconsider the vote by which the bill was passed was ordered to lie on the table.

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

#### MILITARY SCHOOLS.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent that 5,000 additional copies of report 243, on the military school bill, be printed.

The SPEAKER. The gentleman from Tennessee [Mr. McKELLAR] asks unanimous consent that 5,000 extra copies of report 243 be printed. Is there objection?

Mr. MANN. Mr. Speaker, has the gentleman conferred with the gentleman from Indiana [Mr. BARNHART]?

Mr. McKELLAR. I have. This is a very short report, and the gentleman from Indiana [Mr. BARNHART] told me I might say to the House that he had no objection.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, how is it proposed that these reports shall be distributed?

Mr. McKELLAR. Through the document room. The print of the report is exhausted, and more copies are desired.

The SPEAKER. Is there objection?

There was no objection.

#### BRIDGE ACROSS MERRIMACK RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11628) granting the consent of Congress to the city of Lowell, county of Middlesex, State of Massachusetts, to construct a bridge across the Merrimack River.

The bill was read, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the city of Lowell, county of Middlesex, State of Massachusetts, a municipal corporation, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Merrimack River, at a point suitable to the interests of navigation, to replace the present Pawtucket Bridge, so called, and at or near the point at which said Pawtucket Bridge crosses said river, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

Mr. ROGERS. Mr. Speaker, I move to amend the bill by adding the letter "k" to the word "Merrimack," in line 7, page 1. I will say to the chairman of the committee that when I introduced the bill the name was correctly spelled, with the letter "k," but in printing it the "k" was dropped.

Mr. ADAMSON. I am sure the committee had no desire to mutilate the orthography of the distinguished gentleman from Massachusetts, and as far as I am concerned, I have no objection to the amendment.

Mr. MANN. The Government Printing Office say that the gentleman is wrong, and that is the reason why they changed it, I suppose.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 1, strike out "Merrimack" and insert "Merrimack."

The amendment was agreed to.

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

Mr. MANN. The title ought to be amended.

Mr. ROGERS. I ask unanimous consent that the title be amended in the same way.

The SPEAKER. If there be no objection, the title will be amended to conform to the spelling of the text of the bill.

There was no objection.

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

#### HOOR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

There was no objection.

#### ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until Tuesday, March 7, 1916, at 11 o'clock a. m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the chairman of the Federal Trade Commission, submitting a supplemental estimate of appropriation in the sum of \$100,000, being additional to the estimates submitted by the commission beginning on page 855, of the annual Book of Estimates for 1917, for salaries and expenses of the Federal Trade Commission (H. Doc. No. 838), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 10307) authorizing the Secretary of the Interior to pay and to distribute the balance now in the Treasury to the credit of the Alsea and other Indians on the Siletz Reservation, reported the same without amendment, accompanied by a report (No. 298), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DANFORTH, from the Committee on the Judiciary, to which was referred the bill (H. R. 12195) to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto of February 5, 1903, reported the same without amendment, accompanied by a report (No. 299), which said bill and report were referred to the House Calendar.

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill (H. R. 7619) to repeal section 3 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892, reported the same without amendment, accompanied by a report (No. 300), 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. MURRAY, from the Committee on Indian Affairs, to which was referred the bill (H. R. 11939) for the relief of William Guy, reported the same with amendment, accompanied by a report (No. 301), which said bill and report were referred to the Private Calendar.

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 11400) for the relief of the heirs of Isham Butterworth, reported the same with amendment, accompanied by a report (No. 302), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 6770) for the relief of Ellen B. Monahan, reported the same without amendment, accompanied by a report (No. 303), 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. HAY: A bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States; to the Committee of the Whole House on the state of the Union.

By Mr. NEELY: A bill (H. R. 12767) to create a United States tariff commission and provide for the readjustment of the rates of duty on imports, and for other purposes; to the Committee on Ways and Means.

By Mr. HOOD: A bill (H. R. 12768) providing for a survey of Trent River, N. C., with a view to deepening the channel along that portion of the river known as "Foy's Flats"; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12769) providing for a survey of Smith Creek, in Pamlico County, N. C., with the view to making the same navigable; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12770) providing for a survey of Broad Creek, Pamlico County, N. C., with a view to making same navigable; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12771) providing for a survey of Queens Creek, in Onslow County, N. C., with a view to making the same navigable; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12772) providing for a survey of North-east River, in Duplin County, N. C., with the view to making same navigable; to the Committee on Rivers and Harbors.

By Mr. GUERNSEY: A bill (H. R. 12773) to provide for holding sessions of the United States district court in the district of Maine and for dividing said district into divisions and providing for offices of the clerk and marshal of said district to be maintained in each of said divisions, and for the appointment of a field deputy marshal in the division in which the marshal does not reside; to the Committee on the Judiciary.

By Mr. KING: A bill (H. R. 12774) establishing an armory plant for the purpose of manufacturing firearms at or near the city of Quincy, Ill.; to the Committee on Military Affairs.

By Mr. COPLEY: A bill (H. R. 12775) granting the consent of Congress to George Fabyan to construct a bridge across the Fox River; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: A bill (H. R. 12776) to increase the pension of those who have lost limbs or have been totally disabled in the same in the military or naval service of the United States; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 12777) authorizing allotments to members of the Pine Ridge Sioux Tribe from surplus unentered lands in Bennett County, S. Dak., formerly a part of the Pine Ridge Reservation; to the Committee on Indian Affairs.

By Mr. BUTLER: A bill (H. R. 12778) to provide for the authorization of money to be used in the grading and terracing of the grounds around and adjacent to the memorial arch at Valley Forge; to the Committee on the Library.

By Mr. BRITTEN: A bill (H. R. 12779) for the conservation of the products of oil lands and to regulate the price of gasoline; to the Committee on Ways and Means.

By Mr. POU: Resolution (H. Res. 158) providing for consideration of House resolution 147; to the Committee on Rules.

By Mr. FINLEY: Resolution (H. Res. 159) directing the printing of 1,250 additional copies of the soil survey of Chesterfield County, S. C., for the use of the House document room; to the Committee on Printing.

By Mr. MOORES of Indiana: Joint resolution (H. J. Res. 172) providing for a commission to make investigation and report to the Congress emergency legislation enacted by the several countries now engaged in war; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARY: A bill (H. R. 12780) granting a pension to Phillip Stokes; to the Committee on Pensions.

By Mr. CLINE: A bill (H. R. 12781) to correct the military record of Charles Rasset; to the Committee on Military Affairs.

By Mr. DEWALT: A bill (H. R. 12782) granting an increase of pension to John Kane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12783) granting an increase of pension to Cecilia McCullough; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 12784) granting a pension to Rebecca Rozell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12785) granting an increase of pension to James F. Pickett; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 12786) granting an increase of pension to Maria A. Murat; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12787) granting an increase of pension to Charles A. Morrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12788) granting an increase of pension to Philip H. Leach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12789) granting an increase of pension to Ellen Jines; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 12790) granting an increase of pension to Jeduthian Weller; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 12791) granting a pension to Cynthia A. Snell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12792) granting a pension to James Cassidy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12793) granting a pension to William S. Head; to the Committee on Pensions.

Also, a bill (H. R. 12794) granting a pension to Mary C. Heller; to the Committee on Pensions.

Also, a bill (H. R. 12795) granting a pension to Callie Oberer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12796) for the relief of Lewis Hall; to the Committee on Military Affairs.

Also, a bill (H. R. 12797) granting an increase of pension to John Golden; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 12798) for the relief of the estate of Abram M. Matthews; to the Committee on Claims.

By Mr. GORDON: A bill (H. R. 12799) granting a pension to Martha H. Randolph; to the Committee on Invalid Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 12800) granting a pension to Matilda Delisle; to the Committee on Invalid Pensions.

By Mr. HELGESEN: A bill (H. R. 12801) granting a pension to Clara May Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12802) granting an increase of pension to Elizabeth Hummelbaugh; to the Committee on Invalid Pensions.

By Mr. HERNANDEZ: A bill (H. R. 12803) for the relief of the estate of Juan Martinez y Sanchez; to the Committee on Claims.

By Mr. HUDDLESTON: A bill (H. R. 12804) granting an increase of pension to Patrick Gillin; to the Committee on Invalid Pensions.

By Mr. KALANIANA'OLE: A bill (H. R. 12805) granting an increase of pension to Frank Godfrey; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 12806) granting a pension to William A. Vice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12807) for the relief of the Citizens Savings & Loan Association Co., of Portsmouth, Ohio; to the Committee on Claims.

By Mr. KEATING: A bill (H. R. 12808) granting a pension to Milford Lady; to the Committee on Pensions.

Also, a bill (H. R. 12809) granting an increase of pension to James O. Cotman; to the Committee on Pensions.

Also, a bill (H. R. 12810) granting an increase of pension to William J. Love; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 12811) granting an increase of pension to Charles B. Daniel; to the Committee on Pensions.

Also, a bill (H. R. 12812) granting an increase of pension to Preston Campbell; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 12813) granting an increase of pension to Creed F. White; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 12814) granting a pension to Nancy Shryock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12815) granting an increase of pension to William A. Wilson; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 12816) granting an increase of pension to William Reynolds; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 12817) granting an increase of pension to John Fuller; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 12818) granting an increase of pension to Bridget M. Fauls; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12819) granting an increase of pension to John Hale Larry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12820) granting an increase of pension to Mary M. Drake; to the Committee on Invalid Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 12821) granting an increase of pension to Una Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12822) granting an increase of pension to Mariett Geer; to the Committee on Invalid Pensions.

By Mr. SCOTT of Pennsylvania: A bill (H. R. 12823) granting an increase of pension to Samuel I. McPherron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12824) granting an increase of pension to Julian Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12825) granting an increase of pension to Zachary Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12826) granting an increase of pension to Alexander Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12827) granting an increase of pension to Mary E. Wolf; to the Committee on Invalid Pensions.

By Mr. HELGESEN: A bill (H. R. 12828) granting an increase of pension to Susan Forney; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 12829) for the relief of Mary Hayden; to the Committee on Claims.

By Mr. SLAYDEN: A bill (H. R. 12830) granting a pension to F. R. Ramsdell; to the Committee on Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 12831) granting an increase of pension to Kate V. Williams; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 12832) for the relief of James Cahoon; to the Committee on War Claims.

By Mr. THOMPSON: A bill (H. R. 12833) granting a pension to William J. Givins; to the Committee on Pensions.

Also, a bill (H. R. 12834) granting an increase of pension to John N. Jackson; 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): Resolution of Everyman Class of Vermont Avenue Christian Church, in support of the Hughes-Smith bill for a dry District; to the Committee on the District of Columbia.

Also (by request), resolution of Everyman Bible Class of the Vermont Avenue Christian Church, against the Cary bill, authorizing prize fighting in the District; to the Committee on the District of Columbia.

Also (by request), memorial of Sons of American Revolution in Hawaii, urging more adequate Army; to the Committee on Military Affairs.

By Mr. BROWNING: Petition of New Jersey Society of Sons of the Revolution, that steps be taken for the erection of a national archives building; to the Committee on Public Buildings and Grounds.

Also, petitions of 500 people of Camden; First Baptist Church, of 650 people, of Haddenveld; Y. P. B., 20 people, of Mullica Hill; and W. C. T. U., of 20 people, of Westville, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CHIPERFIELD: Petition of John M. Taylor and other residents of Brainerd, Minn., praying for the repeal of the Indian treaty of 1855; to the Committee on Indian Affairs.

Also, petition of John M. Taylor and the Iron Molders' Union of Brainerd, Minn., praying for the repeal of the Indian treaty of 1855; to the Committee on Indian Affairs.

By Mr. COLEMAN: Petition of 18 citizens of St. John's Evangelical Lutheran Church, of Swissvale, Pa., and St. John's Evangelical Lutheran Church, of Swissvale, Pa., for national prohibition; to the Committee on the Judiciary.

By Mr. CURRY (by request): Petition of C. E. Johnson and Ripon Brethren Church, of Ripon, Cal., for censorship of picture films; to the Committee on Education.

Also, petition of C. E. Johnson for Brethren Church of Ripon, Cal., for national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of mass meeting in the capitol of New Mexico, against postponement of report on suffrage resolution; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of F. O. Atherton, of Honolulu, and Antisaloon League of Hawaii, favoring prohibition in Hawaiian Islands; to the Committee on the Territories.

By Mr. DARROW: Memorial of Retail Grocers' Association and Chamber of Commerce of Meadville, Pa., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petition of 20 citizens and Men's Bible Class of Methodist Episcopal Church of Philadelphia, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Keystone Council, No. 55, Junior Order United American Mechanics of West Philadelphia, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. DILLON: Petition of 100 citizens of Mitchell, S. Dak., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of South Dakota Irrigation Association, favoring Jones bill relative to irrigation in Western States; to the Committee on Irrigation of Arid Lands.

Also, petition of citizens of Parkston, S. Dak., favoring resolution warning Americans to keep off armed ships; to the Committee on Foreign Affairs.

By Mr. DIXON: Petition of First Baptist Church of Aurora; 48 voters of Dearborn County; 33 voters of Aurora; 25 citizens of Brown County; 14 voters of English Lutheran Church, of Columbus, Presbyterian Sunday School of Hanover; U. B. Church of Medora, Jackson County; 500 people of Seymour; Ault Bible Class, Presbyterian Church, Hanover, all in the State of Indiana, for passage of House joint resolutions 84 and 85, for nation-wide prohibition; to the Committee on the Judiciary.

By Mr. DYER: Papers to accompany House bill 11188, for relief of Fritz Hintermeim; to the Committee on Pensions.

Also, papers to accompany House bill 3915, for relief of Robert L. Johnson; to the Committee on Pensions.

Also, papers to accompany House bill 3912, for relief of William L. Woesterdick; to the Committee on Pensions.

Also, papers to accompany House bill 10510, for relief of Asa B. Ecoff; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 3921, for relief of Walter S. Reese; to the Committee on Pensions.

Also, papers to accompany House bill 10861, for relief of George Fredericks; to the Committee on Pensions.

Also, papers to accompany House bill 3909, for relief of Jos. Mitchell; to the Committee on Pensions.

Also, papers to accompany House bill 3910, for relief of Joseph Glass; to the Committee on Pensions.

By Mr. FLYNN: Petition of William B. Hill, of New York, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of General M. Emmet Urell Camp, No. 9, Department of District of Columbia, United Spanish War Veterans, against Borland amendment to the appropriation bill; to the Committee on Appropriations.

Also, petition of F. C. Atherton, Honolulu, Hawaii, favoring prohibition in Hawaii; to the Committee on Territories.

By Mr. FOCHT: Petition of voters of Mercersburg, Mount Union, Milroy; Christian Endeavor Society of the Brethren Church, Duncannon; members of the United Evangelical Church, Merryville; citizens of Duncannon; and Sunday School of Miller Township, Huntingdon County, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Charles T. Taylor, in favor of warning Americans against traveling on armed ships; to the Committee on Foreign Affairs.

Also, petition of Local Union No. 33, of Peru, Ill., International Union United Brewery Workers, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, papers to accompany a bill granting an increase of pension to Jeduthian Weller; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: Petition of North Atlantic Oyster Farms, of Boston, Mass., protesting against passage of House bill 6801, to amend motor-boat law; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Massachusetts Commandery, Military Order of the Loyal Legion of the United States, for preparedness; to the Committee on Military Affairs.

Also, petition of Voters' League of Massachusetts, favoring resolution to warn Americans against travel on armed ships; to the Committee on Foreign Affairs.

By Mr. GORDON: Petition of C. G. Knapp and 13 other citizens of Cleveland, praying for the enactment of legislation guaranteed to keep all citizens of the United States from taking passage on the armed vessels of the belligerent nations; to the Committee on Foreign Affairs.

Also, petition of Carl Faller and 27 other citizens, of Cleveland, praying for the enactment into law of House bill 6915; to the Committee on the Post Office and Post Roads.

Also, resolution of the Cleveland Slovak Alliance, pledging support to the President in the position he has taken for the protection of American rights on the high seas; to the Committee on Foreign Affairs.

Also, petition of C. W. Johnson and 64 other citizens, of Cleveland, praying for the adoption of a policy guaranteed to keep the United States out of war; to the Committee on Foreign Affairs.

By Mr. GUERNSEY: Petition of citizens of Patten, Me., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany House bill 4237, for relief of Henry H. Snyder; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12235, for pension for Lydia A. McKnight; to the Committee on Invalid Pensions.

By Mr. HEATON: Petition of Junior Order of Honor and Temperance, Shenandoah, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HELVERING: Petitions from sundry citizens of Concordia, Glasco, Miltonvale, Oak Hill, Falun, Palmer, Manhattan, Idana, Ashton, Cuba, Norway, Home City, Junction City, Minneapolis, Brookville, and Hollenberg, all cities of Kansas, protesting against the proposed stamp tax on bank checks; to the Committee on Ways and Means.

By Mr. HILL: Petition of Woman's Christian Temperance Union, of 20 people of Darien, and citizens of Rowayton, Conn., for national prohibition; to the Committee on the Judiciary.

Also, memorial of Iowa Retail Clothiers' Association of Des Moines, Iowa, in favor of House bill 702—the dyestuff bill; to the Committee on Ways and Means.

By Mr. HOLLINGSWORTH: Memorial of Local Union No. 73, A. F. G. U. N., Toronto, Ohio, in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Presbyterian Church of East Springfield, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KALANIANAOLE: Memorial of Hawaiian Society, Sons of the American Revolution, in favor of preparedness; to the Committee on Military Affairs.

By Mr. KENNEDY of Rhode Island: Memorial of Providence (R. I.) Lithograph Co., favoring House bill 10845; to the Committee on Military Affairs.

Also, petition of Turns Club, D. T. S., of Providence, R. I., and Karl Wendt, of Providence, R. I., favoring passage of resolution warning Americans not to sail on belligerent ships; to the Committee on Foreign Affairs.

By Mr. KIESS of Pennsylvania: Petition of sundry citizens of Wellsboro, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KING: Petition of D. Genneff, president, and E. Lindsey, secretary, of the Soldiers and Sailors' Christian Temperance League, composed of members of the Illinois Soldiers and Sailors' Home situated at Quincy, Ill., and numbering about 300 members of said home, in support of bills pending to prohibit saloons in the District of Columbia and also a bill barring from the mails all alcoholic liquor advertisements; to the Committee on the District of Columbia.

By Mr. McCLINTIC: Petition of Chamber of Commerce of Elk City, Okla., in reference to legislation affecting oleomargarine; to the Committee on Agriculture.

By Mr. MEEKER: Petitions of Franke Korte, Otto Kaemerer, Leo Burkart, and Gus Freuh, all of St. Louis, Mo., praying for the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of 11 citizens of St. Louis, Mo., in favor of the bill to increase the efficiency of the Dental Corps of the Army; to the Committee on Military Affairs.

Also, petitions of Hofman Bros. Produce Co., St. Louis County Producers' Market Co., the Federation of Evangelical Brotherhood of St. Louis, and 14 other citizens, all of St. Louis, Mo., favoring passage of a resolution warning Americans not to sail on belligerent ships; to the Committee on Foreign Affairs.

Also, petition of the Millers of Missouri, of St. Louis, Mo., protesting against the passage of the Rainey bill; to the Committee on Agriculture.

By Mr. NEELY: Petitions of Thompson Methodist Episcopal Church, of Wheeling, and 350 people, of Wheeling, W. Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of Northern California Counties' Association, Redding, Cal., favoring appropriations for the lower Pit River project; to the Committee on Appropriations.

Also, petition of Chamber of Commerce, Santa Ana, Cal., urging national and Pacific coast defense; to the Committee on Military Affairs.

Also, petition of Northern California Counties' Association, Redding, Cal., indorsing House bill 348, proposing the creation of Lassen volcanic national park; to the Committee on the Public Lands.

Also, petitions of Typographical Union No. 21 and Cooks' Union, Local No. 44, both of San Francisco, Cal., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the Ladies' Improvement Club, Sisson, Cal., favoring the building of a wagon road from Sisson to the wagon camp on Mount Shasta by the Federal Government; to the Committee on Military Affairs.

Also, petition of Executive Board of the Woman's Christian Temperance Union, San Francisco, Cal., indorsing national constitutional prohibition; to the Committee on the Judiciary.

Also, petition of the Ebell of Los Angeles, Los Angeles, Cal., indorsing the movement to take the administration of Indian affairs out of politics and to establish in lieu administration of Indian affairs; to the Committee on Indian Affairs.

Also, petition of Shasta County Promotion & Development Association, Redding, Cal., favoring appropriations for the lower Pit River project; to the Committee on Appropriations.

Also, petitions of Central Federated Union of Greater New York and vicinity, favoring House bill 9820, limiting the activities of certain officers and employees of the Government; House bill 38, proposing to create peace abroad and stop the awful human slaughter; House bill 8352 and Senate bill 3202, fathered by the State Board of Health of California; to the Committee on Foreign Affairs.

By Mr. OAKLEY: Petition of the Talcott Co. and leading druggists of Hartford, Conn., and vicinity, favoring the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of United Presbyterian Church of Thompsonville, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PADGETT: Petitions of sundry citizens of the seventh congressional district of Tennessee, in support of a bill to provide a tax on persons, firms, or corporations doing a mail-order business; to the Committee on Ways and Means.

By Mr. PETERS: Petitions of 25 citizens of Clinton, sundry citizens of Jeupils, Methodist Episcopal Church of Kents Hill, 14 citizens of Clinton, 25 citizens of Clinton, the Baptist Church of Clinton, 24 citizens of Clinton, and the Methodist Episcopal Church of Clinton, all in the State of Maine, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of James A. Shepard and F. A. Hatch, of Montour Falls, N. Y., urging action by Congress for proper recognition of the rights of American citizens whether traveling on belligerent ships or at home; also from Earnest Merritt, of Ithaca, N. Y., favoring support of President's foreign policies; to the Committee on Foreign Affairs.

Also, petition of 100 members of the Northern Tioiga Sunday School Association, B. C. Rawley, chairman, Newark Valley, N. Y., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Corning Saengerbund, Corning German-American Alliance, and sundry citizens of Corning, N. Y., favoring the passage of sundry bills and joint resolutions, viz, to prohibit the sale and export of arms, ammunition, and munitions of war to any of the belligerents of the present European conflict; to prohibit the issuance of passports for use on the vessels of a belligerent country; and to prohibit belligerent vessels from transporting American citizens as passengers to or from ports in the United States, and prohibit American and neutral vessels from transporting American citizens as passengers and contraband of war at one and the same time; and to authorize and direct the President by proclamation to prohibit any national banking association to make any loan to, or to act as agent for, any of the signatory powers to the declaration of London which shall be ascertained to be obstructing the neutral commerce of the United States in noncontraband articles as defined in such declaration; to the Committee on Foreign Affairs.

Also, petition of Martin Link, Christian Link, H. Kaufman, and Andrew Link, of Cohocton, N. Y., favoring the passage of either the Gore or McLemore resolutions, warning Americans from traveling on armed merchant vessels; to the Committee on Foreign Affairs.

Also, petition of German-American Alliance of Corning, N. Y., Wilhelm H. Warns, president, and G. S. Seibel, secretary, opposing prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. RANDALL: Petition of Shub Avenue Christian Church, of Watts, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWLAND: Petitions of 67 citizens of Kane and citizens of Huston Township, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RUSSELL of Ohio: Petition of the Church of the Brethren, of Adams Township, Ohio, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. SIMS: Petition of citizens of Malesus, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of citizens of Texas, protesting against censorship of the press; to the Committee on the Judiciary.

Also, petition of citizens of Texas, protesting prohibition legislation, and asking that passports be denied citizens of the United States who take passage on armed vessels of belligerents, and in relation to other international relations; to the Committee on Foreign Affairs.

Also, petition and protest of citizens of Texas, against proposed legislation for nation-wide prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Papers to accompany House bill 8897, for relief of Teresa M. Graham; to the Committee on Pensions.

Also, petition protesting against further preparation for national defense; to the Committee on Military Affairs.

Also, memorial of 500 members of the Douglas Memorial Methodist Episcopal Church, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Farmers' Union Convention, urging rural credit legislation; to the Committee on Banking and Currency.

Also petition of commissioned officers of the National Guard of Idaho, favoring the federalization of the National Guard; to the Committee on Military Affairs.

Also, memorial of Idaho Society, Sons of the American Revolution, favoring preparedness; to the Committee on Military Affairs.

Also, petition of 67 citizens of Tuxedo; Methodist Episcopal Church South at Canyon School House, New Lubbock; citizens of Rule; and First Christian Church of El Paso, all in the State of Texas, for national prohibition; to the Committee on the Judiciary.

Also, papers to accompany House bill 12763 for relief of Roger G. Wearne; to the Committee on Pensions.

Also, papers to accompany House bill 12764, for relief of Polly Spalding; to the Committee on Invalid Pensions.

Also, memorial of the Boise Commercial Club, for preparedness; to the Committee on Military Affairs.

By Mr. SNELL: Petitions of First Methodist Episcopal Church of Gouverneur; First Presbyterian Church of Gouverneur; Baptist Church of Gouverneur; and Halleboro Methodist Episcopal Church, of Gouverneur, all in the State of New York, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of San Francisco & Portland Steamship Co., of San Francisco, Cal., favoring the supervising inspector at San Francisco having jurisdiction over certain inspection service; to the Committee on the Merchant Marine and Fisheries.

Also, petition of American Art Leather Co., of Los Angeles, Cal., indorsing House bill 702, the dyestuff bill; to the Committee on Ways and Means.

Also, petition of Granite Manufacturers' Association of California, favoring a bill for an increase of duty on rough and finished granite; to the Committee on Ways and Means.

Also, petition of Labor Council of San Francisco, indorsing an equitable Federal income tax; to the Committee on Ways and Means.

Also, petition of the Ebell, of Los Angeles, Cal., indorsing desert signposts; to the Committee on the Public Lands.

Also, petition of C. F. Morgan and 26 others, of Los Angeles, Cal., against the Fitzgerald bill (H. R. 6468) and Siegel bill (H. R. 491); to the Committee on the Post Office and Post Roads.

Also, petition of Carl L. Koster, of San Francisco, Cal., favoring an appropriation of \$25,000,000 for protection against fire in the Oregon and California grant lands, also from C. A. Smith, of Oakland, Cal.; to the Committee on Appropriations.

Also, petition against preparedness from A. Van Schultz and 24 other citizens of Los Angeles, Cal.; to the Committee on Military Affairs.

Also, petition of S. D. Porter, of Pasadena, Cal., indorsing the Penrose-Griffin bill; to the Committee on Immigration and Naturalization.

Also, petition of California State Branch, No. 16, U. N. A. P. O. C., favoring House bill 6915, indefinite leave of absence bill, and House bill 7616; to the Committee on the Post Office and Post Roads.

Also, petition of Anti-Jap League, of San Francisco, favoring exclusion of Asiatic immigration; to the Committee on Immigration and Naturalization.

Also, petition of M. J. Bradenstein & Co., of San Francisco, Cal., favoring Alexander bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of California Corrugated Culvert Co., of West Berkeley, Cal., favoring Senate bill 1922; to the Committee on Irrigation of Arid Lands.

Also, communications favoring an appropriation of at least \$300,000 for improvements for Yosemite National Park from Monterey Chamber of Commerce, Monterey; Coffin Redington Co., San Francisco; California Barrel Co., San Francisco; Merchants and Manufacturers' Association of Los Angeles; Down Town Association, San Francisco; Chamber of Commerce, San Gabriel; Merchants and Manufacturers' Association, San Francisco; Chamber of Commerce, Long Beach; the Pacific Kessel Kar Branch, Los Angeles; Niles Chamber of Commerce, Niles; and Merchants' Association of Stockton, all in the State of California; to the Committee on Appropriations.

Also, petition of International Brotherhood of Electrical Workers, San Francisco, Cal., in favor of printing 200,000 copies of Industrial Relations Commission's report; to the Committee on Printing.

Also, petition of International Union of the United Brewery Workmen of America and Union Liberty League of California; to the Committee on the Judiciary.

Also, petition of the Ebell, of Los Angeles, and the California Club, of San Francisco, Cal., favoring nonpartisan administration of Indian Affairs; to the Committee on Indian Affairs.

Also, petition of Farmers' Union of Campbell, Cal., favoring rural-credits legislation; to the Committee on Agriculture.

Also, communications favoring the Burnett immigration bill from Bricklayers, Masons, and Plasterers' International Union No. 2 of California, the Central Labor Council, and Brotherhood of Teamsters, all of Los Angeles; Journeymen Barbers of San Francisco; Building Trades Council of Santa Barbara; the Granite Cutters' International Association of America, International Brotherhood of Electrical Workers, Bartenders' Union, Carpenters and Joiners of America, Bakers' Union No. 37, Operative Plasterers' International Association, all of Los Angeles; Vallejo Trades and Labor Council, of Vallejo; International Brotherhood of Stationary Firemen, Journeymen Barbers, and Jack Fernald and 24 other citizens, all of Los Angeles; San Francisco Labor Council; San Francisco Typographical Union, No. 21; Electrical Workers of Long Beach; Cigarmakers' International Union of America of San Francisco; Bridge, Structural, and Ornamental Iron Workers and Pile Drivers' Union, Sheet Metal Workers' International Alliance, Bottlers' Union No. 293, and W. O. Smith, all of Los Angeles, all in the State of California; to the Committee on Immigration and Naturalization.

Also, letters and petitions favoring national prohibition amendment from First Methodist Church, of Pasadena; the Benson Woman's Christian Temperance Union, of Pasadena; First Baptist Church, of Hermosa Beach; Donald B. Porter and 22 other members, all of Hermosa Beach; Woman's Christian Temperance Union of California, of San Jose; First Baptist Church, of San Pedro; Church of the Nazarene, of Rivera; Presbyterian Church of Moneta; East Santa Monica Methodist Episcopal Church, of Santa Monica; Jewell Memorial Methodist Episcopal Church, of Colton; Methodist Episcopal Church of Redondo; Methodist Episcopal Church of Gardena; Pilgrim Congregational Church, Florence Avenue United Presbyterian Church, Elysian Garden Methodist Episcopal Church, Second Presbyterian Church, St. Paul's Ply. Church, Echo Park Methodist Episcopal Church, South Park Presbyterian Sunday School, St. James Methodist Episcopal Church, Young People's Society of Christian Endeavor of Lincoln Memorial Congregational Church, First Reformed Church, Rev. J. A. H. Wilson and Mrs. E. B. Wilson, and East Lake Methodist Church, all of Los Angeles, in the State of California; to the Committee on the Judiciary.

Also, petition of Michael Stepan, president of St. Anthony's Benevolent Society, and 13 other citizens, all of Los Angeles, Cal., in reference to immigration laws; to the Committee on Immigration and Naturalization.

Also, petition of W. H. Blee and 9 other citizens of Los Angeles, Cal., favoring House bill 9814, land-grant bill; to the Committee on the Public Lands.

Also, petition of Stockton Merchants' Association, of Stockton, Cal., favoring House bill 11077, a tax on trading stamps and various coupons; to the Committee on Ways and Means.

Also, memorial favoring adequate defense of Pacific coast with suggestions for defense from Security League and 43 citizens of California; to the Committee on Military Affairs.

Also, petitions against preparedness from Jesse R. Townsend and E. R. Townsend, of Pasadena, Cal.; P. B. Maxson, of Emporia, Kans.; J. S. Allison, of Monrovia, Cal.; W. G. Boyce, Fullerton, Cal.; Newell E. Wood and 11 other citizens, D. S. Harrison, N. A. Denning, and Alfred Hoddell, all of Los Angeles, Cal.; to the Committee on Military Affairs.

Also, petition of E. C. Walker and 13 other citizens of Los Angeles, Cal., favoring embargo on munitions of war; to the Committee on Foreign Affairs.

Also, petitions favoring House bill 6971 and Senate bill 901, in re convict-made goods; to the Committee on Interstate and Foreign Commerce.

By Mr. STINESS: Petition of Christian Endeavor Union of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Adeline Ulbrich and Local No. 245, United Brewery Workmen, of Providence, R. I., and Rhode Island State Board of Health, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Providence Building Trades Council, favoring plans of National Security League for national preparedness; to the Committee on Military Affairs.

Also, petition of Robert Emmet Literary Association, of Providence, R. I., favoring resolution relative to travel on armed merchantmen; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Kent County Brotherhood of the First Baptist Church, of South Kingston, and 30 voters of Providence, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Centerville Savings and Centerville National Banks, of Rhode Island, relative to permitting interlocking directorates in noncompeting banks; to the Committee on the Judiciary.

By Mr. SULLOWAY: Petition of Robert V. Sweet and others, of Rochester, N. H., favoring preparedness; to the Committee on Military Affairs.

Also, petitions of sundry citizens of the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TAYLOR of Arkansas: Petition of Edward J. Hall and many other citizens, praying for the passage of the Tillman bill regarding payment of the cotton tax and for the relief of Confederate soldiers, their widows, and children; to the Committee on Claims.

Also, petition of Otto Nebling and a great many others of Alexander, Ark., to place an embargo on munitions and other war supplies; to the Committee on Foreign Affairs.

By Mr. TEMPLE: Resolution adopted by the members of Christ Lutheran Church, of Charleroi, Pa., favoring the adoption of the Webb-Smith national prohibition resolutions (H. J. Res. 84 and H. J. Res. 85), proposing an amendment to the Constitution of the United States prohibiting the beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

Also, resolution adopted by citizens of Charleroi, Pa., favoring the passage of the Webb-Smith national prohibition resolutions (H. J. Res. 84 and H. J. Res. 85), proposing an amendment to the Constitution of the United States for nation-wide prohibition of the beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

Also, resolution adopted by Portersville United Presbyterian Church, favoring adoption of an amendment to the Constitution prohibiting the sale of intoxicating liquors for beverage purposes in the United States; to the Committee on the Judiciary.

Also, resolution adopted by the Central Presbyterian Church, of New Castle, Pa., numbering 1,000 people, favoring adoption of an amendment to the Constitution prohibiting the sale, manufacture for sale, transportation, importation, and exportation for sale of intoxicating liquors for beverage purposes in the United States; to the Committee on the Judiciary.

Also, resolution adopted by Daniel Commandery, No. 474, Ancient and Illustrious Order Knights of Malta, protesting against enactment of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, resolution adopted by citizens of New Brighton, Pa., favoring antipolygamy amendment to the United States Constitution; to the Committee on the Judiciary.

Also, resolution adopted by the Italian Methodist Episcopal Church of New Castle, Pa., numbering 84 people, favoring the adoption of an amendment to the Constitution prohibiting the sale, manufacture for sale, transportation for sale, importation and exportation for sale of intoxicating liquors for beverage purposes in the United States; to the Committee on the Judiciary.

By Mr. TILSON: Petition of H. P. Helwig and others, of Mulford, Conn., in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Rev. J. W. Musson and others and Meriden Christian Endeavor Union, of Meriden, Conn., for prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TIMBERLAKE: Memorial of citizens of Ellicott, Colo., opposing appropriations for increase of armament; to the Committee on Military Affairs.

By Mr. WASON: Resolutions adopted by the United Garment Workers of America, Local No. 179, of Whitefield, N. H., favoring the passage of a resolution providing for a committee to investigate the sanitary condition of dairies; to the Committee on Rules.

By Mr. YOUNG of North Dakota: Petition of K. A. Shawhem and 259 others, protesting against the passage of House bill 6468, a bill to amend the postal laws of the United States; also House bill 491, with the same title; to the Committee on the Post Office and Post Roads.