By Mr. HELM (by request): Petition of citizens and members of Kentucky Quarterly Conference, Methodist Episcopal Church South, asking for enactment of temperance legislation; to the Committee on the Judiciary.

By Mr. HOOD: Petitions of sundry citizens of North Carolina, favoring amending the rural-credit bill; to the Committee on Banking and Currency.

By Mr. IGOE: Memorial of St. Louis (Mo.) Medical Society, against Senate joint resolution 120, relative to members of Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: Petition of 47 citizens of Clarke County, Wash., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Rhode Island: Memorial of the Newport Humane Club, indorsing House resolution 137; to the Committee on Rules.

Also, memorial of Providence (R. I.) Chamber of Commerce, in favor of House bill 650; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Providence (R. I.) Chamber of Commerce, in favor of Senate resolution 173; to the Committee on Naval Affairs.

By Mr. KETTNER: Petition of Mrs. W. L. Keeney, corresponding secretary La Mesa Woman's Club, San Diego, and Fred Moore, secretary Cooks, Waiters, and Waitresses Union, Local 402, San Diego, Cal., favoring House resolution 137, investigation of dairies; to the Committee on Rules.

Also, petition of E. L. Burroughs and 14 others of Niland, Cal., and L. R. Shutt, of Thermal, Cal., favoring House bill 9162, providing for 8-hour working day for railroad agents and telegraphers; to the Committee on Labor.

Also, petition of Trinity Lutheran Church, Otto C. A. Pautz, secretary, Santa Ana, Cal., and E. R. Wilson, Los Angeles, Cal., and one other, opposing war with Germany; to the Committee on Foreign Affairs.

Also, petition of Charles H. Stone, Ramona, Cal., and two others, protesting against increase in Army and Navy; to the Committee on Military Affairs.

Also, petition of E. S. Crumley, National City, Cal., protesting against House bills 6468, 491, and 8348; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of Clara A. Osburn and members of the Union Literary Club, of Big Rapids, Mich., indorsing House resolution 137, referring to the manufacture and distribution of dairy products; to the Committee on Rules.

By Mr. MANN: Petition of citizens of Chicago, Ill., favoring passage of House bill 5792; to the Committee on Agriculture.

By Mr. NORTH: Petition of 19 voting citizens of Templeton, Pa., and of Methodist Episcopal Sunday School of Templeton, Pa., praying for nation-wide prohibition; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Memorial of Rhode Island Branch of the Woman's Auxiliary to the Board of Missions of the Episcopal Church, against certain bills relative to some Indian tribes; to the Committee on Indian Affairs.

Also, memorial of Providence (R. I.) section, Council of Jewish Women, favoring investigation of dairy products; to the Committee on Agriculture.

By Mr. ROWLAND: Petitions of sundry citizens of the twenty-first district of Pennsylvania, favoring House bills 270 and 712; to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Memorial of Brotherhood of Texas Locomotive Firemen and Engineers, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. STINESS: Papers to accompany House bill 15945, granting an increase of pension to William R. Smith; to the Committee on Invalid Pensions.

Also, petition of Providence (R. I.) Chamber of Commerce, favoring House bill 651, prescribing certain duties for carriers, subject to the act to regulate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of Providence (R. I.) Chamber of Commerce, favoring Senate resolution 173, providing plans for the improvement of certain harbors for coast defense; to the Committee on Rivers and Harbors.

Also, petition of executive committee of the Rhode Island branch of the Woman's Auxiliary to the Board of Missions, opposing certain proposed Indian legislation; to the Committee on Indian Affairs.

Also, petititon of Newport (R. I.) Humane Club, favoring the appointment of Federal and State inspectors of food-producing animals and their products; to the Committee on Rules.

Also, petition of 21 voters of Providence, R. I., for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of William H. Weitz, of Providence, R. I., favoring the passage of House bill 8828; to the Committee on Appropriations.

By Mr. SULLOWAY: Petition of Merrimack Lodge, International Order of Good Templars, of Manchester, N. H., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Twenty-nine petitions from members of churches and other organizations in Pennsylvania, favoring an antipolygamy amendment to the Constitution of the United States; to the Committee on the Judiciary.

SENATE.

THURSDAY, *May 25, 1916.*

(Legislative day of Thursday, May 18, 1916.)

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

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. KENYON. Mr. President, I offer the following amendment, and on the amendment I ask for the yeas and nays, which will answer the purpose of a quorum call.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23, at the end of line 25, in the item for Brazos River, Tex., insert the following proviso:

Provided, That no part of the said appropriation of $200,000 shall be expended until the report of the Army engineers upon the reexamination of said project, as provided for by the last Congress, shall have been reported to Congress; and if said report shall be unfavorable to the further progress of said project, then no part of said $200,000 shall be expended thereon.

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

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

Mr. TILLMAN (when his name was called). I have a pair with the Senator from West Virginia [Mr. GOFF]. In his absence I withhold my vote. I make this announcement for the day.

The roll call was concluded.

Mr. WILLIAMS. Feeling at liberty to vote on this item, regardless of my pair, I vote "nay."

Mr. CATRON. I am paired with the Senator from Oklahoma [Mr. OWEN]. I transfer my pair to the Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. SMITH of Georgia (after having voted in the negative). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Illinois [Mr. LEWIS] and let my vote stand.

Mr. STONE (after having voted in the negative). I have a pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and let my vote stand.

Mr. THOMPSON. I am paired with the senior Senator from Illinois [Mr. SHERMAN]. I understand that he would vote the same way that I would on this question. I therefore feel at liberty to vote. I vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES];

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

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM]; and

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH].

The result was announced—yeas 31, nays 28, as follows:

YEAS—31.

Ashurst	Dillingham	Kern	Sterling
Brady	Fall	La Follette	Sutherland
Brandegee	Gallinger	Lane	Taggart
Catron	Harding	Martine, N. J.	Thompson
Clapp	Hitchcock	Norris	Townsend
Colt	Johnson, S. Dak.	Oliver	Warren
Cummins	Jones	Pomerene	Works
Curtis	Kenyon	Smoot	

NAYS—28.

Bankhead	Lea, Tenn.	Saulsbury	Smith, Md.
Chamberlain	Martin, Va.	Shafroth	Smith, Mich.
Chilton	Nelson	Sheppard	Stone
Clarke, Ark.	Overman	Shields	Swanson
Culberson	Poindexter	Simmons	Underwood
Fletcher	Ransdell	Smith, Ariz.	Vardaman
Hardwick	Reed	Smith, Ga.	Williams

NOT VOTING—37.

Beckham	Hollis	McLean	Sherman
Borah	Hughes	Myers	Smith, S. C.
Broussard	Husting	Newlands	Thomas
Bryan	James	O'Gorman	Tillman
Burleigh	Johnson, Me.	Owen	Wadsworth
Clark, Wyo.	Lee, Md.	Page	Walsh
du Pont	Lewis	Penrose	Weeks
Goff	Lippitt	Phelan	
Gore	Lodge	Pittman	
Gronna	McCumber	Robinson	

So Mr. KENYON's amendment was agreed to.

Mr. MARTINE of New Jersey subsequently said: Mr. President, on the vote upon the amendment of the Senator from Iowa [Mr. KENYON] I voted "nay." It was my desire to vote "yea." The result has been announced, but I ask unanimous consent that I may change my vote from "nay" to "yea."

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARKE of Arkansas. Mr. President, a parliamentary inquiry. What becomes of the amendment offered by the Senator from Iowa in view of the fact that the vote of the Senator from New Jersey has been changed?

The VICE PRESIDENT. It did not change the result. It increased the majority.

Mr. KENYON. It doubled it.

The VICE PRESIDENT. It doubled it.

Mr. MARTINE of New Jersey. I was only anxious to square myself on the matter.

Mr. REED. I offer the following amendment.

The SECRETARY. At the top of page 37, at the end of line 2, in the item for the Gasconade River, Mo., insert the following proviso:

Provided, That the dam near Heckmans Mill, at Pryors Bend, and any other obstruction to the flow of water at or near that point, shall be immediately removed, and so much of this appropriation as necessary may be expended for that purpose.

Mr. REED. Mr. President, that does not increase the appropriation at all, but it makes it available for a purpose for which it might not be available except for the amendment. The appropriation is not increased, and the work is at the same place. I have consulted with my colleague, and both of us hope that this amendment will be accepted.

Mr. TOWNSEND. Let the amendment be read again. I have not yet understood what the amendment is.

The Secretary again read the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. REED].

The amendment was agreed to.

Mr. CLARKE of Arkansas. I ask unanimous consent that in the further consideration of the bill debate shall be limited to 10 minutes and shall be confined to real amendments that are offered in good faith and not mere technical amendments sometimes offered for the purpose of prolonging the period.

Mr. SMOOT. I wish to say to the Senator that I believe the Senator from Colorado [Mr. THOMAS] wishes to speak on the question of the recommittal of the bill.

Mr. CLARKE of Arkansas. We will make an exception in his favor.

Mr. SMOOT. Making an exception on the question of the motion to recommit, I have no objection to at all.

Mr. CLARKE of Arkansas. Very well.

Mr. POMERENE. The request of the Senator from Arkansas, I understand, is that debate be limited to 10 minutes. Does the Senator mean that debate upon each question shall be limited to 10 minutes or that each speaker may have 10 minutes?

Mr. CLARKE of Arkansas. No; that each speaker may have 10 minutes on each amendment. Let the Chair submit the request which I made to the Senate.

The VICE PRESIDENT. Is there objection to the request that from this time forward——

Mr. BRANDEGEE. Mr. President, I am in hearty sympathy with the Senator from Arkansas as to limiting debate as far as possible, but I have an amendment to offer which is an important one to my State. I think I could state the argument in favor of it in 10 minutes, but if other Senators should take my time, then I might have to answer them.

Mr. CLARKE of Arkansas. Each Senator is entitled to 10 minutes.

Mr. BRANDEGEE. If I use up my 10 minutes, and other Senators talked on the other side——

Mr. CLARKE of Arkansas. I suppose that in an exceptional case another unanimous-consent agreement might be granted.

Mr. BRANDEGEE. I will not object. I will throw myself upon the indulgence of the Senate in that case.

The VICE PRESIDENT. The proposed unanimous-consent agreement is that from this time forward speeches upon amendments shall be limited to 10 minutes save in the case of the motion to recommit.

Mr. SMOOT. No; just confine it to a limit of 10 minutes upon speeches on amendments that may be offered.

Mr. CLARKE of Arkansas. That is all right.

Mr. SIMMONS. Mr. President, there is one item in the bill which will be objected to, and I am afraid I will not be able to make the statement I desire to make in 10 minutes. I ask the Senator——

Mr. CLARKE of Arkansas. Then I withdraw the request. If the members of the committee do not sustain the chairman in his effort to facilitate the passage of the bill I will withdraw the request.

Mr. SIMMONS. If the chairman of the committee insists upon the request, I shall not oppose it. I was simply making a suggestion to him. Of course, if he wishes to withdraw the request——

Mr. CLARKE of Arkansas. I withdraw the request.

Mr. BRANDEGEE. Is it in order now to offer an amendment?

The VICE PRESIDENT. The bill is as in Committee of the Whole and open to amendment.

Mr. KENYON. Under the unanimous-consent order amendments are first to be offered to the text of the bill.

Mr. BRANDEGEE. I know that, but I saw that the Senator from Missouri [Mr. REED] offered an amendment, and I supposed the bill was open to amendment.

Mr. KENYON. We have not passed on amendments to the text as yet.

Mr. BRANDEGEE. I am perfectly willing to wait. I asked if it was in order and I was informed that it was. Are there yet amendments to the text of the bill to be offered?

Mr. KENYON. There are.

Mr. BRANDEGEE. I withdraw it, then, for the present.

Mr. SHAFROTH. I desire to offer an amendment.

The VICE PRESIDENT. That is not yet in order.

Mr. SHAFROTH. Very well, then, I will withhold it. The clerks can just keep it at the desk.

Mr. KENYON. Mr. President, I move to strike out, on page 24, the language beginning with the word "for," on line 11, the remainder of line 11, and all of lines 12, 13, 14, 15, and 16, down to and including the word "improvement."

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 24, beginning in line 11, it is proposed to strike out the following:

For improvement by the construction of Locks and Dams Nos. 3 and 5, $250,000: *Provided*, That no part of the latter amount shall be expended until the city of Dallas or other local interests shall have contributed the sum of $50,000 toward the improvement.

Mr. KENYON. Mr. President, that is a motion to strike out the provision for the appropriation of $250,000 for locks and dams. I want to place in the RECORD, for reflection by those who in the future may want to study the Trinity River, two or three observations of the Army engineers. I will say, before passing to that, that this is a project for 37 locks and dams, at a cost running into many millions of dollars—I think it is safe to say $10,000,000—and that we have already spent over $2,000,000 on this stream. On page 938 of their report the Army engineers say:

The river above tidal action is a narrow stream with a low-water depth insufficient for even light-draft navigation.

And, on page 939, they say:

From the manner in which appropriations have been made for the improvement of the Trinity River, it has been held that the entire project outlined in House Document No. 409, Fifty-sixth Congress, first session, has never been adopted in its entirety by Congress, but that only such locks and dams have been authorized as have been specifically appropriated for. The report in question contemplated the construction of 37 locks and dams with incidental dredging and other open-channel work, at an estimated cost for a 6-foot navigation of $4,650,000 and $280,000 annually for maintenance after completion.

Five of these locks have been completed, but others have been specifically appropriated for, and two others have been authorized.

Mr. CLAPP. Will the Senator pardon an inquiry?

Mr. KENYON. The Senator from Minnesota objected a little while ago that we were not getting along fast enough.

Mr. CLAPP. But we are now dealing with the bill. We were then dealing with a question of unanimous consent, which usually takes much longer to decide.

What I want to ask the Senator is, what relation this proposed appropriation bears to the utility, present or prospective, of the work that has been accomplished by the money already expended?

Mr. KENYON. I will explain that from the engineers' report as I go along. I will quote from that.

Mr. LODGE. Let me ask the Senator from Iowa, before he begins on that, whether this is the river on which some years ago it was recommended that there should be artesian wells dug in order to supply a flow of water?

Mr. KENYON. I understand this is the river on which Col. Riché recommended the sinking of artesian wells in order to get water; and from the dryness of this stream, I think the Senator will see that perhaps that would be a wise thing to do. I hope, however, that my argument will not be interrupted hereafter by any such interrogations.

The engineers say:

The amount expended on this project to the end of the fiscal year was $2,062,262.42, of which $1,823,595.06 was for original work and $238,667.36 for maintenance.

The engineers further say:

Effect of improvement: Owing to the fact that the river is not yet navigable to Dallas, the only place at which it can come into active competition with the railroads, no effect on freight rates has been produced.

The commercial statistics of this wonderful stream are as follows:

Commercial statistics: The commerce transported during the calendar year 1914 consisted mainly of logs in rafts and of merchantable timber, with a small amount of cotton and other farm products.

Amounting in 1914 to the stupendous sum of 12,610 tons on an investment of over $2,000,000! The Army engineers further observe:

All of the above tonnage, except the rafting of logs, originated at or below Liberty, Tex. In addition, during the calendar year 1914, 20 bales of cotton and 300 passengers were carried by the light-draft gasoline boat *Commodore Duncan* between Dallas and Lock and Dam No. 2.

As to one of the locks, the engineers' report, on page 944, says:

The only lockages made during the year were 4 at Lock and Dam No. 1. The only navigation in this section was that by the small gasoline tug *Commodore Duncan*, which made a few trips, carrying 300 passengers and 20 bales of cotton, between Dallas and Locks and Dams Nos. 1 and 2.

Mr. President, that is a fine proposition upon which to be voting away money out of the Public Treasury, especially in view of the fact that a survey is now being made on this river. It is true, it is an instrumental survey, as the Senator from Texas [Mr. SHEPPARD] has observed, which is for the purpose of finding out the exact number of locks and dams that are necessary to carry the mighty commerce of this river.

In volume 2 of the engineers' report, on page 2684, is an analysis of this commerce, which shows that of the 12,610 tons of commerce, 4,804 were saw logs by raft, 5,700 were lumber, and 1,000 tons were cordwood. But progress may be observed, as the engineers state, on page 2685 of volume 2, and they then say:

A maneuver boat was constructed for the dam, paving was placed behind the land wall of the lock, a portion of an old cofferdam was removed, a boundary fence was constructed on the lock side of the river, the reservation was graded and cleared, and the lock tender's house ceiled. At Lock and Dam No. 4 a barn and chicken house were built and a well dug.

These are the kind of serious reports that we get on a proposition on which we have spent over $2,000,000—that there is no commerce—and on which we are in the future to spend a great deal more. Mr. President, it seems to me, in view of the suggestion we have heard——

Mr. NORRIS. Does the Senator say that part of the improvement was the digging of a well?

Mr. KENYON. It was the digging of a well, but not an artesian well.

Mr. NORRIS. How deep was the well dug?

Mr. KENYON. The report of the engineers does not state.

Mr. NORRIS. What was the object of digging the well?

Mr. KENYON. I am not prepared to state. I suppose it was for the lock tender.

Mr. SUTHERLAND. For what was the well dug—to furnish water for the project or for the chickens?

Mr. SMITH of Michigan. Or was it in order to reach a subterranean stream?

Mr. KENYON. I regret that these facetious interruptions should occur in such a very solemn matter as this. This river, it was stated at the last election in Texas between the "wets" and the "drys," was the only thing that went dry in Texas. [Laughter.]

Mr. NORRIS. Was the well dug in the stream proper or at some place adjacent thereto?

Mr. KENYON. I shall have to refer the Senator from Nebraska to the engineer's report. I really do not want to dwell on that any longer than necessary. I merely want to suggest at this point that the Trinity River seems almost like a description that Zimmern has given in The Greek Commonwealth as to some of the rivers of Greece. He states:

If rain falls in this torrential manner, its effect must naturally be marked in the behavior of springs and rivers. Indeed, it is due to this that Greece possesses practically no rivers, in our sense of the word, at all. As the Admiralty Pilot remarks, with ill-concealed irony, "The rivers that empty into the Ægean Sea are more deserving of notice from their classical associations than from their commercial importance."

That may be true likewise of the Trinity River.

In winter Greece has torrents; in summer, dry stony beds, with perhaps a trickle in the middle; but rivers such as we know, which flow, in the Greek phrase, "equal themselves with themselves," all the year round, are unknown. Some of the larger streams are deep enough to bathe in during the summer, but the majority could be mistaken by the unwary traveler for an unusually rough road or sometimes, when there are oleanders in blossom there, for a very neglected garden. One of the lawsuits in Demosthenes turns upon the question whether a certain piece of ground was a watercourse, a public highway, or a private garden.

That is equaled only by some streams that we have been hearing about in this debate.

Mr. President, I have not been facetious about this matter; I have tried to be very serious. It seems a good place to stop here and save a little money by letting this matter wait at least until the surveys are completed by the engineers. I do not care to take any more time on it. I will simply ask for a vote.

Mr. LANE. Mr. President, I should like to ask the Senator, if he will allow me, what is the total cost contemplated, if this project is completed?

Mr. KENYON. I am not prepared to say that an estimate has been made, although, likely, there has been. It is a project that never has been adopted in its entirety by Congress. We simply appropriate year by year for different locks and dams, and we have appropriated now over $2,000,000.

Mr. LANE. Have the engineers made an estimate of the total cost?

Mr. KENYON. I think they have. Their estimate is $4,650,000.

Mr. LANE. Has anybody estimated as to what amount of commerce or tonnage this river would open up if the improvements were completed?

Mr. KENYON. The Senator will find that as to all of these projects there is just about to be discovered some great mine, or large factories are about to be started, so that the commerce is to be perfectly tremendous.

Mr. LANE. Mr. President, this is the joke item in the bill; it sort of hits the Senate on its funny bone when it is mentioned, and yet at the same time there may be some reason in it. If, by completing the project, a large commerce could be opened up, it might prove to be a justifiable expenditure. I have not heard that side of the question argued. I know that Texas is a very rich country.

Out in Oregon there is a stream, for opening the mouth of which to the ocean Congress has appropriated money so that vessels may come in and go out of it. Vessels do come in and go out; yet between the upper and lower harbors there is a sand bar, forming an obstruction which should be removed, and until it is removed no commerce can be developed above that obstruction. There are millions of feet of the finest timber we have on the Pacific coast in that neighborhood which can not get to the sea on account of it.

It is not a matter to laugh about; it is a serious question to the people who live there, who are denied access to the ocean by an obstruction which, if removed, would allow them to market their products. I am wondering if back of this item, after all, there may not be some merit. It is made fun of. I have spoken of it to the people, and yet we have in Oregon one stream that is in pretty much the same condition, and we can not get the obstruction removed, for the reason that no commerce has ever gone below it. Neither steamers nor sailboats can get over the obstruction. They could climb a tree as quickly. It is unjust to those people in Oregon that that condition should be allowed to continue; and I was wondering

if there were not, aside from the funny part of this item and the facetious aspect of it, back of it and behind it a kernel of truth and justice. If there is, we ought to take cognizance of it.

That is the reason why I asked the questions of the Senator from Iowa. It may be that ultimately this improvement would bring about a saving of money, if a commerce can be opened by an expenditure not in excess of a proper amount. If that is the case, the subject ought to be given some serious consideration, and I bespeak that for it.

Mr. SHEPPARD obtained the floor.

Mr. JONES. Mr. President, if the Senator from Texas will allow me, I desire to occupy a few moments and to make a few suggestions which the Senator might wish to answer. I will therefore, with the Senator's permission, say a word or two now.

Mr. SHEPPARD. Very well.

Mr. JONES. The pending amendment provides:

For improvement by the construction of Locks and Dams Nos. 3 and 5, $250,000.

That looks as if the locks would be completed with this appropriation, but they will not be. We are not appropriating more than about half enough to complete these locks. If we are going to complete them, we ought to appropriate the money that is necessary to do the work; otherwise, we are not only going to make the cost greater but we may waste all of the appropriation.

This is what the engineers of the War Department say about what we ought to do, if we do anything. I quote from page 941 of their report:

If the project is to be continued, Locks and Dams Nos. 3 and 5 are the logical ones to be next undertaken—

That is what we are undertaking—

They are estimated to cost $300,000 each. It is very desirable that, when authorized, provision should be made for their entire completion.

Mr. CLAPP. Mr. President, will the Senator pardon a question?

Mr. JONES. Certainly.

Mr. CLAPP. It strikes me that we ought to have some light on this subject if it is obtainable, and so I should like to know what relation the proposed expenditure bears to the question whether there is salvage left in the expenditures we have already made? I do not know whether the engineers report shows that or whether the Senator is in a position to state it; but it does seem to me that we ought to take into account the money we have put into this project and the question of whether it will be wasted if no more is expended, and then the question of whether it will be a profitable enterprise to go on and put enough more in to make that which we have put in of some value.

Mr. JONES. Mr. President, as bearing on that, I want to read a little bit more from the report. On page 939 the engineers say that the original project as reported upon contemplated the construction of 37 locks and dams at a cost which is estimated at $4,650,000 and $280,000 annually for maintenance after completion. They make the statement that Congress has never formally adopted the full project, but has simply authorized from time to time the construction of locks. Referring to the work which has already been done, they say this:

In the original report it was planned that five locks and dams should be located in section 1, but as a result of further investigation it has been found necessary to increase the number to six, with an auxiliary dam at Parsons Slough, about 22 miles below Dallas.

I call the attention of the Senate now to this:

During the course of construction it has also been found that the original estimate of cost was inadequate, and that on account of the manner in which the appropriations have been made, the inaccessibility of certain of the localities at which work has been directed by Congress, and the general increase in prices, it is now known that the ultimate cost of the entire project will be largely increased.

In other words, if we continue this project to completion, as recommended in the early report, it will cost largely more than $4,650,000; but they say——

Mr. CLAPP. As I understand, we have already put about $2,000,000 into this project. That is what I understood from the Senator from Iowa.

Mr. JONES. That is correct; we have put in up to June 30, 1915, on new work $1,830,595.06, and for maintenance $238,067.36. Here is a comparative statement of the commerce——

Mr. CLAPP. I do not think the commerce is a fair argument.

Mr. JONES. I thought the Senator wanted some information as to that feature.

Mr. CLAPP. No; what I want to know is—and that is where these reports seem to me to be so often defective—what relation the proposed continued expenditure bears to that which we have already made, and whether what we have made will be lost if we do not go on, and whether, in view of the entire cost, it is wiser to lose what we have put in, or to try and save that by spending more. These reports, it seems to me—and I am not criticizing the reports—do not throw much light upon that inquiry.

Mr. JONES. I will say to the Senator that there is not very much information here along that line.

Mr. CLAPP. No.

Mr. JONES. But I think this is significant, and I think this ought to be taken into account in determining whether we are going to go on with this work now or wait just a little while. We have provided for another survey of this stretch of the river, so as to get possibly the very information that the Senator is anxious to have; and here is what the engineers say in the report:

The report, in accordance with which the work authorized is being done, was based upon a survey authorized in the river and harbor act of March 3, 1899, for which purpose only $7,000 was appropriated. In view of the fact that it was necessary to carry this survey over more than 500 miles of river, it is apparent that the work could not be done with sufficient thoroughness to enable an accurate estimate to be made. To remedy this defect the river and harbor act approved July 25, 1912, authorized the making of an accurate instrumental survey of Trinity River, following the recommendation of the Chief of Engineers in his annual report for the fiscal year ending June 30, 1911. This survey is nearly completed, but no estimate of cost of the completion of the entire plan of improvement has yet been made.

It seems to me that we could very wisely withhold this appropriation for the building of these new locks until that report comes in. It will not only give us a detailed and more accurate estimate, a more reliable estimate of what the cost will be, but it will very likely furnish information meeting the suggestions to which the Senator has just referred.

Mr. CLAPP. Yes, Mr. President; I think myself that while it throws no light presently upon the inquiry, it may in the end answer the inquiry. It strikes me that there is a great deal of force in the Senator's suggestion that that is the true way to get the answer to the inquiry—first to get this additional survey.

Mr. JONES. It seems that way to me, and that is the only reason why I am led to vote against this amendment now. Just as in the case of the item yesterday, I may be in favor of the proposition in the end. I may think it is a good thing. There may be facts disclosed, such as the Senator from Oregon referred to, showing that this project, even if it does cost four, five, or six million dollars, is a good one and a wise one from a governmental standpoint. But here we are confronted with this situation: We have authorized a survey. There is almost ready a report that will give us what ought to be reliable information, not only with reference to the cost of it but with reference to the benefits that will come from it; and, furthermore, the appropriation we make in this bill will not complete what we propose to do. It only provides for one-half of what these two locks and dams will cost. If we are going to provide for Locks 3 and 5, we ought to provide the entire amount necessary to construct them; otherwise, they are going to cost more than they ought to cost.

The engineers do say in their report that if we only provide for one year's work, then we should provide $150,000 for each lock and dam that is appropriated for. In this bill we provide that no part of this $250,000 shall be expended until the city of Dallas shall have contributed $50,000. That makes $300,000. It makes $150,000 for each of these locks. They will cost $600,000; and the engineers say that they consider it very desirable that the whole amount necessary to complete these locks shall be appropriated if we decide to build them at all.

It seems to me that for those two reasons it would be the wise thing to leave this item out of this bill at this time. As I said, I do not take my position because of opposition to the project generally. I want to consider the project when the estimates come in. All these suggestions about the dryness of the river, and all that sort of thing, have no weight with me in the consideration of this matter; but I do think that in the interest of economy it would be wise action by Congress now to leave this item out of the bill.

Mr. LANE. Mr. President, I think the amendment offered by the Senator should go further. It should amend the item so as to call for a showing to the Senate and to the Congress as to the economic conditions of the surrounding country, and whether or not the expenditure will be ultimately beneficial and worth the cost. That should accompany it. They come in here, with the most meager information, with an appropriation to remedy a condition which proves nothing to us, and gives us no facts—just a mere appropriation.

It might be that a full showing of conditions surrounding the project might make it a justifiable and a meritorious appropriation; but we do not have the information, and it becomes a joke, and maybe it is a joke.

It may be that facts can be shown and made of record which will justify it. No commerce can develop upon a stream that is obstructed, or has obstructions in it over which navigation can

not pass either up or down the river. I know that. Everybody knows it. Everybody that has ever cleaned out a ditch knows that you must remove the obstruction, or you can not get drainage or irrigate your land. It applies to rivers in the same way, and there will be and can be no commerce until the obstructions are removed, although there may be none afterwards; but it ought to be and should be shown to the Senate that the chances or the facts are that the commerce is there after the expenditure of the people's money has been made for opening up the channel.

I think that is due the Senate, and with me it is a matter of experience. I know streams which have no traffic and have plenty of water both below and above an obstruction, and there never will be any commerce until that obstruction is removed. There can not be. It is a physical impossibility; and because there is no commerce the stream is condemned, and unjustly condemned. That is not a fair way of reasoning upon it. But if the traffic is behind the obstruction, and the commerce is there awaiting an outlet, then it is justifiable to make a reasonable expenditure, and it is not a laughing matter. It may be a most serious matter for the people who live above the obstruction in the stream.

As I say, I have laughed about this item many times, too, and the joke about their having to dig artesian wells; but we have one such stream in my own State that I know of personally, and that is no laughing matter, when the truth is known. I do not think it is fair, and I do not think it should be urged that because no commerce has passed up and down this stream on account of this obstruction, none ever will.

Mr. SHEPPARD. Mr. President, the preliminary report of the engineer, on the basis of which the first appropriation for the Trinity River was included in a rivers and harbors act, concluded by saying that the engineer considered 4-foot navigation of the Trinity River from Dallas to the mouth to be not only advisable but urgently necessary, and that it would accomplish much good for many people. It was shown in that report that there were approximately 10,000,000 acres of timber along the Trinity, comprising oak, ash, cottonwood, cedar, elm, bois d'arc, walnut, pecan, hickory, pine, and cypress, whose value was estimated at $50,000,000 whenever river transportation should be established. It was also shown that there were extensive deposits of coal, iron, and clays along the river or within easy reach, and also that there were extensive deposits of building material, such as stone, gravel, and so forth. A statement from the Weather Bureau was quoted to the effect that the territory tributary to the Trinity River had a rainfall about the same as Massachusetts, New York, New Jersey, Connecticut, Missouri, Wisconsin, Michigan, and Ohio. It was also shown by that report that the 15 counties bordering on the river on each side—namely, Dallas, Kaufman, Ellis, Henderson, Navarro, Anderson, Freestone, Leon, Houston, Madison, Trinity, Walker, San Jacinto, Polk, and Liberty—had an area of 8,813,440 acres, of which over 1,200,000 were already in cultivation in 1900, and a population of about half a million. It was also shown that at least 75 per cent of these lands was capable of a high state of cultivation, and could produce a million and a half bales of cotton, 750,000 tons of cotton seed, 70,000,000 bushels of corn, 10,000,000 bushels of oats, 3,000,000 bushels of wheat, and other products in proportion.

The commercial importance of Dallas, the city at the head of navigation on the Trinity, was demonstrated by figures of a most convincing nature. The population of Dallas at that time was 65,000, and its volume of wholesale trade was about $30,000,000 in value. To-day the estimated population of Dallas is over 130,000, and its volume of trade $211,000,000 in value. A million and a half bales of spot cotton are now handled in the Dallas market. Dallas has 9 railways and 5 interurban railways radiating in 18 different directions, with 85 passenger trains and 10 gas-electric motors in and out daily, and with 156 daily interurban trains carrying 4,000,000 passengers annually.

On the basis of that report, Congress made the initial appropriation for the Trinity River. The bill in which that appropriation was embodied failed in the Senate on account of the speech of the Senator from Montana, Mr. Carter, which will be recalled by many Senators here to-day, I am sure.

In the next river and harbor bill an appropriation for the Trinity was again made, and when the matter came up for discussion in the House Mr. Burton, of Ohio, the chairman of the committee, delivered the following remarks in reference to the Trinity:

> We have not included in the bill any new projects for locks and dams except the Trinity River, in the State of Texas, where we have appropriated or authorized $750,000, part for general improvements and part for the construction of locks and dams. I am frank to say to the committee that on first examining this project I did not think favorably of it, but I gave it a good deal of consideration. The committee called before them the engineers having the improvement in charge, and it seemed to us that an expenditure of this amount was justified. The river is easily capable of improvement. It has stable banks, and the construction of locks and dams is a comparatively easy problem. There is a great amount of traffic in prospect both from the source to the mouth and from the mouth toward the source. In this particular it differs from many other rivers, where the bulk of the traffic must necessarily be one way. Great quantities of cotton and grain will be carried toward the mouth, and from the mouth toward the source timber and building material for the large expanse of prairie tributary to Dallas toward the north.

In that bill, Mr. President, provision was made for another examination of the first section of the Trinity River—the section near Dallas—with a view to determining specifically whether there was a sufficient water supply. The engineer who made the preliminary examination authorized in 1899 had made some reference to the advisability or possibility of using artesian wells along the banks of the first section as an aid to navigation. It was partly on account of this statement that in the bill of 1901 provision was made for another examination by a special board of engineers to determine this particular question of a sufficient water supply, and the report of the special board was favorable to the continuance of improvement on the first section. The board held that navigation of from six to seven months' duration could be obtained on section 1 with six locks and dams, at an expense of $918,000, and that in some years there might be eight months' navigation.

I shall state that it was developed at the hearings in the House in connection with the present measure that another investigation was recently made of this section, that observations were taken of weather conditions at stated periods; and that the result of the investigation was that there were sufficient rainfall and sufficient water supply in section 1. There has never been any question as to sufficient rainfall or sufficient water supply below section 1, for the reason that an important tributary of the Trinity joins the river about 60 miles below Dallas—that is, below section 1.

The people of Dallas themselves have expended over a million dollars, directly and indirectly, in connection with this project while it has been in progress. I want to quote here from a letter sent me by the secretary of the Dallas Chamber of Commerce on June 25, 1914:

> DEAR SIR: We are sending you to-day by special delivery a separate package containing data with reference to the Trinity River gauge readings. Take those with the explanations and the first 18 pages of Duncan & Cowart's argument, and it will enable you to substantiate all that is stated therein.
>
> We desire, however, if necessary, to have you impress upon the Senate and the conference committee that the people of Dallas, in their anxiety to improve the river so that they may have navigation, have not hesitated to open their pocketbooks and aid in the great enterprise. By public subscription their first paid $66,000 to the Government, which was expended by direction of the Government's engineers on Lock and Dam No. 2 and on Parsons Slough. They have also paid for the sites for nine locks and dams more than $20,000—in round numbers about $90,000. The people of Dallas and Dallas County have spent by bond issues more than $800,000 for the purpose of building two high bridges or viaducts and constructing four steel turn bridges, so that boats can readily pass up and down the river without obstruction or delay. They have secured about 30 acres of land on the river front in the city of Dallas for wharves, etc., the value of which is some $60,000 or $70,000. They have also voted an indebtedness of some $700,000 for diverting the sewage from the river, so that sewage disposal will not interfere with any kind of river navigation. Work is already commenced on the same and will be completed within the next two years. The people have also subscribed a fund of $50,000 for the purchase of boats and barges; one boat has already been bought and another will be secured as soon as possible. So it will be seen that the people of Dallas, in their eagerness and enthusiasm to secure the navigation of the Trinity, have already spent and are spending $1,800,000, which is more than the appropriations that have been made by Congress for the improvement of the river. We believe the amount appropriated by Congress to date is about $1,700,000.
>
> That there will be a great commerce on the river can not for a moment be denied. The wholesale trade of Dallas has increased from $40,550,000 in 1900 to $211,458,000 in 1913. The number of loaded cars of freight handled in Dallas are more than 220,000 annually, or more than 600 every day.

Mr. President, it will be observed that the appropriation carried in the present bill is conditioned on a contribution by the people of Dallas of $50,000. Let me say further that the people of Dallas have also made a proposition to Congress that they will contribute $3,000,000 if the Government will agree to complete the project. Certainly, gentlemen, a project in which the people near the river have such confidence is entitled to the serious consideration of Congress.

Let me say further that the locks and dams provided for in this bill are Nos. 3 and 5 on the first section. Locks and Dams Nos. 1, 2, 4, 6, and 7 have already been constructed. The construction of these two locks and dams is necessary to the completion of the first section. Without them the six locks and dams already in existence there are absolutely useless. It would indeed be a great waste of money to cause the project to stop here when the first section has been so nearly completed. The

first section is the most difficult section from the standpoint of navigation.

Mr. GALLINGER. Will the Senator permit me?

Mr. SHEPPARD. Certainly.

Mr. GALLINGER. At some previous time when this matter was under discussion my attention was called to the fact that the locks had not been constructed consecutively, that No. 1 and then perhaps No. 3 had been constructed. I think the Senator himself just stated that they are not consecutively constructed.

Mr. SHEPPARD. Almost consecutively. I have just said to the Senate that of the nine locks and dams on the river seven have been constructed on the stretch between Dallas and a point on the river some 50 or 60 miles below Dallas. The locks and dams provided for in this bill are needed to complete that particular section. Locks 1, 2, 4, 6, and 7 have been practically finished. Locks 3 and 5 are provided in this bill.

Mr. GALLINGER. Ordinarily would not Locks 3 and 5 have been built before 6 and 7 had been built? Why was it that they skipped, that they built a lock and then left a place for the construction of a lock at some other time lower in its order than those that were constructed?

Mr. SHEPPARD. I am unable to inform the Senator. I think perhaps it was due to the fact that the engineers thought the locks and dams at first constructed would probably be sufficient.

Mr. GALLINGER. That would be an explanation if that had been in the mind of the engineers.

Mr. SHEPPARD. Most of these locks and dams are in the same congressional district. There could be no question of their distribution simply to accommodate different congressional districts, as has been suggested by the Senator from Iowa [Mr. KENYON] heretofore.

Mr. GALLINGER. I asked the question, the Senator will understand, for information. I have no personal knowledge and I have no engineering skill, but it did strike me when it was presented at some previous time as being rather singular that the locks had not been built consecutively; that is all.

Mr. RANSDELL. Mr. President, in order to have the record clear in this case in regard to the artesian wells which have been alluded to several times, I should like to read very briefly from the report of Capt. C. S. Riché, now Col. Riché, made to Gen. Wilson, then Chief of Engineers, December 23, 1899. I think we ought to know exactly what was said about these artesian wells. It is right interesting reading. He makes a very favorable report, let me say, upon the improvement of the Trinity River, and that report was transmitted to Congress by Gen. Wilson, with a favorable report recommending that the work be done. I quote from page 4 of this document, House Document No. 409, Fifty-sixth Congress, first session. He says:

Periods of drought, however, would interfere with navigation to such an extent as to prevent the river from becoming a commercial factor of much importance unless such additional measures were adopted as would secure a navigation which would be practically continuous during all seasons of the year. For this purpose it will be necessary to canalize the river by means of locks and dams, which, by holding the water in a series of steps or pools, would greatly prolong the period of navigation. With the addition of an artificial water supply in the upper reaches of the river, to be obtained by storing surplus water during the wet season—

That is one method. Now let me call the attention of the Senator from Iowa to that—

or by sinking additional artesian wells, or by a combination of the two methods, it will be possible to obtain a navigation which will be continuous at all seasons, except possibly for a short period during years of excessive drought.

The character of Trinity River and its geographical location will permit an improvement, as above outlined, to be made without excessive cost. The river for the greater part of its length is narrow, its banks are generally high, and, except in the lower reaches, remarkably stable and free from erosion. Good foundations exist also at all the sites where locks and dams are likely to be needed. The cost of these locks and dams, therefore, will be less than on many other streams where such favorable conditions do not exist.

Mr. POMERENE. Mr. President——

Mr. RANSDELL. Will the Senator kindly let me read the extract, and then I will yield in just a moment?

Mr. POMERENE. Certainly.

Mr. RANSDELL (reading)—

Again, the question of a special artificial water supply for navigation purposes is not of such supreme importance as might at first be supposed. In the watershed of the river numbers of artesian wells have already been driven, and many more are being driven every year. These wells furnish a steady supply of water for the river, irrespective of weather conditions, and the time is not remote when they will supply enough water to permit navigation by means of a system of locks and dams to continue through an extended drought.

Now, I ask the especial attention of the Senate to this clause:

Taking one year with another, however, the dry season is generally in the summer, when the movement of crops is not in progress, and the wet season generally begins in the fall and continues until late in the spring, covering the months of the year when transportation facilities are most needed. Ice will interrupt navigation only during exceptional temperature conditions, which are very rare indeed, and which will never be other than of brief duration.

I now yield to the Senator from Ohio.

Mr. POMERENE. It occurred to me that that portion of the report of the engineers which the Senator has read is rather indefinite in this, that it does not state how many artesian wells have been drilled or how many would be required in order to provide the necessary flow; neither does it show to what extent the flow has already been increased by the artesian wells that have already been sunk, nor the extent to which it could be increased by the sinking of other artesian wells. I wondered if the Senator had any more explicit information upon that subject.

Mr. RANSDELL. I do not understand that this report says that the artesian wells are absolutely necessary. It says that water might be stored during the wet season, or you might get a supply from artesian wells. I will state to the Senator that I understand since this report was made, in 1899, a special board has made an examination of the subject and has determined that there is plenty of water from the usual rainfall to fill the pools in the wet season so full as to maintain a reasonable supply of water during the dry season.

I wish to make this observation also. Senators, in speaking about the low-water period on the southern rivers we must not forget that on the northern rivers and on the Great Lakes, for instance, there is a long period of ice. The Great Lakes, which have the greatest commerce in this country, are closed for navigation from four to four and a half months of every year by being frozen over—at least the harbors are frozen. We have only from seven and one-half to eight months' navigation on the Great Lakes and on the rivers in the northern portion of the country. And on the Erie Canal in the State of New York, where they are now spending $150,000,000 to perfect their canal system, they have navigation for only about eight months.

The low-water period on the southern rivers does not last more than three or four months. So, Senators, let me remind you that even if we did have a low-water period of about four or five months, when we could not do any transportation of goods, we would be in no worse fix than our friends in the northern portion of this country. No one contends that the low-water period on the Trinity River would last more than four to five months out of any year.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from Louisiana yield to the Senator from Ohio?

Mr. RANSDELL. I gladly yield.

Mr. POMERENE. There is, of course, a good deal of force in what the Senator says in regard to the obstruction of navigation during the freezing period in the North, but I have been particularly interested in the suggestions which have been made with regard to artesian wells. Can the Senator state to what extent artesian wells have been resorted to in order to furnish the necessary flow to make rivers navigable?

Mr. RANSDELL. Not a gallon of water has ever been obtained from an artesian well in any of the waterway projects of our country that I have ever heard about.

Mr. POMERENE. Is that true elsewhere?

Mr. RANSDELL. I have never heard of it in other countries. It may be true elsewhere, but I have never heard of it. It certainly is not true in the United States, so far as I know. It was stated incidentally by Capt. Riché as one means of getting additional water for the Trinity if it was desired, and I thought that the Senate was entitled to know exactly what had been said on the subject, because it is much misunderstood. Lots of the trouble we have had in this world comes from ignorance. We do not understand the proposition before us, and, not understanding it, we get a wrong idea about it.

Mr. POMERENE. That being so, does it not occur to the Senator that when an engineer has resorted to the extreme suggestion of saying that the navigability of the river could be increased by sinking artesian wells it rather reflects upon the wisdom of large expenditures along the river under those circumstances?

Mr. RANSDELL. I think, if the Senator please, that this engineer was referring to only a very low-water period of the river. He was only saying that if it was desired to make assurance doubly sure and prevent any interference with navigation on the river even in time of extreme drought so that the river could certainly and surely be navigated for 365 days out of every year, possibly it would be well to put in artesian wells.

But he did not advocate putting them in. He simply said that it might possibly be done.

Now, here is a more recent report, which I should like to read from very briefly:

On December 8, 1903, Brig. Gen. Gillespie, Chief of Engineers, submitted with his concurrence the report of the Board of Engineers authorized by act of June 13, 1902, to examine into the advisability of attempting to secure eight months' navigation on section 1—

That is section 1 of the Trinity River—

with an expenditure of $550,000. The board held that navigation of from six to seven months' duration could be obtained on section 1 with six locks and dams, at an expense of $918,000, and that in some years of unusual rainfall this might give eight months' navigation.

As I understand it, there was not a word said in that report about artesian wells.

Now, I wish to read just a very little more from the report of this engineer, Capt. Riché, the man who spoke about artesian wells, to show you how he feels in regard to this project. I imagine that he is entitled to have his conclusions read as long as the things he said are criticized. He states on page 7:

I am convinced, therefore, that the existence of Trinity River in navigable condition from Dallas to its mouth, even for but 8 or 10 months in the year, would radically reduce present railway rates in all the northern and eastern portions of Texas, and that this reduction of rates would be effected to a gradually diminishing degree for long distances in all directions. The Commercial Club of Dallas, in their statement, estimate that the annual saving to the people consequent upon the improvement of the river would be $9,830,000. Even if the saving should be but one-tenth of that sum the improvement would be eminently advisable.

Then he goes on to discuss it. I will ask to insert it all without reading

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

The reduction of freight rates would mean that the railways would, as at present, carry the bulk of the traffic, and that but a relatively small portion of it would actually be transported on the river, but the improvement of the river would accomplish its main purpose when the railway rates were lowered, and the ever-present possibility of serious water competition would be an automatic check upon excessive charges.

Competition among the various railway companies may be said to have ceased, so far as its effect in reducing rates is concerned. Tariff agreements prevent any serious rate cutting, and water competition appears to afford the only available relief.

Mr. RANSDELL. Capt. Riché says in conclusion:

All things considered, therefore, and in view of the fact that south and west of Red River the railways in the interior are at present entirely unchecked by water competition, I am of opinion that the improvement of Trinity River for a 4-foot navigation from Dallas to its mouth is not only advisable, but urgently necessary, and that it will accomplish much good for many people.

Very respectfully, your obedient servant,

C. S. RICHÉ,
Captain, Corps of Engineers.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Ohio?

Mr. RANSDELL. I would be glad to yield.

Mr. POMERENE. When the Senator speaks of the effect water navigation has upon traffic rates it interests me very much. The next question that occurs to me is to what extent this may influence the rates and whether or not rates could be reduced in other ways. As a student of the commerce of the country, I have always referred to Texas with a great deal of pride in the effort that she made to control railroad rates. I recall that Texas was, I think, the pioneer State when it came to railroad-rate regulation in this country. If the commission in Texas has the power to control these rates, assuming for the sake of argument that the railroad rates are exorbitant, why could not the commission so regulate those rates as to bring them within reasonable bounds?

Mr. RANSDELL. I will answer that by reading another extract from the report of the same Capt. Riché, page 8:

It is claimed in some quarters, however, that railway rates can be reduced in other ways than by water competition and that national or State railway commissions can force rates down whether water competition exists or not. That this state of affairs does not obtain at present can be seen by reference to the statement of the Dallas Commercial Club to the effect that twice in recent years has the Texas Railway Commission been successfully enjoined in the United States courts from attempting a reduction of a small per cent of the railway tariffs, the railways establishing in the litigation that any reduction was confiscatory, the original and accrued cost of the railways, as represented by their stock and indebtedness, and not their present value, apparently being the basis from which is computed the reasonable profit of which they can not legally be deprived by national or State railway commissions.

Failing efficient regulation of rates by railway commissions, it is sometimes suggested that a solution of the problem can often better be obtained by the construction of a Government railway rather than a Government waterway, and the subsequent hauling on this railway of freight and passengers by the Government at cost or less than cost price. As an abstract problem in dollars and cents, this may frequently be the case, but the consideration of such a proposition opens up such an array of possible consequences that the time does not seem ripe, and perhaps never will be ripe, for the Government to undertake this method of controlling rates.

Water competition, therefore, appears to be the only practicable way of reducing and controlling freight rates in this section of the country, and the improvement of Trinity River will effect this result to a large degree. Nor will the consequent reduction of rates be in any way disastrous to the railways; on the contrary, its ultimate effect will benefit them greatly. Reduced rates mean new industries, additional land under cultivation, and great increase in population. As a result, the passenger and freight traffic of the railways will be so greatly increased in volume that their profits will be steadier and more certain. As a general proposition, the railways which are financially the most stable come well within the zone of influence of the rate-regulating effect of efficient waterways.

Mr. POMERENE. Mr. President, assuming the soundness of the logic of the engineers, then it must follow as a consequence that if you had the greatly reduced rates due to river navigation you are going to destroy these railroads.

Mr. RANSDELL. I do not know that that would follow at all. It would perhaps so develop the country that the railroads might carry high-class freights. I will state that on and adjacent to the Erie Canal, in New York, there are six railroads paralleling the canal, and that is the most prosperous part of the State. It is said that 90 per cent of the population and 85 per cent of the wealth of the State of New York lie in an area 5 miles on either side of the Erie Canal—a great waterway which was completed in 1825 and which has been operating ever since. It is a well-known fact——

Mr. THOMAS rose.

Mr. RANSDELL. Let me complete my statement, and then I shall be glad to yield to the Senator.

It is a well-known fact that the greater the competition the better and more prosperous are the railways. Mr. President, there is no portion of this country where the railways are more prosperous than along the Hudson River, along Long Island Sound, and along the Great Lakes. There they have the keenest water competition. The water rates are very low, the railroad rates are low; and there has been a tremendous growth of populous, wealthy cities on the Lakes—they have grown by leaps and bounds, very much more rapidly than cities like Cincinnati and St. Louis, which are located on unimproved rivers. On the Hudson, likewise, they have grown in the same way as they have on Long Island Sound. There has been such a rapid development of commerce of every kind, both of merchandise and of passenger freight, that not only have the people of those favored localities got the benefit of the cheaper rates, but the railroads also have prospered greatly. So, if the Trinity River had been improved and there had been great prosperity resulting from the cheap rates there, the railroads would have derived some of the benefit.

In connection with my remarks about the Trinity River—and I then shall yield to the Senator from Colorado [Mr. THOMAS]—I wish to introduce here a letter from Mr. J. R. Babcock, who is the assistant to the president of the Chamber of Commerce of the city of Dallas, Tex. It is dated February 19, 1916, and is addressed to Mr. S. A. Thompson, secretary-treasurer of the National Rivers and Harbors Congress. I quote an extract from it, and I ask especially the attention of Senators to this letter. It is from Dallas, and it is very recent, Senators. Mr. Babcock says:

Your favor of February 9 arrived while I was in Washington appearing before the Rivers and Harbors Committee. In consequence of that visit, the Rivers and Harbors Committee has recommended $50,000 for open-channel work and $250,000 for Locks and Dams Nos. 3 and 5, we proposing to put up $50,000 in cash for this portion of the work.

We made a further proposition that, if Congress would appropriate $3,000,000, we would raise $3,000,000; this $6,000,000 to complete the canalization of the Trinity River forever and all time to come, placing the Trinity on its proper basis.

Senators, does any reasonable man believe that those wise, far-seeing business men of Dallas, the queen city of Texas, one of the most enterprising cities of this Nation, after expending, as I will show later in this letter, something like $1,681,000 to develop their water front and to assist in developing their river, would spend another $3,000,000 of their own money if it was going to be thrown away? Would they throw away something like $5,000,000? Oh, no; that is unreasonable. Those people have faith in the improvement, and it would do great good if we should make it.

Mr. Babcock further says:

Answering your particular questions, Dallas has paid for the sites of nine locks and dams $20,000; gave $66,000 in cash to start the work; has bought 32 acres of river front for wharfage; has built two high bridges and four steel turn bridges so that boats can pass, $800,000; has spent $25,000 in the purchase of tow boats, and built two 100-ton barges; is spending $700,000 to make same navigable by sewage diversion, etc., making a total of $1,681,000. If we are able to reduce rates by way of the river to the Gulf as much as 5 cents per hundred pounds, it will mean a saving to the city of Dallas of $9,000 per day.

Now I ask your attention to this statement:

We have on file a list of 44 steamboats which operated on the Trinity River from 1865 to 1878, the smallest tonnage of any one of

them being 65 tons, the largest being 480 tons. At that time the water rate on cotton was $1 a bale to Galveston; it is now $2.75 per bale.

Think of that! In the days when there were very few, if any, railroads I presume there was water enough then to operate boats for a number of months in each year, and the rate on cotton was a dollar a bale. Now, with nine railroads running in there, with every boat driven off the river, the people of that section—and Dallas is the basic point for fully a million bales of cotton—the people there pay $2.75 per bale.

What did the famous Texas Railroad Commission do for them? It reduced the rate 25 cents a bale. The former railroad rate was $3, and the Texas commission was only able to reduce it 25 cents per bale.

Senators, if we improve this river properly and make it navigable for 8 or 9 months in each year those people will again get their cotton carried at $1 per bale.

Mr. JONES. Mr. President, I wish to ask the Senator from Texas [Mr. SHEPPARD] a question. It may be that he answered it awhile ago when I happened to be out of the Chamber. If he has done so, I shall not ask him to go over the matter further. I merely want to ask, If these two locks and dams were completed and the rest of the project were not taken up, what would be the benefit to navigation?

Mr. SHEPPARD. It would give us several months' navigation on the river in each year.

Mr. JONES. Would that be of great benefit to commerce?

Mr. SHEPPARD. Undoubtedly it would be a benefit to commerce. It would enable boats to operate from Dallas to the Gulf.

Mr. JONES. And they would operate?

Mr. SHEPPARD. They would operate, as I imagine from the statement which has been read here.

Mr. THOMAS. Mr. President, I merely wish to inquire of the Senator from Louisiana [Mr. RANSDELL] what has become of that wonderful traffic existing some forty-odd years ago upon this river, before any improvements were put in by Congress?

Mr. RANSDELL. I presume it is now carried on the nine railroads that run into Dallas; but they are carrying cotton now. I will say to the Senator, at $2.75 a bale, while when the boats used to carry the cotton they carried it at a dollar per bale. That is the evidence. Personally I know nothing about it.

Mr. THOMAS. Is there not just as much water in the river now as there was then?

Mr. RANSDELL. But the boats were driven off, I may say to the Senator, by railroad competition at certain points. After driving the boats off the river, the railroads put up their rates.

Mr. THOMAS. Let me ask the Senator from Louisiana if we can drive the boats back by improving the river without destroying the railroads?

Mr. RANSDELL. I think that can be done; I think we ought to regulate those railroads somewhat; and I want the Senator from Colorado to help pass laws to regulate them.

Mr. SHEPPARD. Mr. President, let me state also that before the advent of the railroads the periods of high water were uncertain. The uncertainty of those periods, however, did not interfere with navigation. Since the advent of the railroads certainty is demanded more than ever; that is an element demanded now that was not demanded at that time. In consequence, the people, not knowing when the river would be navigable, preferred to use the railroads.

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

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

Mr. SHEPPARD. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

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

Bankhead	Fall	Lodge	Smith, Mich.
Borah	Fletcher	Martin, Va.	Smoot
Brady	Gallinger	Martine, N. J.	Sterling
Brandegee	Hardwick	Myers	Swanson
Broussard	Hitchcock	Newlands	Taggart
Chamberlain	Hollis	Norris	Thomas
Chilton	Hughes	Poindexter	Tillman
Clapp	Johnson, S. Dak.	Ransdell	Townsend
Clark, Wyo.	Jones	Saulsbury	Underwood
Clarke, Ark.	Kenyon	Shafroth	Vardaman
Culberson	La Follette	Sheppard	Walsh
Cummins	Lane	Shields	Warren
Curtis	Lea, Tenn.	Simmons	Williams
Dillingham	Lewis	Smith, Ariz.	
du Pont	Lippitt	Smith, Md.	

The PRESIDING OFFICER (Mr. CHILTON). I make the same announcement in regard to the absence of my colleague [Mr. GOFF] as on the last roll call.

The PRESIDING OFFICER (Mr. LEWIS in the chair). Fifty-eight Senators having answered to their names, a quorum of the Senate is present.

Mr. KENYON. Mr. President, I had asked for the yeas and nays when the absence of a quorum was suggested. I do not know whether the Chair announced that the yeas and nays were ordered. If not, I renew my request for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays having been demanded by the Senator from Iowa, is the demand seconded?

The yeas and nays were ordered.

Mr. LODGE. I inquire what is the question? Is it on a motion to strike out?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. KENYON], which the Secretary will state.

The SECRETARY. On page 24, line 11, after the numerals "$50,000," it is proposed to strike out the following:

For improvement by the construction of Locks and Dams Nos. 3 and 5, $250,000: *Provided*, That no part of the latter amount shall be expended until the city of Dallas or other local interests shall have contributed the sum of $50,000 toward the improvement.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). I transfer my pair with the Senator from Connecticut [Mr. MCLEAN], in his absence, to the Senator from Maryland [Mr. LEE] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the junior Senator from Wisconsin [Mr. HUSTING] and vote "yea."

Mr. TILLMAN (when his name was called). I am paired with the Senator from West Virginia [Mr. GOFF], and therefore withhold my vote.

Mr. LODGE (when the name of Mr. WEEKS was called). I desire to announce that my colleague [Mr. WEEKS] is absent from the city and is paired with the Senator from Kentucky [Mr. JAMES].

Mr. WILLIAMS (when his name was called). In view of my pair with the senior Senator from Pennsylvania [Mr. PENROSE] and in view of the fact that I do not know just how he feels about this particular item I will withhold my vote.

The roll call was concluded.

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE], who has been called from the Chamber. I transfer that pair to the Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. DU PONT. I have a general pair with the Senator from Kentucky [Mr. BECKHAM]. As he is absent and as I do not know how he stands on this question I will withhold my vote.

The PRESIDING OFFICER. Will the Senate indulge the Chair to say that he is requested by his colleague [Mr. SHERMAN] to announce that he has been called from the Chamber upon necessary business, and is paired?

Mr. LODGE (after having voted in the affirmative). I notice that my pair the senior Senator from Georgia [Mr. SMITH], is absent. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and will let my vote stand.

Mr. GALLINGER. The Senator from Maine [Mr. BURLEIGH] is detained on account of illness. He is paired with the Senator from Arkansas [Mr. ROBINSON]. I ask that this announcement stand for the day.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hempshire [Mr. HOLLIS]; and

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

The result was announced—yeas 29, nays 31, as follows:

YEAS—29.

Borah	Gallinger	Martine, N. J.	Thomas
Brady	Gore	Norris	Thompson
Clapp	Harding	Oliver	Townsend
Clark, Wyo.	Jones	Overman	Walsh
Cummins	Kenyon	Smoot	Warren
Curtis	La Follette	Sterling	
Dillingham	Lippitt	Sutherland	
Fall	Lodge	Taggart	

NAYS—31.

Ashurst	Hardwick	Nelson	Simmons
Bankhead	Hitchcock	Pittman	Smith, Ariz.
Brandegee	Hughes	Poindexter	Smith, Md.
Broussard	Lane	Ransdell	Smith, Mich.
Chamberlain	Lea, Tenn.	Reed	Swanson
Clarke, Ark.	Lewis	Shafroth	Underwood
Culberson	Martin, Va.	Sheppard	Vardaman
Fletcher	Myers	Shields	

NOT VOTING—36.

Beckham	Hollis	Newlands	Sherman
Bryan	Husting	O'Gorman	Smith, Ga.
Burleigh	James	Owen	Smith, S. C.
Catron	Johnson, Me.	Page	Stone
Chilton	Johnson, S. Dak.	Penrose	Tillman
Colt	Kern	Phelan	Wadsworth
du Pont	Lee, Md.	Pomerene	Weeks
Goff	McCumber	Robinson	Williams
Gronna	McLean	Saulsbury	Works

So Mr. KENYON's amendment was rejected.

Mr. KENYON. Mr. President, on page 25, line 1, I move to strike out "$474,000" and insert "$259,000." On line 3, I move to strike out "$499,000" and insert "$284,000"; and I wish to indulge in a word of explanation.

This is the proposition of the Ouachita River, to which I have heretofore referred. This bill carries $499,000 for this river. The part of that for open-channel work up to Camden is $25,000. My motion does not go to that part of the bill, but to the part reading:

Continuing improvement by the construction of locks and dams heretofore authorized, $474,000.

I am aware that the Army engineers in their report for 1915, which I think was made up some time in September, did state that the sum of $474,000 could be expended; but in a report subsequent to that time they suggested an appropriation of $234,000. My amendment is to carry out that suggestion, adding thereto the $25,000 for the open-channel work which the Army engineers have recommended.

Of course we have voted into this bill projects that were condemned by the Army engineers. This is one of the projects resurveyed under the act of last Congress, and it can not be said, I think, that the Army engineers' reports are for a condemnation of the project; but they are for this apparent modification, at least, in the amount of money. We have spent upon this stream approximately $2,700,000. Deducting sand, gravel, and logs for the year 1914, the commerce will not amount to over 32,000 or 33,000 tons.

This is a river which is perhaps somewhat distinguished because the able senior Senator from Louisiana [Mr. RANSDELL] was born along the banks of this river somewhere; and in a statement before the House committee on the 2d of February, 1916, he said—no; I am wrong about that. The Senator was born on the banks of the Red River, he states.

Mr. RANSDELL. Yes.

Mr. KENYON. But this river, being near the Red River, shares in that fame and distinction.

The Senator from Louisiana, in his argument before the House committee, said:

This report of the engineers shows we receive no benefit whatsoever from what has been done, because the chain has not been completed; there are intervening links, and we have only about 8 or 9 inches of dependable depths of water in the river.

Here is a project on which we have expended $2,700,000 and are going on with more locks and dams in a project that will involve millions more; and the Senator who is the great authority in this country on rivers and harbors says that we have only about 8 or 9 inches of dependable depths of water in the river.

Let me put in the RECORD one or two other things from the Army engineers' reports.

We have had previous projects on this river running back into the seventies, and under those projects we have expended $614,802.19, as appears from page 956, volume 1, of the Army engineers' reports. It is there said:

The present project is based on plan contained in House Document No. 448, Fifty-seventh Congress, first session, which proposes to obtain a navigable depth of 6½ feet at low water from the mouth of Black River, La., to a point about 10 miles above Camden, Ark., a distance of 360 miles, by the construction of nine locks and movable dams * * * at an estimated cost of $4,876,654.35.

I wish the Senators who are going to vote on this proposition would observe this fact. The Army engineers say, on the same page:

From the manner in which the appropriations have been made for this improvement it has been held that the project has never been adopted in its entirety by Congress.

This is the third item "hand running" this afternoon involving the expenditure of millions of dollars on projects that have not been adopted in their entirety by Congress. Of course that does not make any difference. This delightful throwing away of public money is to continue.

Locks 2, 4, 6, and 8 have been authorized; in the case of Nos. 3 and 7 the sites have been acquired, and there remain unprovided for Locks and Dams 1, 5, and 9.

I also desire to place in the RECORD the following on page 957 of the Engineer's reports:

The amount expended on the existing project prior to the beginning of the fiscal year was for original work $2,279,021.33 and for maintenance $251,562.14, a total of $2,530,583.47.

What is the condition at the end of the fiscal year, after the expenditure of these moneys?

The project for constructing locks and dams—

The engineers say—

is 46¾ per cent completed. Maintenance by snagging work will have to be continued indefinitely. Locks and Dams Nos. 4, 6, and 8 have been completed and are in operation, but as the pools are not continuous, little benefit has been obtained. The maximum draft that can be carried at low water over the shoalest part of the section under improvement is 8 inches. The total expended under the existing project to the end of the fiscal year was $2,447,936.32 for new work and $267,121.67 for maintenance, a total of $2,715,057.99.

And 8 inches of water! It is fine business, Mr. President. Anybody objecting to this kind of a proposition wants to go in the crank class at once and join the "uplifters"!

On page 958 of volume 1 of the engineers' reports I find the following, under the head of "Commercial statistics":

These statistics were compiled for the fiscal instead of the calendar year, because the former more nearly coincides with the commercial year, and the period of navigation ordinarily closes in June.

In 1913 the commerce was 48,222 tons; in 1914, 64,874 tons; in 1915, 70,619 tons.

The freight carried during the last fiscal year consisted of lumber and logs, farm products, and general merchandise.

I propose to show, further on in the engineers' reports, that, taking out the sand and the gravel and the logs and the lumber, the commerce will not exceed 32,000 or 33,000 tons.

Further, the engineers say in volume 2, page 2693:

The U. S. snag boat *Jos. E. Ransdell* began work at Jonesville, La., October 22, 1914, and continued snagging in these streams until February 16, 1915, after which operations were suspended on account of high water.

And here is the great work that this snag boat did:

Snags pulled	1,711
Stumps pulled and destroyed	830
Leaning trees cut	2,151

That seems to have been from Camden to the mouth of the Black River, a distance of 350 miles. Then snagging operations were suspended, and they began work again and continued operations to Jonesville, a distance of 83.9 miles, and they did work as follows along there:

Snags cut and destroyed	715
Shore snags cut	1,871
Logs removed from channel	378
Leaning trees cut	4,540
Trees girdled	69

On page 2699 of volume 2 of the engineers' report is a statement of the commerce on this stretch, which I will ask to have inserted as a part of my remarks, if there be no objection.

The PRESIDING OFFICER. The Chair hearing no objection, there is none.

The matter referred to is as follows:

Freight traffic.

Articles.	Amount. In customary units.	Amount. In short tons.	Valuation.	Average haul or distance freight was carried.	Rate per ton-mile.
				Miles.	*Cents.*
Cotton	9,776 bales	2,934	$469,443	177	1.41
Cotton seed	93,929 sacks	7,046	197,288	177	.83
Grain	21,694 sacks	1,551	62,040	177	.53
Provisions	125,069 packages	6,213	931,950	177	1.40
Hides	122 bundles	9	4,117	183	2.06
Cattle	847 head	338	54,080	183	2.63
Hogs	6,158 head	616	98,560	183	1.34
Staves	326,000	4,655	37,240	219	.54
Lumber	225,000 feet b. m.	509	8,907	177	.70
Timber rafted	2,503,000 feet b. m.	7,515	37,595	100	(1)
Timber barged	4,739,000 feet b. m.	18,956	37,912	60	1.01
Crossties	42,673	3,444	20,484	100	.33
Shingles	1,771 bundles	65	2,620	177	1.05
Sand and gravel	7,190 cubic yards	8,768	1,078	4	(1)
Lime and cement	3,376 barrels	337	6,752	50	1.00
Hay	5,963 bales	446	5,352	183	.99
Poultry	728 coops	55	16,500	183	1.83
Machinery		145	30,000	70	4.61
Miscellaneous	70,174 packages	7,017	1,032,550	183	2.34
Total		70,619	3,074,465		

[1] No rate given.

Mr. KENYON. Of the short tons for the year—70,619—it appears that 4,655 are staves, 509 lumber, 7,515 timber rafted, 18,956 tons timber barged, 3,444 tons crossties, and 7,017 tons packages of various kinds. Deducting, as I have said, those matters which do not require great depth or great channels to float them, it leaves a commerce of about 30,216 tons.

Under the act of the last Congress the Army engineers made a reexamination of this stream and filed their report April 1, 1916. It is an illuminating document. I am not going to take

the time to read it all or many parts of it. I just wish to refer here and there to parts of this document. It seems that there were two projects, according to the report of Col. Black, set forth on page 2 of this document. I will say that the document is House Document No. 979.

One provides in part for the construction of eight locks and dams with a view to securing a channel 6½ feet deep from the mouth of Black River to a point 10 miles above Camden, Ark., while the other provides for removing snags, leaning trees, and other obstructions between Camden and Arkadelphia. In addition, the removal of obstructions below Camden is continued under an earlier project. Locks and Dams Nos. 4, 6, and 8 have been completed and are in operation; Nos. 2 and 3 are under construction. * * * Funds on hand are sufficient to complete No. 2, but it is estimated that an additional amount of $234,000 will be required to complete No. 3, and $1,804,000 to complete Nos. 5, 7, and 9. The district officer is of opinion that the resources of the adjacent country are sufficient to justify further work on the lock and dam project to and including Lock and Dam No. 8, but that the building of No. 9 should be postponed until the development of traffic on the canalized river indicates the necessity of its construction, * * * and that the project for open-channel improvement above Camden should be abandoned.

Col. Black says:

After due consideration of the above-mentioned reports, I concur in the views of the division engineer and the Board of Engineers for Rivers and Harbors, and therefore report that it is deemed advisable to discontinue the project for improvement of Ouachita River between Camden and Arkadelphia, and to modify the project for improvement below Camden to provide for the completion of Locks and Dams Nos. 2 and 3, and their operation when completed, and continuing the operation of Nos. 4, 6, and 8, together with such snagging as may be necessary to facilitate navigation up to Camden. An appropriation of $234,000 should be provided in one sum for completion of Lock and Dam No. 3.

They recommend the completion of Locks and Dams Nos. 2 and 3. They say they have money on hand for the completion of Lock No. 2 and that $234,000 is necessary for the completion of Lock and Dam No. 3. My amendment adds to that $25,000 for the open-channel work, which they have recommended.

This is the last report of the Army engineers on this subject, coming very late in the time of the present Secretary of War. I have heretofore referred to the situation above Camden. I am not going to spend any time on that.

I think, Mr. President, this is all I have to say about the Ouachita River.

Mr. RANSDELL. Mr. President, I am somewhat interested in the Ouachita River project, and I am glad to explain to the Senate something about it. The project was begun in 1902 after a very elaborate survey extending over a period of several years. The original document is No. 448, Fifty-seventh Congress, first session. I read from that report, on page 3:

By following the construction of Nos. 4 and 6 by the construction of Nos. 2, 3, and 8 the navigation would be improved so as to give between 3 and 4 feet all the way up to Camden, and the ultimate depth of 6½ feet could then be secured by building Nos. 1, 5, 7, and 9.

In 1902 the project was adopted and Locks 4 and 6 were provided for and appropriation made for them. In the act of March 2, 1907, Locks 2 and 8 were provided for. The act of June 25, 1910, provided for the acquisition of sites for Locks and Dams Nos. 3 and 7, and in the act of July 25, 1912, provision was made for the construction of Locks and Dams Nos. 3 and 7.

The original project, Mr. President, called for nine locks and dams to give a minimum depth of 6½ feet at low water from the mouth of the river to the city of Camden, a distance of about 360 miles. A subsequent change in the plans did away with the necessity of Lock No. 1, so we are not to consider it. Provision has already been made for carrying on the work on six of the remaining locks and dams. Locks 2, 4, 6, and 8 have been completed. Locks 2 and 4 are below the city of Monroe, La.; 6 and 8 are north of that city and in the State of Arkansas; 7 and 9 are also in the State of Arkansas. Lock No. 5 is in Louisiana.

The locks already provided for by Congress are 2, 3, 4, 6, 7, and 8. Four of those have been completed. One, No. 3, is very nearly completed, and the site has been acquired for Lock No. 7, and work authorized to proceed thereon.

The project for Lock No. 7 has been formally adopted. The controversy at this time is only in regard to Locks 5, 7, and 8, because the engineers themselves insist that the work should go on below the city of Monroe to complete Lock 3, which will give a completed river up to that city.

In the stretch between Monroe and Camden, Locks 6 and 8, let me repeat, have already been finished and are of practically little or no value until the other three, 5, 7, and 9, are finished.

The proposition in this last report of the engineers is to make no provision for 5 and 9 and to abandon or rather discontinue any work on Lock 7, which was formally adopted in the act of 1912, which authorized work to proceed thereon, and made appropriation therefor.

This is an entirely different proposition from recommending against a project which Congress has never adopted. This has been adopted, let me repeat, at least as to Locks and Dams 6, 7, and 8, and a great portion of the work actually finished on that stretch of the river, 6 and 8 being already completed, and 7 actually authorized. The site of No. 7, as I understand it, has been acquired. I believe the site has been acquired; I am not positive.

Now, they say after spending upward of a million dollars to finish 6 and 8, and after Congress having in the most formal manner authorized the work on 7, it is inadvisable at this time to continue the work on that stretch of the river between Monroe and Camden.

Mr. President, I can not understand that kind of reasoning. I admit that Congress has never at any time formally adopted the whole project for eight locks and dams between Camden and the mouth of the Ouachita, but in three separate acts, aye, in four separate acts, it has adopted in the most formal manner and provided for six of these locks and dams, and five of them are practically completed, four actually completed, and one very nearly finished.

Mr. BRANDEGEE. Mr. President——

Mr. RANSDELL. Now the engineers propose to have us abandon the work north of Monroe.

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Connecticut?

Mr. RANSDELL. I will very gladly yield.

Mr. BRANDEGEE. Suppose all nine locks are completed, what is the estimated depth of water that it is expected to get in the river?

Mr. RANSDELL. Six and a half at minimum low water. There are many stages of the river when it is very much more than that, but that will be the minimum at extreme low water.

Mr. BRANDEGEE. In brief, what reason does the engineer give for recommending that further development be abandoned there?

Mr. RANSDELL. It is not at all satisfactory to me. I will have to read it to you to tell you just what they do recommend.

Mr. BRANDEGEE. I do not want the Senator to devote a lot of time to reading the entire report unless he wants to do it. I did not know but that he could tell me whether they recommended the abandonment of it because they did not think the commercial advantage would be commensurate with the outlay.

Mr. RANSDELL. As I gather from the report, the Senator has correctly stated that at this time it would not be justified by the possible commercial benefits to continue the work up to the city of Camden.

Mr. CLARKE of Arkansas. If the Senator will permit me, let me read a single paragraph, a short one, to show just what the report is based on, found on page 11 of the report on new surveys. It is an excerpt from the report of Col. Townsend, whose headquarters are at St. Louis, known as the division engineer. He designates by numerals his different proposals. When he comes to this particular matter he says as follows:

5. Above Monroe work has not been begun on three of the dams.

Two of them have been completed on that stretch of the river. It contemplates in all five dams and two of them have been completed.

5. Above Monroe work has not been begun on three of the dams, whose estimated cost is $1,804,000, and as it is considered doubtful if any material shipment of sawed lumber would be brought about by the canalization of this portion of the river, it is recommended that their construction be deferred until the influence of the improvement below Monroe has been determined, work being confined to operating the existing locks and dams and snagging.

It is a political recommendation. It is not based on actual conditions. He says, "Let us try out those that are below Monroe and two above that place." We will then let the river go along, gapped up by these dams and narrow and shoaly stretches, absolutely useless. It would isolate the whole country above that.

Mr. BRANDEGEE. Will the Senator state about what total sum has been expended on that entire project?

Mr. RANSDELL. Something like $2,700,000.

Mr. BRANDEGEE. That is the estimate of the entire project if completed?

Mr. RANSDELL. A little over $2,000,000 additional is required to finish it.

Mr. CLARKE of Arkansas. One million six hundred and fifteen thousand dollars is the estimate, in addition to the $500,000 which this bill carries.

Mr. RANSDELL. I should like to say, Mr. President, that as a general proposition I do not favor the adoption by Congress of any project which has not been reported upon favorably by the

Engineer Corps. If this were before us as an original proposition and we had never acted upon it I would not stand here advocating it. But the measure was favorably reported a great many years ago. In February, 1902, a favorable report was made on this project; and Congress, as I said, has from time to time adopted and made provision for extending the work on several of these locks and dams—six in all.

Now, the Senator from Iowa says we have never adopted it formally; we never adopted it as a whole. I do not understand that we have adopted as a whole any of the big waterway projects of the country, except those where we make provision for the completion at one time, and that would be the wise plan. But we certainly have adopted three locks north of Monroe; we certainly have completed two locks north of Monroe. We could not have done it more completely.

As was so well said by the able Senator from Washington [Mr. JONES] two or three days ago, there is a vast distinction between making an appropriation for a project which has never met the approval of the Engineer Corps and refusing to follow the advice of the Engineer Corps when they recommend the abandonment of a project that was formally adopted years ago and is in process of construction. It is a very different thing; and that is what they are recommending now as to that part of the Ouachita improvement north of Monroe.

After adopting Lock No. 7 in 1910 and readopting it in 1912, work has been delayed on it for some reason, and no money seems to have been spent on it; but after it has been adopted for six years the engineers now say let us stop it, do not go on with it at all, and allow Locks 6 and 8, which have cost over a million dollars, to remain unused and go to ruin.

Is it any wonder that we do not get good results from our waterways system, Mr. President, when we carry on the work in such a desultory way? This project was begun, let me repeat, in 1902—14 years ago—and it is not quite half finished yet. What business man could avoid having his friends send him to an insane asylum if he proceeded with his ordinary business in that manner? And yet that is the way Congress has done not only in regard to the Ouachita, but in regard to many other waterway projects throughout the Nation. We began the improvement of the Ohio River in 1876 with a project to give it 6 feet at minimum low water. About 12 or 14 years ago we changed that to 9 feet, and it is nothing like half finished yet. More than a third of a century has passed and the Ohio River project is not one-half complete.

I do not know why that has been our policy, but I want to call the attention of the United States Senate to this remarkable fact: Wherever there has been a harbor on the Lakes, on the Gulf, or on any of the oceans it has been put under a continuing contract and promptly finished. Harbors are railroad terminals. Railroads run up alongside the wharves and docks in the harbors and discharge their cargo into the boats in the harbor, and the boats in turn transfer their cargo to the railroads. Harbors are complements of railroads. They are adjuncts to railroads; they are the supplements and helpers to railroads. The harbors, let me repeat, have been promptly finished in the very best way. I always gave my vote in favor of them, because I know it has been beneficial to the commerce of the country to have great, deep harbors like that at Boston, for instance. I was in Congress when we changed that project from 30 to 35 feet. Evidence was produced subsequently showing that as a result of that improvement there had been a reduction of nearly 50 per cent in the ocean freight rates because of the greater size and depth and carrying capacity of the vessels which used a 35-foot harbor. I felt as a representative of the South that my people were going to get the benefit of cheapened ocean freight rates for their cotton because of this deepened harbor. I felt that the grain grower on the distant plains of Dakota would get a like benefit from the deepening of that harbor. I have nothing to say against it; on the contrary, I approve it heartily.

But, I repeat, whenever harbors were under consideration we gave them all that was needed, on the Great Lakes, on the ocean, and on the Gulf, and they are adjuncts to railroads. Wherever waterways became the competitor, the rival of the railway, which a river like the Ohio is, which a river like the Missouri is, which a river like the upper Mississippi and the lower Mississippi is, like the Ouachita is, the Red is, the Arkansas is, the Tennessee is, and a number of other rivers—when it comes to that kind of a proposition we have pursued a piecemeal policy. We have kept the work going on forever and ever and ever, never completing, never finishing it. I do not know the influences back of this policy, but I state facts. If there is any doubt about them, I will lay the cases before you.

Again, referring to the wonderful Ohio River, having its head at Pittsburgh, whose commerce equals the combined commerce of the five great cities of New York, London, Liverpool, Antwerp, and Hongkong, the greatest freight-producing center on the globe, it is a river which, even in its present bad condition, carries over 13,000,000 tons of freight annually. That river has been under improvement for more than a third of a century, and it is not half finished. If we are going to have the policy which some men are advocating here I doubt if it ever will be finished.

Senators, if you are in favor of legitimate river and harbor improvements, then let us place great projects like the Ohio, the upper Mississippi, the Missouri, the Tennessee, and the Ouachita on the continuing-contract plan and see what benefits we will get therefrom.

Mr. BRANDEGEE. Mr. President——

Mr. RANSDELL. Just one word, please, then I will gladly yield. The only river I know of of any significance that has been completely improved in this country is the Black Warrior-Tombigbee system, which was improved by means of locks and dams, the work extending over a period of more than 22 years. It was completed last spring, and already there has been an enormous increase in the freight carried thereon, and the railroad rates on pig iron from Birmingham to Mobile have already been reduced from $2.75 to $1.75 per ton as a result of that improvement. Here is a river which has been really improved. Now, what is going to be the result? We can not tell yet, but the increase in river freight has already been material, and railroad rates in adjacent territory have been reduced very much.

I now yield to the Senator from Connecticut.

Mr. BRANDEGEE. I think there is a good deal of ground for the criticism made by the Senator as to the wavering policy of Congress about these matters, but why does not the committee put a provision in the bill that a river improvement shall be carried on by continuing contract, as the Senator says the harbor improvements are carried on?

Mr. RANSDELL. It is right hard to answer that question. The gentleman who made such a desperate attack on this bill two years ago, ex-Senator Burton, from Ohio, was for many years chairman of the Rivers and Harbors Committee of the House, and more responsible during the 10-year period when he was chairman than any other Member of the American Congress for the present policy of river and harbor improvements. During his incumbency it seemed impossible ever to get a continuing contract for a river. We got a number of continuing contracts for harbors. In the act of 1907, as I recall, we gave the Great Lakes, the Sault Ste. Marie, and the Detroit River, which are the connecting links between the Great Lakes about $13,000,000 in one contract. We placed a number of big harbors under the continuing-contract system. Senator Burton said that that was the greatest river and harbor bill ever passed by the American Congress. I believe he is pretty nearly right. It was a good one. I had a very humble part in making it, and I claim no credit whatsoever for it; but it was impossible to put the Ohio, or any other river which competed with railroads, on a continuing contract. I was very glad to get a provision for two little locks and dams on the project for the Ouachita. Here is the provision for the Ouachita in that nearly perfect act of 1907:

> Improving Ouachita and Black Rivers, La. and Ark.: Continuing improvement by the construction of Lock and Dam No. 2, near Catahoula Shoals, La., and Lock and Dam No. 8, near Franklin Shoals, Ark., in accordance with the plan in House Document No. 448, Fifty-seventh Congress, first session, and for maintenance, $200,780.

There was a continuing contract authorized for $368,823 to prosecute work on the Ouachita.

Let me say to the Senator from Connecticut in further answer to his statement that when Mr. ALEXANDER, of New York, became chairman of the Rivers and Harbors Committee we adopted the plan of annual river and harbor bills. We used to have them every three years. We tried to adopt, in a formal manner, some of our great river projects with the understanding that appropriations would be made for them every year. The exigencies of the Treasury seemed to be such that we could not very well in one bill take on $20,000,000 for the Missouri, $63,000,000 for the Ohio, and large sums for many other rivers. The size of the projects seemed to preclude that, but it would have been the wise plan, and I should like to see such a plan adopted and would gladly vote for it. I should like to pick out several of the most important of our great rivers and put them under the continuing contract.

Mr. BRANDEGEE. I was going to suggest that the former Senator from Ohio is no longer a member of the Committee on Commerce and the Senator from Louisiana is. If the Senator would like to see this done, I wonder whether he has made any terrific effort in committee to get it done.

Mr. RANSDELL. I have attempted for years, I will say to the Senator, to get such a policy as that adopted. I have talked with the different chairmen of the Rivers and Harbors Committee. The Senator knows that river and harbor bills originate in the House and how hard it is for us to make any very material changes in the bills that come from the House. I have never known just how this could be done; the condition of the Treasury, I say, has always prevented it, but I should like to see some such plan adopted.

Mr. President, I do not wish to take up more of the time of the Senate. I want again to call the attention of this body to the unwisdom of beginning a work like that on the Ouachita and carrying it on for many years and then abandoning it, and I certainly hope that no such policy in regard to this project will be adopted.

Mr. CLARKE of Arkansas. Mr. President, it is quite unfortunate that a matter of this magnitude must be debated and its fate determined when there are just a handful of Senators here; less than a dozen. In looking around I find while there are but few here they are among the most intelligent and high-minded Members of this body, and I shall therefore venture to make a few words of explanation of this item, because I think the Senators now here are a fair sample of the fairness and intelligence of the Senate.

As has been said this project was adopted in 1902. Congress has in the intervening years appropriated all the money that has been recommended for it. Just why that comparatively small project has not been completed is a matter that never has been explained, and upon its face it fairly discredits the officers in charge of the matter. It has been permitted to drag along without any official explanation. The only explanation I have received when personal application was made to at least one officer in charge was to the effect that the water was too high, that they could not work to the best advantage at times.

The matter went along as one of the recognized and adopted projects of the Government until the passage of a river and harbor act under circumstances fully known to every Senator here in which a provision was incorporated that directed the reexamination of certain projects and in doing so the following language was employed in this act, approved March 4, 1915:

SEC. 14. That the following projects now under improvement shall be reexamined, in accordance with the law for the original examination of rivers and harbors—

Bear that in mind—

with a view to obtaining reports whether the adopted projects shall be modified or the improvement abandoned.

The statement has been made here that the project was not adopted. It is declared to be adopted by the act of Congress of 1915.

Among the streams mentioned in the list which follows is the Ouachita River. The matter was referred to the district engineer, Capt. Harold C. Fiske, and he recommended that there was nothing the matter with the project except that Lock No. 9, which is in the vicinity of Camden, might be omitted for the present; but he recommended the continuation of the project, including every one of the locks provided for except No. 9, which he said might be postponed to a later day. That report went to St. Louis, to the division engineer's office, when it was considered by Col. Townsend, the same officer who made these recommendations in the Arkansas River case. He did not pretend to go into details nor to make any recommendation to Congress that was based upon specific objections to that particular route, but he did as he did in the Arkansas River case. He undertook to become the adviser of Congress. He did not survey the project or examine it as an original project would have been examined, but ventured to express an opinion that it ought to be abandoned until there had been a trial made of the lock and dam south of Monroe, La. Congress invited no such opinion from him. He was not expected to constitute himself the adviser of Congress in matters of policy. He was asked to state what the condition of these projects was with reference to whether or not they should be continued.

Now, take this particular project. It calls for nine locks. Six of them have been completed—four of them down the stream or to the east of Monroe, La., and two between Camden and Monroe. The two above Monroe are so related as to become absolute obstructions in the stream. They are not connected with anything. If a boat adapted to the natural capacity of the river were to undertake to pass down that river, it must be burdened with the task of going through those two locks, thus delaying the trip and adding to the expense of it without doing any possible good. Why that particular method of construction was adopted is one of the things, I think, which would be involved in a full explanation of the situation.

Capt. Fiske's recommendation was a very favorable one for the project. He is the local engineer who examined it in person and who has charge of it as part of his daily work. His report is comprehensive and is unconditionally favorable to the continuation of the work, except as to Lock No. 9, which is in the immediate vicinity of Camden, Ark. When his report went before Col. Townsend, in St. Louis, that officer said:

However, below Monroe the construction of the locks and dams has progressed to such an extent that they can not be abandoned without the works already built causing serious obstructions to navigation.

If the four locks below Monroe constitute serious obstructions to navigation, why would not the two between Camden and Monroe likewise constitute serious obstructions to navigation there?

As the district officer estimates that they can be completed for an additional appropriation of $234,000, and the commerce which does not consist of timber products is generally confined to the lower portions of the river, the completion of Dams Nos. 2 and 3 is recommended.

Well, the colonel is a very eminent man in his profession. He is a growing man. His importance in connection with these waterway problems is growing all the time; and he has come to a place now where he feels that his advice is worth something to the people, notwithstanding the fact that he may go outside of his professional obligations and his professional employment.

Another reason why there is no commerce between Camden and Monroe is that the river is obstructed with two unnecessary dams. If the others are never to be built, the two that are there now should be torn away.

Then comes the fifth clause of his schedule of recommendations, which reads as follows:

Above Monroe work has not been begun on three of the dams, whose estimated cost is $1,804,000, and as it is considered doubtful if any material shipment of sawed lumber would be brought about by the canalization of this portion of the river it is recommended—

What?

That their construction be deferred until the influence of the improvement below Monroe has been determined—

That is exactly the thing that Congress determined when it adopted the project; in other words, the proposition submitted to Congress was not merely to provide for the canalization of the river from Monroe out to the mouth. That is a mere stretch of it that does not reach into the most populous part of the region served by that river.

It is recommended that their construction be deferred until the influence of the improvement below Monroe has been determined, work being confined to operating the existing locks and dams and snagging.

I submit in fairness that Col. Townsend was not asked for any such opinion as that. The project was adopted to consist of nine locks. It was intended to provide river connection with Camden, Ark., which is a railroad center. To stop the project where it is now would be not only an absolute waste of money, but it would be a destruction of the utility of the entire project.

There is nothing new brought out in his report; there is nothing based upon personal information; it is altogether a question of opinion as to the policy that should be adopted. It is not a recommendation in the technical sense of the term, because he was not commanded to make such examination as he would make if the project had originally been sent to him.

Let us suppose that when a new project had been remitted to the engineers' office he had sent back a report consisting of nothing more than the statement contained in clause 5 of his communication. How little attention Congress would have paid to it is a matter within the knowledge of all of us. I do not think he ought to have any more right to destroy an existing project by the mere expression of an opinion than he would to install one that he happened to be favorable to. The reason of things, the facts upon which the improvement is based, are submitted to Congress, and whatever questions of wisdom or policy are involved Congress itself must pass upon.

To show that this Board of Engineers, when they came to make their estimates, had no particular confidence in that report, or that Congress would share his view about it, they recommended the $474,000, which this bill carries.

On page 282 of the report of the committee, in giving the estimate for the year, it is stated:

Amount recommended by department for improvement and maintenance, 1917, $499,000.

Now we are confronted with a case where a project which has been under way for 14 years has reached a point where, instead of being of any benefit to navigation, it is absolutely an obstruction. Then, upon the mere waving of an officer's hand, we are to abandon the whole thing and leave the river in a worse condition than that in which it was originally found. I do not believe Congress is going to do any such thing. The Committee on Rivers and Harbors of the House did not take that view; the House of Representatives did not take that view; the Committee on Commerce of the Senate did not take that view;

and I have every reason to believe that the Senate will not take that view.

Mr. KENYON. Mr. President, may I ask the Senator what the amount above the $234,000 and the $25,000 additional for open-channel work is to be used for?

Mr. CLARKE of Arkansas. I beg the Senator's pardon; I did not hear him.

Mr. KENYON. The engineers in their last report recommend an appropriation of $234,000 to complete Lock and Dam No. 3. They also recommend, in a previous report, in September, 1915, $25,000 for open-channel work. When you add those two together, what is the difference between the resulting sum and the amount named in the bill to be used for?

Mr. CLARKE of Arkansas. That is the amount necessary to complete the other two locks.

Mr. KENYON. The engineers do not recommend the completion of the other two locks.

Mr. CLARKE of Arkansas. Locks 5 and 7. Col. Townsend recommends the continuance of locks 2 and 3. The only difference between his comment and the actual report of Capt. Fiske is that Capt. Fiske says that they ought to go on with all four of them.

Mr. RANSDELL. Mr. President, may I interrupt the Senator to say that it is not meant to complete them all? It is stated on page 958 of the report of the Chief of Engineers:

Lock and dam construction, continuing construction of Locks and Dams Nos. 3 and 7—

It is not designed really to complete them.

Mr. KENYON. I have been basing my remarks on the report of last March, and it seems to me from the report dated March 31, 1916, that there was very clearly a recommendation for $234,000 to complete Lock and Dam No. 3. They had on hand enough money to complete No. 2. Does the Senator from Arkansas understand that there are other locks and dams which would be taken care of by this extra amount?

Mr. CLARKE of Arkansas. Yes; two additional locks provided for, namely, Locks 5 and 7. It is perfectly obvious that the river is in such condition that it can not be abandoned without a complete acknowledgment of the fact that the engineers in recommending the improvement in the first place were absolutely profligate and without any justification whatever.

It might be well to say just a word about the action of the engineers in continually reversing themselves in recent times in reference to the recommendations to Congress. It may be that they were too liberal in the beginning; it may be that they did not know what they were talking about when they recommended things that would not stand the test of practical experience; but, no matter what the cause may be, they are practically running amuck on all the projects which they have ever recommended in the South and West. No reason is given for it, except that the western rivers are no longer useful for commerce and that not one of them ought to be improved until the Mississippi River is actually used for commerce. There is a better boating stage of water on the Mississippi River now than it ever enjoyed in its past existence, but they point to it, and they say when the boats run up and down that river it will be time enough to talk about improving these other rivers. Why did they not say that to start with, and stop all this business? If they had brains enough to comprehend a broad system with its necessary connections, why did they not say so? They have gone along and expended millions of dollars in partially completed projects, and now, to cover their retreat and to justify a different condition that has come about under their very liberal system of making recommendations, they propose things to Congress which the conscience and intelligence of Congress will not permit it to do.

It may be that there never was any reason why this Ouachita project should be adopted. Many years were devoted to its examination, to a history of the country, the possible outcome, and to the sources of tonnage that might be produced. All that was gone into for years. It was a locality where river improvements were peculiarly adapted to the situation. The river runs east and west from about the center of the State of Arkansas. There were no railroads in the vicinity, and the river was the chief artery of commerce. It was patronized every day in the year. In the meantime several systems of railroads have crossed the river at right angles and divided it up into reaches, one terminating at Monroe, and another at Camden, Ark. There is not any reason now why that river should not be completed so as to make it a part of the transportation system that grows out of the splendid facilities of the railroad at Camden. The Ouachita River should be improved to that point.

I find in this bill many things that I would not put there, but Ouachita River is not one of them. This lock and dam system ought to be extended up to Camden. That is at the end of another reach of the river. Then, whether it should be carried west of there is another question. No money has been expended; no work has been done. It might be tested out with reference to those two units to determine whether or not the Government is called upon to make further expenditure of its money in that locality; but there can be no difference of opinion amongst people who will look the whole situation over as to the propriety of retaining the particular appropriation provided for in this bill.

Mr. KENYON. Mr. President——

Mr. RANSDELL. Mr. President, may I be allowed just one word before the Senator from Iowa begins? I understood the Senator to say that a considerable portion of the commerce on that river was sand and gravel. I have an itemized statement of the commerce, which appears on page 2699 of the report of the Chief of Engineers for December last. I will not attempt to read it, but I should like to put it in the RECORD. It consists of cotton, cotton seed, grain, provisions, hides, cattle, hogs, staves, lumber, timber rafted, timber barged, crossties, shingles, sand and gravel, lime and cement, hay, poultry, machinery, and miscellaneous, a total of 70,619 tons, valued at $3,074,465—a very considerable commerce on a river the improvement of which is not half finished.

Mr. KENYON. Mr. President, I have no quarrel with that statement. My suggestion was that staves, lumber, timber rafted, timber barged, and sand and gravel hauled about 4 miles, comprise 40,403 tons of the 70,619 tons. I do not care to take any more time; but I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mr. CATRON in the chair). The question is on the amendment proposed by the Senator from Iowa [Mr. KENYON], on which he demands the yeas and nays.

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

Mr. MYERS (when his name was called). Announcing the same transfer of my pair as heretofore, I vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. He is absent, but, under an arrangement with him, I am permitted to vote on this item of the bill, and I vote "nay."

Mr. THOMAS (when his name was called). Announcing the same pair and transfer as heretofore, I vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. In his absence, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I am informed that, if he were present, he would vote for the bill and with the committee upon all of the committee amendments. I therefore feel myself absolved from the pair when I vote the same way as the Senator from Pennsylvania would vote if present. I ask that this announcement may stand for the remainder of the day without my repeating it. On this amendment I vote "nay."

The roll call was concluded.

Mr. UNDERWOOD. I transfer my pair with the Senator from Ohio [Mr. HARDING] to the Senator from Indiana [Mr. KERN] and vote "nay."

Mr. MYERS (after voting in the negative). The Senator from Maryland [Mr. LEE], to whom I transferred my pair, having entered the Chamber, I now transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Nevada [Mr. PITTMAN] and will allow my vote to stand.

Mr. STONE. I inquire if the Senator from Wyoming [Mr. CLARK] has voted?

The PRESIDING OFFICER. He has not.

Mr. STONE. I transfer my pair with that Senator to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. DU PONT. I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. As he is absent from the Chamber, I will withhold my vote.

Mr. SMITH of Maryland. I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

The roll call resulted—yeas 13, nays 34, as follows:

YEAS—13.

Borah	La Follette	Smoot	Warren
Cummins	Lane	Sutherland	
Gore	Norris	Thomas	
Kenyon	Pomerene	Thompson	

NAYS—34.

Bankhead	Clarke, Ark.	Jones	Lodge
Brandegee	Culberson	Lea, Tenn.	Martin, Va.
Broussard	Fletcher	Lee, Md.	Myers
Chamberlain	Hughes	Lippitt	Nelson

Oliver	Shafroth	Smith, Ga.	Underwood
Overman	Sheppard	Smith, Mich.	Vardaman
Poindexter	Shields	Stone	Williams
Ransdell	Simmons	Swanson	
Reed	Smith, Ariz.	Taggart	

NOT VOTING—49.

Ashurst	Fall	Lewis	Sherman
Beckham	Gallinger	McCumber	Smith, Md.
Brady	Goff	McLean	Smith, S. C.
Bryan	Gronna	Martine, N. J.	Sterling
Burleigh	Harding	Newlands	Tillman
Catron	Hardwick	O'Gorman	Townsend
Chilton	Hitchcock	Owen	Wadsworth
Clapp	Hollis	Page	Walsh
Clark, Wyo.	Husting	Penrose	Weeks
Colt	James	Phelan	Works
Curtis	Johnson, Me.	Pittman	
Dillingham	Johnson, S. Dak.	Robinson	
du Pont	Kern	Saulsbury	

The PRESIDING OFFICER. On the question of the amendment offered by the Senator from Iowa [Mr. KENYON] the yeas are 13, the nays are 34. The following Senators are present but have not voted: The Senator from Maryland [Mr. SMITH], the Senator from Delaware [Mr. DU PONT], and the Senator from New Mexico [Mr. CATRON]. The amendment is rejected.

Mr. KENYON. On page 12, line 6, I move to strike out "$1,000,000" and insert "$200,000." This is in the item for the improvement of the inland waterway from Norfolk to Beaufort Inlet. I only want to say about this project that it seems to be the heart or one link of a great intercoastal waterway from Boston down to the neighborhood of Mexico City. It is a proposition involving altogether an expenditure of about $5,400,000. Under the apportionment provision of the act of the last session of Congress $400,000 was allotted to this project. The Government has been making excavations with its own plant, and it has also been having excavations made by contractors. It has always seemed to me that this is one of the most indefensible propositions in the whole bill. There were originally, as I understand, two canals. The Government purchased this bankrupt canal for $500,000.

The commerce, as appears from the Engineer's report, on page 2329, of volume 2, amounted in the year 1914 to 229,047 tons. Of that logs constituted 48,900 tons; lumber, 34,178 tons; piling, 44,000 tons; wood, 29,252 tons; ties, 1,347 tons; staves, 3,369 tons; and one other item of that nature of 2,045 tons, making a total of 163,091 tons of that class of traffic. Deducting that from the total traffic, 229,047 tons, leaves 65,956 tons as about the traffic through this waterway of materials that need extra work on the waterway in order that they may be carried.

The Engineer's report, volume 1, page 486, shows that—

> The average cost of the work with Government plant was $0.043 per cubic yard, place measurement. The average contract price was $0.0752 per cubic yard, place measurement.

So the contract price was nearly double the price it has cost the Government to do the work itself. I read from the views of the minority of the House Committee on Rivers and Harbors on page 12, as follows:

> Col. Taylor stated to the committee that private contractors charge nearly double the cost for Government dredging. He further stated that $200,000 would keep the Government dredging crews busy during the year.

My proposition is to strike out "$1,000,000" and insert "$200,000," which is the amount Col. Taylor says can be used by the Government in doing the work itself for the coming year. I am not going to move to strike out the whole item, because I realize that such a motion would be absolutely impossible of success. I assume also that the motion I now make will probably be unsuccessful, but there ought to be more of a chance to cut this appropriation to $200,000, which is sufficient to carry on the work of the Government, and not leave it at $1,000,000, a large part of the money to be expended under private contract.

Mr. SIMMONS. Mr. President, this is, in my judgment, one of the most important items in this bill, and one of the most meritorious items. It is an item in which, in a local way, one-third of the people of my State are interested. In a general way all of the people of my State are interested; but it is not a local or State matter alone, it is an interstate matter, and every great commercial port, from Boston to Jacksonville, Fla., is deeply interested in this particular item.

I do not think there is anywhere in this country, outside of the Great Lakes, a finer system of waterways than are to be found in the eastern Carolinas, lying between Norfolk and Beaufort. This system comprises a considerable number of connecting sounds. The surface area of all of those sounds constitutes a body of water of something over 3,100 square miles, and emptying into this magnificent system of connecting sounds, skirting the Atlantic Ocean but separated from it by a narrow sand bank, there are 10 or 12 rivers. Some of these rivers are very large streams. The largest one, I believe, is the Neuse River, which runs by the town in which I live. That stream is 350 miles in length. It flows by the capital of the State. It flows by the important cities of Goldsboro, Kinston, and the town in which I live, Newbern. Where I live the river is about a mile and a half wide. That is about 35 miles from its mouth. It stretches out until it is 7 or 8 miles in width.

The Roanoke River, a famous river in this country, rising in the State of Virginia and flowing through North Carolina, also empties into these sounds; the Tar, the Pamlico, the Pasquotank, the Chowan, and, as I say, a number of other important rivers.

This whole system of waterways comprises 2,500 miles of navigable water. I wish I could have the attention of the Senator from Iowa to this statement. This whole system of inland waterways, covering an area of 3,100 square miles, to say nothing about the tributary rivers, comprises 2,500 miles of navigable waterways; and until recently that system was landlocked, except through two privately owned canals that I shall hereafter mention, and could be used only for the purpose of accommodating purely local traffic.

In 1907 Congress appropriated $550,000 to connect the southern end of this system of sounds with Beaufort Inlet. That canal has been constructed. It is now completed. It is 10 feet in depth and 90 feet in width. That canal has afforded the people along those rivers and along those sounds an outlet to the ocean south of Hatteras; but that is not the direction in which their commerce goes, and the outlet, while of local value, is chiefly valuable as a connecting link in the complete inland route from Norfolk to Beaufort. There was no outlet whatever northward except two privately owned, shallow and narrow canals, one of them about 9 feet in depth, and the other 8 feet in depth. It was through those canals, and only through those canals, until this outlet to Beaufort was completed, that the commerce of this 2,500 miles of navigable inland water could reach the ocean. It is through those two canals, and only through those two canals to-day, that the commerce of this magnificent inland system of waterways can reach the ocean to the north.

In 1912, carrying out the project for an inland waterway from Beaufort to Norfolk, the southern end of that route having been completed by the digging of a canal costing $550,000, Congress decided to purchase one of these privately owned canals, and to deepen it and widen it so as to make it of sufficient size to accommodate economical vessels of commerce, especially barges. Up to that time the commerce going through these canals had annually paid in tolls something over $100,000, and last year the commerce that went through those canals paid in tolls something over $100,000.

The Senator from Iowa says that there is very little commerce upon the canal which the Government has purchased and is now improving and constructing. As the Senator says, there was last year only 229,000 tons, as against a very much smaller tonnage in 1912. The commerce has really very much increased in that canal since 1912. In 1912 there were only 90,000 tons going through that canal. With the slight improvement that the Government has made, in 1914, 229,000 tons went through that canal; but the Senator overlooks the fact that during these years, 1913 and 1914, the Government was actively engaged in work upon this canal, the Government dredge at one section of the canal and the privately owned dredges at another section of the canal, thus obstructing it and making it difficult of passage. The Senator further overlooks the fact, as stated in the reports, that the governing depth of that canal was only about 8 feet, while it was 9 feet in the other canal.

The commerce that went through the other canal, the toll canal, in 1914, amounted to 347,000 tons. Every dollar's worth of that would have gone through the Government-owned canal if it had been in a state of completion, or in a state sufficiently complete to accommodate it adequately and safely.

Mr. KENYON. Mr. President, I should like to ask the Senator if it is not true that there was a great deal more commerce in the canals 20 years ago than there is now?

Mr. SIMMONS. In those two canals?

Mr. KENYON. Yes.

Mr. SIMMONS. Twenty years ago?

Mr. KENYON. Twenty years ago.

Mr. SIMMONS. I am not able to answer the Senator with respect to that inquiry.

Mr. KENYON. I think that is the fact.

Mr. SIMMONS. But I can say to the Senator that I know as a matter of personal knowledge that the commerce upon those inland waterways has enormously increased, and the boat traffic upon those inland waterways has enormously increased in recent years. Now, the fact is—and I am intimately ac-

quainted with these facts—that only a part of the commerce of those waters has ever gone through either one of these canals, and that is because they were toll canals. In recent years a railroad has been constructed from Norfolk, Va., to Beaufort Harbor, running through many of the important towns lying along the streams that empty into these sounds, and I know as a fact that boats are loaded upon these rivers and taken to these large towns and the freight transshipped by rail to Norfolk, traveling a distance over the water that would be nearly as great as if they had gone directly to Norfolk, the northern market of that section of the country. I think I can say to the Senator that with a free canal, the local traffic through the canal will be doubled.

Mr. KENYON. But, as I have the figures, in 1909 the Report of the Chief of Engineers shows that through the Dismal Swamp Canal there went something like 400,000 tons, and through the other some 200,000 tons. I do not quote the figures exactly, but about that.

Mr. SIMMONS. The tonnage through both of the canals in 1914 was 603,000 tons.

Mr. KENYON. How does the Senator account for the tremendous decrease in the commerce since that time?

Mr. SIMMONS. I have just stated to the Senator that there has recently been constructed a railroad that runs from Norfolk to Beaufort, and the commerce of this country goes to Norfolk. That is the northern market for it; and that road being completed, instead of carrying it to Norfolk by boat, they take it to these towns and there deliver to the railroads. But I said to the Senator that the haul they have to make to reach these towns in some instances is nearly as great as the haul to Norfolk by boat, and they would go to Norfolk directly by boat if it were not for the fact that when they get to the strip of land through which these canals are cut they have to pay tolls.

The engineers have made it perfectly plain, and others who have written to me upon the subject—large mill owners, large transporters of commodities—have written me that they can not use this canal in its present condition, although free, and they prefer to pay tolls and do pay tolls on the other canal rather than to take the risk of long delays and of the difficulties of operating vessels through a narrow canal where there are two sections of it under improvement and obstructed by dredges and other boats incident to that kind of work.

Mr. HARDWICK. Mr. President, if the Senator from North Carolina will permit me, I should like to say to the Senator from Iowa that many of the most prominent business men in Savannah, Ga., are wiring me that their freight rates, present and future, and the arrangements that they are making to transport heavy freights from the eastern ports down to Savannah, and even ports below that, are entirely dependent upon this project, and that it is an absolute necessity to carry on this project and to carry it to its completion if they are to get reasonable freight rates on that kind of products.

Mr. SIMMONS. The Senator is right. I have a great many telegrams on the subject myself, some of which I will read into the RECORD. All the commercial cities along our eastern coast are deeply interested in this inland route; and why are they deeply interested in it?

Let me call the attention of the Senator from Iowa to the fact that the most profitable and economical way of transporting or carrying freight known to man is by the barge system. There is a tremendous barge commerce north of Chesapeake Bay all the way up the Atlantic coast. There is, however, no barge commerce between the northern Atlantic ports and the southern Atlantic ports below Norfolk, because when they reach Norfolk and start down the coast right abreast of this system of sound waters that I have described they encounter the dangerous capes of Hatteras and Lookout, recognized as the graveyards of the Atlantic coast, one of them being admittedly the most dangerous point upon the Atlantic coast, making it necessary for vessels to go out to sea probably 50 or 75 miles from shore in order to avoid its dangers.

On account of that I say that there is not now any traffic from the North Atlantic ports to the South Atlantic ports by barges, the cheapest method of transportation, and the one now largely used for coastwise trade of our northern seaboard.

This route, when finished, will constitute an inland route from Chesapeake Bay to Beaufort Inlet, passing inland both Cape Hatteras and Cape Lookout, and making barge transportation between the North and the South Atlantic seaports perfectly feasible. The only coastwise trade between the northern ports and the southern ports south of Norfolk is now carried on in large steamers. It has to be carried on in large steamers. It can be carried on neither in barges nor in small steamers. Of course, the Senator will readily see that there will be a vast difference if we can introduce this barge method of transportation between the south and the northern ports of our seaboard, not only because it is cheaper but because the rates of insurance are much less.

Mr. President, the Congressman from the first congressional district of North Carolina, Mr. SMALL, who is a member of the Committee on Rivers and Harbors of the House, caused the clerk of that committee to make a thorough investigation with a view to ascertaining what was the joint commerce carried over these two canals, and he reported the items. He reported that the joint commerce carried over those two canals in 1914 was of a value of $603,000. Now, I want to call the attention of the Senator from Iowa to the fact—and I want him to listen to this—that $603,000 is no index of what the commerce through those canals, even in their present condition, would be in a normal year. If the Senator will examine all the rivers in North Carolina and in the South, he will find that in 1914 there was a tremendous dropping off in the commerce of those rivers; but there was no greater falling off in the water commerce in 1914 in the South than there was in the railroad commerce in that section of the South during that year. It is a well-known fact that nearly every railroad running through the South, especially the through lines, had a most remarkable decline in its tonnage and in its passenger traffic during 1914. Why? Simply because the South happens to be, unfortunately, largely a one-crop country. We raise chiefly cotton, and we rely chiefly upon cotton. In 1914 the price of cotton went down to 5 and 6 cents a pound; and while, of course, the amount of cotton produced was approximately the same, the result of the decline in price was a general demoralization of the whole business of that section, resulting in the most tremendous contraction in the commerce of that section that we have ever known and I hope ever will know.

But, Mr. President, I am not here insisting upon this inland waterway system as a purely local institution. It did not have its inception as a local institution, although our people bore the burden—and it was a burden—of $100,000 a year tolls in order to get the products along this 2,500 miles of navigable water to the sea for years and years. It has risen above the dignity of a local matter and it has become a part of a nation-wide system.

The commerce I have been talking about up to this time was the local commerce. It was purely local up to 1915. In 1915 a barge traffic from Philadelphia and from Baltimore and from Norfolk—chiefly from Philadelphia, however—began in that section. How did that begin? I have a letter here from Mr. Frye, written to Congressman SMALL, which I will put into the RECORD. I will not read it. I believe he is the treasurer or the president of the Southern Transportation Co., of Philadelphia. He went down to the ports south of Beaufort and entered into arrangements with the shippers of that section to put on a line of barges to be operated through this inland canal. He put them on and started to work. That was in 1915.

Here is a telegram that I have from him, received yesterday. I had seen in the papers and I had read in Mr. Frye's letter the statement that he had made that arrangement with the shippers south of Beaufort Inlet, and that he had started in 1915 this barge line, but that he expected at the time he started it that in a short time this Chesapeake & Albemarle Canal would be so far completed that his barges could use it.

Mr. SMALL, the Congressman from the first district, where these waters chiefly lie, got into communication with Mr. Frye yesterday and told him I wished to know how many barges he was operating now. In reply to Mr. SMALL's talk with him over the telephone, Mr. Frye sent me last night this telegram from Philadelphia, Pa.:

F. M. SIMMONS,
United States Senate, Washington, D. C.:

Please give your active support to the item of appropriation of $1,000,000 toward the further construction of the Norfolk to Beaufort Inlet waterway as now carried in the river and harbor bill. Of our fleet of nearly 100 barges, we are now operating about 45 barges to North Carolina points, using the Lake Drummond Canal.

This is the Dismal Swamp Canal—

Paying a high rate of toll, our boats not being able to carry full cargoes on account of the limited draft of 9 feet of water. We understand the million-dollar appropriation will complete the Government free waterway between Norfolk and Albemarle Sound this year, giving early relief to the North Carolina shippers at much lower rates of freight, and, consequently, a larger volume of business to us. We can not now use the Government canal, and the North Carolina shippers can not get any benefit whatever from it until this link, Norfolk to Albemarle Sound, is fully completed.

Mr. President, I wish to put in the RECORD the whole of the letter to which I have heretofore referred, written by Mr. Frye, for the Southern Transportation Co., to Hon. JOHN H. SMALL,

House of Representatives, on March 27, 1915. I want to read just a little portion of it:

We are now very much handicapped in carrying commerce between the North and the South, as we are obliged to pay canal tolls to the Lake Drummond Canal & Water Co. for all of the cargoes passing through the canal, and all of our barges are limited to a 9-foot draft in passing through the canal. We have persistently tried to develop this barge traffic under the adverse conditions which we must at present encounter in using the inland waterway Norfolk to Beaufort, eliminating Hatteras, only because we have been anticipating the early completion of the Norfolk and Beaufort waterway. We do not receive a fair profit—

And so forth. I will not read that part of it.

We are now operating a fleet of 95 barges, 15 steam tugs, and more than half of the barges are equipped for sea service. We wish to state emphatically that unless we can see early relief in the way of the completion of the Norfolk-Beaufort Inlet waterway, enabling our barges to use the free waterway with a draft of 11 or 12 feet we must withdraw our boats from the South Atlantic trade.

Mr. President, bear in mind that the distance between Norfolk and Beaufort is 186 miles by this inland route. It is over 300 miles around the coast. There is already a 10-foot depth from Beaufort Inlet to the southern terminus of the canal the Government is now improving and for which this appropriation is desired. That is to say, for a distance of one hundred and thirty-odd miles on this route there is now a 10-foot canal; and if this link is finished—and the engineers say it can be finished for a million dollars—we will then have a free waterway, without the expenditure of any more money whatsoever, of 10 feet depth from Norfolk to Beaufort.

Of course to make it 12-foot depth throughout will require an additional amount. As soon as this link is completed it will cost only $1,000,000, and we will have 10 feet of free waterway from Norfolk to Beaufort, making it possible to carry on a barge and other commerce, avoiding the dangers of Hatteras.

Now, Mr. President, there is one other thing I wish to say, and then I will conclude. I have thought it proper, and I believe now it was proper, for me to make a somewhat detailed explanation of this matter. The Senator says it will cost less for the Government to do this work. In making the estimate of what it costs the Government, they do not include anything either for interest or depreciation of plant and equipment. It is just as if some one presented a contractor with a dredge and its equipment and all its subsidiary and auxiliary tubs and boats. If the Senator will take the statement of the engineers—and I have it and I will put it in the RECORD if you desire—he will find that were all these items of cost included the average cost to the Government of dredging would be about 8 cents per cubic yard. That is the general average cost, calculated upon the same basis of cost as is calculated by private contractors.

But the Senator wishes to reduce this appropriation to $200,000 because that is the amount which would be required to operate the Government plant. He does not wish any part of this work done by private contract. If the Senator has his way about this matter it will take about 10 or 12 years to finish up the work, as against three years by the usual method. I thought the Senator had always been an enemy of dribbling appropriations. I thought the Senator had stood here on the floor and championed the making of appropriations sufficiently large to complete meritorious works as quickly as possible in order that the public might get the benefit of the work speedily. Here is a work of national importance, and yet the Senator wants that work to be spread out over about 10 years, when it might be completed in two or two and a half years.

Mr. KENYON. I should like to ask the Senator if an appropriation of $1,000,000 will not complete the work?

Mr. SIMMONS. Yes; $1,000,000 will complete the work on this link and immediately give a free waterway 10 feet deep between, connecting Chesapeake Bay and Beaufort Inlet.

Mr. RANSDELL. Mr. President, I wish to submit a few remarks on this subject in a general way. I wish to call attention to the fact that there seems to be the same kind of opposition to the improvement of this intercoastal canal that there is to the improvement of the rivers of this country *which are the competitors of railroads*. I do not know whether or not there is anything peculiar in that, but the same kind of opposition has developed to this intercoastal canal. I have been up and down the proposed intercoastal canal in person and I was very much impressed by it.

I wish to call attention to a report of the Committee on the Merchant Marine and Fisheries of the House on the investigation of shipping combinations (under House resolution 587, 62d Cong., 2d sess., vol. 4, p. 483), in which it is stated that—

In the entire Atlantic and Gulf coastwise trade (exclusive of all inland waterway and purely local carriers) 28 lines, representing 235 steamers, of 549,821 gross tons, furnish the line service. Of this number of lines 10 are railroad owned and represent 128 steamers, of 340,084 gross tons, or 54.5 per cent of the total number of steamers in the trade and 61.9 per cent of the tonnage. Seven lines, operating 71 steamers, of 175,971 gross tons, in the coastwise trade, belong to the Eastern Steamship Corporation and the Atlantic, Gulf & West Indies Steamship Lines, and represent in the aggregate nearly 30 per cent of the total number of steamers and 32 per cent of the tonnage. Combining the two interests, it appears that the railroads and two Atlantic-coast shipping consolidations control nearly 85 per cent of the steamers and nearly 94 per cent of the gross tonnage engaged in the entire Atlantic and Gulf coastwise trade. Attention may be called again to the fact that very few of the routes between any two ports on the entire Atlantic and Gulf coasts are served by more than one line.

Mr. President, this report shows that a very considerable percentage of the coastwise vessels plying on the Atlantic coast are railroad owned or practically railroad controlled.

This canal, if it is constructed, Mr. President and Senators, will come into competition with railroads on the land and with railroad ships on the sea. It will have railroads on the east and railroads on the west, and who will be the beneficiary if construction on this intercoastal canal is stopped? Will it be the American people who are going to get the benefit of cheaper water transportation? Will it be the farmers on the little streams along the Atlantic coast, for there are many of them where small boats can run and get into that canal, or will it be the railroads who own these Atlantic coastwise boats, which, if there be no intercoastal canal, would carry the commerce on their own rail and water lines? It is unnecessary for me to answer that question.

I wish to read just a very brief extract from a speech delivered by a disinterested party—ex-Chief of Engineers William H. Bixby—before the National Rivers and Harbors Congress, December 9 to December 11, 1914. He is one of the ablest men in the United States. I think his original home was somewhere in New England. He certainly does not belong to the southern intercoastal canal section of the Union. This is what he says, speaking of the merits of waterways in general:

The waterway is a great developer of the country. When I was on duty on the south Atlantic coast from 1884 to 1891 there were some 12 or 15 little rivers down there that were being improved, and some of the newspapers attempted to ridicule many of these rivers by calling them creeks.

We hear that same old song now; these rivers are called creeks to this day by the critics of this bill both in and out of Congress. Gen. Bixby continues:

We took out their snags and sunken trees so that the boats could ascend these little rivers freely in springtime when the farmers wanted to bring fertilizer up into the country, and in the fall when the farmers wanted to get their goods to market.

I suppose some of those rivers did not have more than 8 or 10 inches of water in the summer season. I have no doubt that was the minimum on some of them, but Gen. Bixby said they furnished good boating in spring when the farmers wanted to carry out their fertilizers and in the fall when they wished to carry their produce to market. He continues:

At the time we started that improvement there had been very little farming and town development in that part of the country. When the waterway improvement was ended there it was found that for every thousand dollars that Uncle Sam had expended on these streams there was a new development of $20,000 worth of goods annually carried on those streams for every $1,000 once spent upon them.

That looks like a pretty good investment, Mr. President.

The new commerce thus developed was commerce between that country and northern coast cities, extending also to Milwaukee, Chicago, Duluth, St. Louis, and even to towns in Iowa—

The State of the Senator who is trying so hard to kill this bill—

and all these cities and towns and the surrounding country were benefited by the opening up of those little waterways. The annual profits on this new tonnage of manufactured and transported articles was 100 per cent of the total cost of the waterway improvements.

That is no waterway booster, Mr. President. It is the ex-Chief of Engineers, who has no interest to misrepresent things, even if you assume, as I think some of the speakers have assumed, that Senators here are endeavoring to misrepresent facts in favor of their own projects. Let me repeat:

The annual profits on this new tonnage of manufactured and transported articles was 100 per cent of the total cost of the waterway improvements. Wherever the United States can make 100 per cent a year for 10 years by taking hold of such improvements, as was secured in this particular case, I hold that we are idiots if we do not find some way of getting the money to carry them on.

The same is true about a great many of the other projects.

Just a word now about the waterway that runs out into the State of the Senator from Iowa. I wish to read very briefly a paragraph from the recent report of the Board of Engineers for Rivers and Harbors on their reexamination of the Missouri River. It speaks of the establishment of a boat line between Kansas City and St. Louis. Then it goes on:

10. The company has taken steps to remedy certain conditions that have contributed largely to the decline of river transportation. It has secured the establishment of terminal facilities at Kansas City and at East St. Louis, having rail connection at both places and mechanical devices for the transfer of freight. It has entered into joint traffic

arrangements for the interchange of freight with connecting carriers, both rail and water, and is now handling commerce on through bills of lading.

Yes; Mr. President and Senators, that boat line on the Missouri River can give shippers a through bill of lading from all that western country to any point on the Atlantic seaboard, or anywhere in the United States. Listen to the reduction in rail rates. I will come to that in a moment:

It receives and delivers goods in cars on shippers' sidings, paying switching charges within certain limits, transferring to and from the boat, assuming carriers' risk in lieu of marine insurance, and transporting between terminals, all at a rate of 80 per cent of the corresponding rail rate.

That reduction affects the enormous commerce between the Mississippi River and the western section of this country. There is a colossal commerce in the vicinity both of St. Louis and Kansas City. If boats are carrying freight at 80 per cent of the railroad rate on the Missouri River in its present undeveloped condition, where there are snags, sand bars, and many obstructions to impede commerce, what will that river do when it is completed under the existing project? Yet, I understand that that river is to be taken out of the bill if votes enough can be had to do it.

Again let me ask, Mr. President and Senators, who will be the beneficiary if we cease to improve the Missouri River? Will it be the people of Missouri, Kansas, Nebraska, Iowa, and all that splended western section who now get the benefit of having their freights carried at 20 per cent less than the railroad rate, or will it be the railroads that will immediately put up their rates 20 per cent higher if we cease to improve the Missouri?

Mr. SMOOT. Mr. President, I have listened to the remarks made by the Senator from Louisiana [Mr. RANSDELL] and the Senator from North Carolina [Mr. SIMMONS] upon this project in hopes that I could learn something that would justify me in voting for the million dollars provided for the project in the bill. But I have not heard anything that would change my view in the matter, nor has there been anything said that would change in any way the report that has been made by the engineer upon this project, and upon that report I base my opinion.

I have no desire to strike from the bill a single cent of an appropriation where upon the showing of the engineers it is necessary and would be of profit to the commerce of the country in which the river or canal is located. The Senator from Louisiana in this particular case refers to railroad competition, and says that on account of improvements upon inland waterways railroad rates are kept down, and even though the rates have been reduced, the water rate is at present 20 per cent less than the rail rate. If that is true and are the actual conditions existing, I can not for the life of me see why it is that commerce upon this canal has decreased so rapidly in the last 20 years.

I notice in a statement which was made by Senator Burton in the Senate debates found in the RECORD of September 3, 1914, on page 16015, he said:

Twenty-four years ago, when your channels were shallow, when your tolls were imposed, the traffic on these two routes—

The Beaufort and the Dismal Swamp—

was more than four times as much as it was in 1912. It is flying to a refuge which is not safe, it is leaning on a broken reed, to say that it is because a railroad was built there or some boats were bought off. If the traffic was shifted to the railroads, it was because that was the more convenient and economical way of carrying the freight; and no removal of tolls on canals, no enlargement from 9 or 10 feet to 12 feet in depth, no expenditure of $5,400,000, is ever going to bring back what has been lost to those channels. It is a chimera, it is a waste of public moneys, to attempt it.

This project, Mr. President, calls for $5,400,000. In fact, I may say that it is a part of an inland waterway scheme and we can not tell how much the cost will be. We may spend the $5,400,000 and then find ourselves with a project only half completed.

The Senator from North Carolina tried to make it appear that it is wasteful to expend the amount of money required for a project extended over a long term of years. I grant that, Mr. President. That is one thing in the river and harbor bills we pass which is most objectionable to me. I would very much prefer to see the rivers and harbors of our country improved and completed the same as they are in Germany, and the expenditure required not spread over a long series of years. Our practice is to spend a little this year, then an interval of one year in which nothing is done, and then the following year a little more is appropriated, and many times the money so appropriated is required to place the river in the same shape it was the year before, and such appropriations are absolutely wasted. It is a waste of money and it is not a proper way to improve our rivers and harbors. I believe it would be better for this country to adopt projects that we absolutely know will increase the commerce of the country and complete them just as soon as money will do it rather than to try to spread the money that we appropriate all over the country with little result to any project.

I notice in regard to this project that the commerce for 1914 was 229,047 tons. But included in that tonnage we find: Logs, 46,900; lumber, 34,176 tons; piling, 44,000 tons; staves, 3,369 tons; ties, 1,252 tons; wood, 31,297 tons; or a total of 162,996 tons of floating commerce. Apart from these there were only 66,061 tons of commerce.

Mr. SIMMONS. If the Senator will pardon me, during that year the Government-owned canal was obstructed by the construction work going on there, and it could only be used for that kind of commerce. The other kinds of commerce went chiefly by the parallel tolls canal.

Mr. SMOOT. I do not want to take the time of the Senate to go back into the years preceding 1914, but I want to say to the Senator that there would be very little difference in the amount of commerce upon the river in 1913. I think in that year it was a little more than in 1914.

Mr. SIMMONS. I did not catch the point of the Senator's statement.

Mr. SMOOT. I accept the last statement of the Senator as being true; but I am speaking of the project as a whole and not for any one year. The amount of commerce that is carried has never justified the amount of money expended upon the project.

I wish to say to the Senator, if ex-Senator Burton was correct in his statement, that during the year 1912 the commerce was only one-fourth of what it was 20 years before on this very project.

Mr. SIMMONS. Certainly the Senator did not hear the statement I made. Ex-Senator Burton referred to a period when that section had to rely very largely upon water transportation. Since then railroads have been constructed.

Mr. SMOOT. I recognize why the commerce has decreased. I recognize it is caused by railroad competition, and we go right along appropriating large sums of money for maintaining projects, for deepening a channel, and for widening the same, and we know before we appropriate the money that it is impossible to increase the commerce. We must recognize that railroads are going to take the business as long as our laws are the same as they are to-day. The railroads, before regulation, drove commerce from the rivers in Germany; the railroads can and do it in every country until the law regulates what class of commerce shall be carried by water and what class shall be carried by rail.

Mr. OVERMAN. That will apply to every other proposition in the bill.

Mr. SMOOT. Certainly. I called the attention of the Senate to that before. I do not criticize this item particularly upon that basis any more than I criticize the other items I have spoken of.

Mr. BRANDEGEE. The Senator, then, will vote, I assume, against any river improvement anywhere in the country.

Mr. SMOOT. No. The Senator is wrong in assuming that. The Senator from Louisiana quoted from Brig. Gen. William H. Bixby as being the highest authority upon the improvement of our rivers and harbors. Let me quote what he said in his address delivered before the National Rivers and Harbors Congress, Washington, D. C., December 7, 1911, and I approve of what Gen. Bixby says in this statement:

If the United States shall establish a good standard line of water communication between all the States along the coast and through the Great Lakes and up the interstate rivers, it would seem as if it would be nothing more than fair for each individual State to assume to itself the responsibility of the extension of this general system to all connecting waterways and smaller tributaries so far as they may lie within the individual State.

Mr. President, if we confined ourselves to that class of improvement of harbors and rivers I would not object, but we go away beyond that.

Mr. BRANDEGEE. I have myself some doubt as to the merit of the policy of the internal-waterway development. The country has been heretofore committed to it. If what the Senator from Utah says is correct, to wit, that after you develop these waterways the railroads are still going to keep the business, it is perfectly evident that there are many projects where every dollar put in is utterly thrown away. Is that not so, I ask the Senator from Utah?

Mr. SMOOT. Of course it is so, and particularly on what may be called the smaller streams in a State; but I will say to the Senator that, taking rivers that reach the ocean, rivers that are navigable, there is an advantage to the Government of the United States in improving those and keeping them open to navigation, because of the fact that the United States Government itself may want to use those rivers in case of war.

Mr. BRANDEGEE. I know that; but I mean from the standpoint of reaching the object desired by the Senator from Nevada [Mr. NEWLANDS], for instance, which he so eloquently

described in his speech on his project the other day on the floor here, to wit, that these inland streams will teem with commerce and that they will get their share of the business, even competing against the railroads. That is the theory on which I supposed we were appropriating for the development of these rivers. The Senator from Utah, if I understand his position, thinks that is a waste of money; that these internal waterways can never be made to compete with the railroad systems.

Mr. SMOOT. That is my belief, Mr. President; but I want to say, in behalf of the Senator from Nevada, that is not his position, as I understand it. The Senator from Nevada, however, is now here and can explain his own position.

Mr. NEWLANDS. Mr. President, if the Senator from Utah will permit me, I will say that I regard the moneys that are now being spent upon the small streams under the present system as practically wasted.

Mr. SMOOT. That is what I understood the Senator to say.

Mr. NEWLANDS. But I favor a system that will involve a study and investigation of all the waterways of the country, including not only the navigable portions, but the source streams, the tributaries, with a view of artificializing them all so as to make them useful for commerce. If that scheme is carried out, and if a plan and system such as has been carried out in France, in Germany, in Austria, and in Russia is pursued we shall be amazed at the extent to which these small streams can be utilized for commerce itself; but unless we determine to enter upon this plan of operation in a big and comprehensive way I regard the present system of detached work here and there, without a general plan, as an absolute waste of money.

Mr. SMOOT. That is what I understood the Senator to say in his speech yesterday.

Mr. President, I am not going to say very much more upon this project, and shall then leave it for the Senate to decide. I take it for granted, though, in reading the report of the engineers that they almost looked with a microscope to find some reason why the Government of the United States should continue to spend money upon this project. I find in House Document 591, Sixty-second Congress, second session, on page 27, a dissertation on the military value of this 12-foot canal along the sands. Col. Black, the present Chief of Engineers, on page 27, says:

> For the movement of troops water transportation affords many advantages over rail. * * * To move a division of troops it will take 12 ships of 20-foot draft or 22 ships of 16-foot draft.

Well, Mr. President, I wondered how it was possible to have ships with a draft of 20 feet to move troops, or even ships with a draft of 16 feet, in a canal that is only 12 feet deep. I can not for the life of me see why that should be considered as a reason for appropriating money for its improvement.

Mr. GALLINGER. The ships would have to be on rollers, of course.

Mr. SMOOT. There is no proposition to deepen this canal to 20 feet nor even to 16 feet. Why the question of transporting troops in ships of a draft of 20 feet or 16 feet is considered, I can not conceive.

Mr. SIMMONS. Mr. President, will the Senator from Utah permit me to interrupt him?

Mr. SMOOT. Certainly.

Mr. SIMMONS. In the final report signed by Black, Abbot, Sanford, Patrick, and Raymond, they say:

> The military importance of such a waterway likewise has been the subject of numerous reports—

That is, a 12-foot project—

> It will furnish a ready means for the transport of troops and supplies along a portion of the seacoast and a sheltered interior route for torpedo boats, destroyers, and submarines.

Of course, such a waterway would have to be over 12 feet in depth to accommodate larger vessels.

Mr. SMOOT. Not only that, but it seems to me that it would be out of the question to try to transfer troops over this canal, because they could be moved very much more quickly over the railroads, and besides there is no particular place on the canal for them to land. I will say to the Senator that from the report it looks to me as though this is a far-fetched proposition, trying to make it appear that this improvement would be of any advantage to the Government of the United States for the transportation of troops.

Mr. SIMMONS. I want to ask the Senator this question: Does his argument, made a little while ago in favor of the railroads against waterways, apply to coastwise trade, or does it apply to interior trade?

Mr. SMOOT. It does not apply to the coastwise trade, Mr. President, because of the fact that seagoing ships, long hauls, cheaper maintenance, and operation are involved in our coastwise trade.

Mr. SIMMONS. Then the Senator from Utah, regarding this as a purely local project, has overlooked the fact that the main reason for the project is that it will furnish a link in our coastwise trade, which will afford protection against Hatteras and Lookout. Will the Senator let me read just a little paragraph or two from the report of Gen. Black and these four other eminent Army officers about this matter?

Mr. SMOOT. I have no objection to the Senator doing that, Mr. President.

Mr. SIMMONS. This report says:

> While the opening of the Norfolk-Beaufort link in the inland waterway would no doubt result in a very substantial saving in freight charges, just what would be the amount of such saving it is not so easy to predict. The board has examined with care all the statements heretofore submitted by commercial bodies and others and has checked the figures given therein as thoroughly as possible. After a study of these statistics the 1902 board—

That was the first board. This project has not been examined by one engineer, but it has always been examined by boards of engineers—

> The 1902 board estimated that the annual saving in freight charges on "through" freight which would be carried between the termini of this portion of the waterway would probably not be less than $600,000. In view of the possible development of free inland waterways north and south of the Norfolk-Beaufort section, the board believes this estimate of the probable saving to be a conservative one.

A little further on it is stated:

> It has been shown above that the existing commerce, although handicapped by the small depth in the canals south of Norfolk, actually pays in tolls to the owners of these canals no less than $100,000 annually. Making free the waterway between Norfolk and Albemarle Sound will result in saving this sum at once, while if this free waterway is given the dimensions recommended herein, there seems to be no doubt that there will be a substantial increase in this commerce and that the actual saving may be, at the least calculation, twice the amount now paid in tolls, or some $200,000.
>
> An annual saving of this sum capitalized at 3 per cent would amount to over $6,000,000, about twice the estimated cost of constructing that portion of the waterway which will connect the Elizabeth River at Norfolk with Albemarle Sound and considerably more than the estimated cost of the entire waterway from Norfolk to Beaufort.
>
> Add to this—

That is the local—

> almost certain annual saving any saving which might be effected on through freight which would follow this route in preference to taking the outside passage around the Capes and also any saving on the local traffic which would be developed along the waterway south of Albemarle Sound, and it seems certain that the resulting total benefit to commerce will be enough to warrant the statement that as a mere business proposition the construction of the inland waterway from Norfolk to Beaufort is fully justified.

Mr. SMOOT. Mr. President, perhaps I had better answer that quotation by referring to another positive estimate made by the engineers on another project as to the amount of commerce that could be developed if certain improvements were made. I refer to the Rehoboth waterway of Delaware. In House Document No. 823, Sixtieth Congress, first session, on page 5, Gen. Smith reports upon this project. In the same document, on page 9, Maj. Flagler, an Army engineer, estimated that $4,500,000 in commerce would follow the canal, and that "the amount would be doubled within 10 years"; in other words, this is the major's conclusion.

> I believe the above statements to be fairly accurate in quantities, but somewhat inflated in values, which are throughout the highest market rate. I think it safe to say that the region affected by the Lewes Canal has a present commerce, import and export, of $9,000,000 per year; that half of this would follow the canal, and that the amount would be doubled within 10 years.

Yet, Mr. President, what do we find? We find that after the lapse of seven years from the date of that report the commerce has reached the enormous quantity of 4,928 tons, with a value of $67,122, or less than 2 per cent of the estimate.

Mr. THOMAS. Is the project completed?

Mr. SMOOT. The project is completed so far as the money that was appropriated could bring its completion about.

Mr. RANSDELL. Will not the Senator be kind enough to state when that project was completed? I am under the impression that it is not completed yet, though I am not positive. That, however, is my impression.

Mr. SMOOT. I will say to the Senator that they are spending money on the project now for maintenance. I will also say to the Senator that it is hard to say when any project will ever be completed, because of the fact that the appropriations continue year after year. It is almost the same as a provision which, when it once appears in an appropriation bill, never gets out.

Mr. RANSDELL. If I am correctly informed——

Mr. THOMAS rose.

Mr. RANSDELL. Will the Senator permit me to conclude?

Mr. THOMAS. Certainly.

Mr. RANSDELL. If I am correctly informed, there is a railroad bridge on that canal beyond which boats can not pass. They can come up to the bridge, but never have been able to

get past it. Hence the canal has never been used except up to this bridge. Perhaps I am confused on that, but that is my recollection. If the Senator from Delaware is here I hope he will correct me if I am wrong; but I do not think I am.

Mr. SMOOT. There is no such thing as that in the report; and I will say to the Senator from Louisiana that this is the first time I ever heard of it. I really believe the Senator is confused on the project.

Mr. RANSDELL. Perhaps I am mistaken, but I will look it up and see. I think there is a bridge there, beyond which the canal can not be used.

Mr. SMOOT. That may be true——

Mr. THOMAS. Mr. President, I should like to ask the Senator from Utah how much more it will be necessary to appropriate for the completion of that canal and entirely wipe out this small, insignificant remaining tonnage?

Mr. SMOOT. Mr. President, I profess to understand mathematics fairly well, but really the question of the Senator from Colorado is one greater than I can solve either by arithmetic, algebra, or geometry.

Mr. THOMAS. Does not the Senator think there would be the inevitable consequence of continued appropriations, if one may judge by results attending previous ones?

Mr. SMOOT. Of course, if we are to judge by the commerce which is carried on rivers mentioned in the bill, not only this project but 50 others, the more money we appropriate for them the less commerce there is upon them. Therefore, Mr. President, whenever there is a project of this kind, I believe it is the part of wisdom to stop appropriating public money for what may be termed improvements upon it. The argument has been made several times to-day, now that we have started upon a project and have spent a million dollars or $500,000 upon it, it would be a total waste of money if we did not continue to spend more money on it. It has always been a rule of mine in life that where I have made a bad investment I will take my first loss and quit rather than to send good money after bad. I think that principle ought to apply in a great many of the rivers for which we keep on appropriating and which have a commerce which is growing less and less every year.

Furthermore, if there was any advantage to the Government in any way in improving these creeks there would be some justification for continuing the appropriation, but the Government of the United States will never have a boat within hundreds of miles of many of these creeks at any time in its history, and there is no advantage to commerce in any way nor to the Government of the United States in continuing the waste of money on them. To keep appropriating money for projects of this kind, it seems to me, is almost criminal; it is certainly a waste of public funds, and I certainly hope that the amendment offered by the Senator from Iowa will prevail.

Mr. KENYON. Mr. President, on that amendment I ask for the yeas and nays, if there is to be no further discussion upon it.

Mr. LODGE. I desire to ask the Senator from Utah, before he takes his seat, where the troops that are to be carried over this improved waterway will start from and where they will go?

Mr. SMOOT. In the engineers' report there is no definite statement as to that; but I referred to the fact that I did not know where they would start from or where they would land.

Mr. LODGE. Where do they begin?

Mr. SMOOT. Well, they would have to be brought on a railroad from some point, transferred to tugs or light boats, and landed somewhere—the Lord only knows where. I can not conceive of any such argument as that ever being made to bolster up a project of any kind.

Mr. KENYON. I ask for the yeas and nays on the amendment.

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

Mr. HARDWICK (when his name was called). I transfer my pair with the junior Senator from Kansas [Mr. CURTIS] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM], but I have his permission to vote on this bill, and I vote "nay."

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the junior Senator from South Dakota [Mr. JOHNSON] and vote "yea."

Mr. UNDERWOOD. I transfer my pair with the junior Senator from Ohio [Mr. HARDING] to the Senator from South Carolina [Mr. SMITH] and vote "nay."

The roll call was concluded.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. CLARK of Wyoming (after having voted in the affirmative). I inquire if the senior Senator from Missouri [Mr. STONE] has voted?

The VICE PRESIDENT. He has not.

Mr. CLARK of Wyoming. I have a general pair with that Senator, which I will transfer to the Senator from Vermont [Mr. PAGE] and allow my vote to stand.

Mr. CATRON. I inquire if the Senator from Oklahoma [Mr. OWEN] has voted?

The VICE PRESIDENT. He has not.

Mr. CATRON. I have a general pair with that Senator, and therefore withhold my vote.

Mr. SMITH of Georgia (after having voted in the negative). I am informed that the senior Senator from Massachusetts [Mr. LODGE] has not voted. I transfer my pair with him to the junior Senator from California [Mr. PHELAN] and will let my vote stand.

The result was announced—yeas 20, nays 35, as follows:

YEAS—20.

Borah	Gore	Norris	Taggart
Brandegee	Husting	Pomerene	Thomas
Clark, Wyo.	Kenyon	Shafroth	Thompson
Cummins	La Follette	Smoot	Walsh
Gallinger	Lane	Sutherland	Warren

NAYS—35.

Ashurst	Hardwick	Nelson	Smith, Ariz.
Bankhead	Jones	Oliver	Smith, Ga.
Broussard	Lea, Tenn.	Overman	Smith, Md.
Chamberlain	Lee, Md.	Poindexter	Smith, Mich.
Chilton	Lewis	Ransdell	Sterling
Clarke, Ark.	Lippitt	Reed	Swanson
Culberson	Martin, Va.	Sheppard	Underwood
Fall	Martine, N. J.	Shields	Vardaman
Fletcher	Myers	Simmons	

NOT VOTING—41.

Beckham	Gronna	McLean	Smith, S. C.
Brady	Harding	Newlands	Stone
Bryan	Hitchcock	O'Gorman	Tillman
Burleigh	Hollis	Owen	Townsend
Catron	Hughes	Page	Wadsworth
Clapp	James	Penrose	Weeks
Colt	Johnson, Me.	Phelan	Williams
Curtis	Johnson, S. Dak.	Pittman	Works
Dillingham	Kern	Robinson	
du Pont	Lodge	Saulsbury	
Goff	McCumber	Sherman	

So. Mr. KENYON's amendment was rejected.

Mr. HUSTING. Mr. President, I stated yesterday that I would move to recommit this bill to the Committee on Commerce, with instructions. I was asked to defer that motion until it could be ascertained what shape the bill would assume. It appears now that the motions to strike out are defeated, and consequently there is every indication that the bill as now recommended by the committee will be the bill upon which the Senate will vote. For that reason, I consider this a proper time to make the motion to recommit the bill.

Mr. BRANDEGEE. Mr. President——

Mr. SHAFROTH. Mr. President, there are other amendments to be offered to the bill. I have one which I think ought to be adopted, and if adopted it seems to me Senators ought to vote for the bill. That is a provision that 20 per cent shall be contributed by each one of these localities in order to have the appropriation take effect; and I should like to have that voted upon before the Senator moves a substitute for the bill.

Mr. HUSTING. With all deference to the Senator, I feel that this is a good time to offer the motion to recommit.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. HUSTING. I do.

Mr. BRANDEGEE. I simply wanted to state to the Senator that this morning I offered an amendment, and then withdrew it to allow the House text to be voted upon; and I expect to offer that amendment. I do not wish to make any suggestions to the Senator about when he shall make his motion, that is his affair; but if the Senator cared to defer his motion until a vote had been taken upon my amendment, I wanted to let him know that I was going to offer it. I can offer it just as well after his motion has been voted on, however, if he prefers to make his motion now.

SEVERAL SENATORS. Suppose the bill is recommitted.

Mr. BRANDEGEE. If it is recommitted, I do not care anything further about the bill.

Mr. RANSDELL. Let us have a vote on it now.

Mr. HUSTING. I shall submit the motion now, and leave it to the Senate, at the proper time, to vote on it.

Mr. BRANDEGEE. I did not understand what the Senator said.

Mr. HUSTING. I say, I will submit the motion now, and leave it to the Senate, if it desires, to vote upon it.

Mr. VARDAMAN. I move to lay the motion to recommit on the table.

Mr. SHAFROTH. I hope the Senator will not ask for a vote until these other amendments are disposed of.

Mr. VARDAMAN. Mr. President, I move to lay the motion to recommit the bill on the table.

The VICE PRESIDENT. The Senator from Wisconsin offers a motion which will be stated by the Secretary.

The SECRETARY. That the pending bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, be recommitted to the Committee on Commerce, with instructions to report back a bill appropriating not to exceed the sum of $20,000,000.

The VICE PRESIDENT. The Senator from Mississippi [Mr. VARDAMAN] has moved to lay this motion on the table.

Mr. CLARKE of Arkansas. Mr. President, I should like to address an inquiry to the Senator from Mississippi. We have been proceeding here along a line that permitted reasonable debate on all propositions presented. If any Senator desires to debate the motion to recommit, I think the motion to lay it on the table ought to be withdrawn.

Mr. VARDAMAN. If any Senator wants to debate it, I shall very cheerfully withdraw my motion. My understanding was that no Senator desired to debate it.

Mr. CLARKE of Arkansas. Let us have a vote directly on the motion to recommit.

Mr. THOMAS. Mr. President, I desire to be heard on the motion to recommit.

Mr. VARDAMAN. I withdraw the motion to lay it on the table, then.

AMENDMENT REQUIRING 20 PER CENT CONTRIBUTION.

Mr. SHAFROTH. Mr. President, I want to say to the Senator from Wisconsin that I believe the amendment which I propose to offer has a virtue in it that ought to determine to a large extent whether or not this bill should pass. This amendment provides for adding to the bill a new section, to read as follows:

That each of the appropriations herein made shall become available only in the event States, counties, cities, or individuals shall pay into the Treasury as part of the same 20 per cent of the amount thereof: *Provided, however,* That the provisions of this section shall not apply to those items requiring contributions from other sources.

Mr. President, we have had a discussion of this bill extending over many days. I have found rising upon one side Senators of the highest integrity, asserting that the project under discussion is an unworthy one and should not be approved. Yet, when called upon, the Senator from the State where the improvement is to be made emphatically states that it is one of the best provisions in the entire bill. We who are not members of the committee find it impossible to go into these matters from the standpoint of full information by reading the evidence taken with relation to these items; consequently it seems to me that we ought to put each project to a test as to whether or not these enterprises are meritorious. If we provide that there shall be a contribution in behalf of each of these improvements to the extent of 20 per cent of the amount appropriated before the appropriation shall become available, that will work a determination as to whether there is any "pork-barrel" appropriations in this bill. The acid test is when the pocketbooks of individuals are touched. If they respond, the appropriation is meritorious. If not, it is generally unworthy.

Mr. MARTINE of New Jersey and Mr. CHAMBERLAIN addressed the Chair.

Mr. SHAFROTH. If they are willing to subscribe, then it seems to me my judgment as to the character of the improvement should be set aside, because I believe that when men will go into their own pockets, or counties will go into their own treasuries, or cities will go into their own treasuries for the purpose of putting up a substantial amount for the project, it means that there is merit in the enterprise, and consequently it ought to be adopted.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. SHAFROTH. I yield to the Senator.

Mr. CHAMBERLAIN. I want to ask the Senator if he will not go a step further and refund to the States that have paid dollar for dollar for all Government appropriations the amount that they have contributed?

Mr. SHAFROTH. No; I will not.

Mr. CHAMBERLAIN. Oregon has paid dollar for dollar for nearly every improvement the Government has made.

Mr. SHAFROTH. Yes; that is true, and that is unfortunate; but the difficulty is that unless you have some provision of this kind which puts the enterprises upon a different basis it is not fair——

Mr. MARTINE of New Jersey. Mr. President——

Mr. HARDWICK. Mr. President, may I make a suggestion to the Senator?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. SHAFROTH. I do.

Mr. HARDWICK. There is a good deal of merit, I think, in the Senator's suggestion in a general way, but how in the world is he going to work it out? How wide is the territory on each side of a river that would be called on to contribute? Where does the line of contribution end and where does it begin? The Senator would have to work that out; and it is a pretty difficult question, it seems to me.

Mr. SHAFROTH. Oh, Mr. President, that is no difficulty whatever, because the amendment does not limit contributions to owners of land on the borders of the river. There is no provision as to who shall contribute. People who are interested may contribute. Cities that are interested may contribute. Individuals may contribute. It is not to be an assessment upon the land abutting on the stream. Nothing of that kind is intended by this amendment; but it is provided that those people who say that an enterprise is a good one and is going to be of some value to the people of the United States, and particularly of advantage to their section, must raise a certain percentage of this money in order to get the Government to expend this large appropriation on the enterprise.

Mr. President, we are doing that directly in the case of the good-roads measure. Nobody has suggested that the United States Government should build these roads altogether out of its own treasury. We say that we will build the roads, provided the States, the counties, and the individuals combined contribute at least an equal amount. It might be that it would be proper even to increase the amount specified in this amendment from 20 to 50 per cent; but it seems to me that there ought to be an effort to make communities, people, and cities specially benefited contribute something out of their own moneys, thereby showing their good faith in the assertion that these improvements that are specified here are worthy objects.

Mr. BRANDEGEE, Mr. SMITH of Michigan, and Mr. MARTINE of New Jersey addressed the Chair.

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. SHAFROTH. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from Colorado who would pay this 20 per cent in a situation such as this:

The St. Clair River, which runs along the Canadian and the Michigan line, with a commerce of $885,000,000 a year, asks for an additional channel because the present channel can not accommodate the traffic. It is dangerous. There is an estimate of $83,000 in this bill for that extra channel. It is a channel that is as important to Minnesota, Wisconsin, and the Northwest as it is to Michigan, and I was almost going to say that it is as important to Canada as it is to us. On what theory would that 20 per cent be levied? Certainly not against the city of Port Huron, along whose water front this channel must be built. The Senator is running into great difficulty with his proposition, and I am afraid has not given his usual care and thought to the suggestion which he makes.

Mr. SHAFROTH. I see no difficulty in that case—none whatever.

Mr. SMITH of Michigan. Where would the Senator put it?

Mr. SHAFROTH. I will explain to the Senator just where I think it ought to be put. This is an open contribution. The benefit is to the ships that go through there, and these ship companies can contribute to that measly $83,000. The persons who make the shipments also can contribute with relation to it. Wherever there is a benefit there ought to be a contribution; and the measly sum of $83,000 would not be wanting long in contributions by persons who are interested in getting the channel there if it is a meritorious enterprise.

Mr. SMITH of Michigan. Then the Senator would pass the hat among all the shippers and the shipowners to pay for great national improvements, as vital to the consumers as well as the

producers and the carriers, who in most instances are entirely unrelated to this waterway?

Mr. SHAFROTH. No; I would not. I would simply say: "Gentlemen, you can get this if you will contribute 20 per cent; but if you do not believe in it yourselves to the extent of making a contribution to that extent, why, then, we will decline to make the appropriation."

Mr. SMITH of Michigan. Yes; but the whole country is interested in that waterway.

Mr. SHAFROTH. That is the reason why it should be so much easier to do it. Where you have such great resources, such great capital, it ought to be a very easy matter.

Mr. SMITH of Michigan. The entire country is interested in it. Is the Government to plead poverty and lack of interest in a great improvement of that character in order to establish the virtue of the project?

Mr. SHAFROTH. No, sir; it is not pleading poverty. It is just testing the question as to whether or not you people believe that these enterprises which you are undertaking are worthy; and it makes the acid test, as it were, when it comes to the question of going down into the pockets of the companies, individuals, or persons who are benefited by the commerce.

Mr. MARTINE of New Jersey and Mr. WILLIAMS addressed the Chair.

Mr. SMITH of Michigan. There is one more question I should like to ask the Senator. Take the case of the improvement of the East River in New York: Upon whom would the 20 per cent be levied, when it appears here that the Navy and the Government are to be benefited more than any individual or municipality? An injury to one battleship passing from the Brooklyn Navy Yard through the East River between Governors Island and the Battery would cost the Government more money than that entire improvement would involve. The test proposed by the Senator from Colorado would be very difficult of execution and is inequitable when applied to many of these projects. The two instances which I have cited are not exceptional; there are many others in the bill of similar character, and unless the Senate proposes to abandon all river and harbor improvements this amendment ought not to be adopted. There are undoubtedly many appropriations which could with propriety be based upon local contributions for a fair share of the cost, but in the very nature of things such a rule can not be applied indiscriminately.

Mr. SHAFROTH. The Government would contribute 80 per cent of it for that benefit, and consequently there would be no trouble. The Government would be paying an undue proportion even then; but you can not fail to get a contribution of that kind from the great city of New York and by other persons who may be interested. It seems to me that it is a very easy way of testing the question as to whether or not these enterprises are meritorious.

Mr. WILLIAMS. Mr. President——

Mr. GALLINGER. Mr. President, I rise to a point of order.

Mr. SHAFROTH. I yield to the Senator from Mississippi.

Mr. GALLINGER. I rise to a question of order.

The VICE PRESIDENT. The Senator from New Hampshire will state the question of order.

Mr. GALLINGER. There is so much confusion that we can not understand what is going on, and I think the Senator from New Jersey [Mr. MARTINE] ought to be granted permission to explain this matter.

Mr. WILLIAMS. Am I recognized?

Mr. SHAFROTH. I yield to the Senator from New Jersey.

Mr. WILLIAMS. I thought the Senator yielded to me.

Mr. SHAFROTH. I will yield to the Senator from Mississippi in a minute. The Senator from New Jersey rose first.

Mr. MARTINE of New Jersey. Mr. President, I want to hold up to the Senator from Colorado and to the Senate of the United States the glorious example of the little Commonwealth of New Jersey. We are asking for some little appropriations in this bill for some great rivers and for some other streams that are only dignified by the name of creeks. The New Jersey Legislature have passed a resolution insisting that they would ask for no appropriations for the rivers or harbors of New Jersey unless the cities and the contiguous territory should pay at least 50 per cent, so we go you 30 per cent better than your 20 per cent.

Mr. SHAFROTH. I am very glad of the example of New Jersey.

Mr. MARTINE of New Jersey. We believe that the rivers and harbors are one of the great blessings of the great Jehovah to our country, and we believe it is our duty and the duty of the Government of the United States to maintain and preserve and improve these things, and as an evidence of the faith that is in us we have passed the resolution that I have mentioned.

Mr. SHAFROTH. The legislature of the Senator's State has simply recognized the fact that that State gets a direct benefit, and for that reason his people are willing to contribute their share.

Mr. MARTINE of New Jersey. We get not only a direct benefit, but we feel that we get an indirect benefit. The city of Elizabeth, if you choose, or Jersey City, or Newark, or Paterson, or Passaic, may get a direct benefit; but the hills of Sussex, clear up and far beyond, reap the splendid prosperity and the glorious hope that we all do in the prosperity of our little Commonwealth.

Mr. WILLIAMS. Now, Mr. President——

Mr. SHAFROTH. I yield to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I am not so much interested in the proposition that the locale should pay 20 per cent as I am interested in the question as to who shall pay back the surplusage over 20 per cent that the locale has already contributed. Upon the Mississippi River we have contributed about $4 from the beginning of the improvements down to now for every dollar that the United States Government has contributed. I have paid a great deal of that in taxes myself in the Yazoo Delta. Does the Senator's proposition involve paying back the difference between the 80 per cent that we paid and the 20 per cent the Senator thinks we ought to have paid?

Mr. SHAFROTH. Oh, no; but we think the rule ought to be different. Instead of relying, as heretofore, upon voluntary contributions, it ought to be a condition as to whether or not you can avail yourselves of the provisions of the bill; and it seems to me that that will constitute a test as to whether or not it is a meritorious measure.

Mr. WILLIAMS. Mr. President, if we are to be subjected to an acid test, and that is to be a test of equity, anybody coming into a court of equity must bring equity with him; and if the Senator makes the demand that the locality must pay 20 per cent, then those localities that have paid 80 per cent ought to have 60 per cent refunded to them.

Mr. SHAFROTH. No; because they did it voluntarily, without any imposition or requirement upon the part of the United States Government; and the Senator knows very well that whenever taxes are paid without protest you can never recover them back.

Mr. NEWLANDS. Mr. President——

Mr. WILLIAMS. They did not pay it voluntarily. They paid it because, if they had not paid, they would have been destroyed by the great national river. It was just as much compulsion as anything in the world ever was.

Mr. SHAFROTH. There is no compulsion upon the part of the United States Government. Consequently there is no moral obligation upon the part of the United States Government to refund that money.

Mr. NEWLANDS. Mr. President——

Mr. WILLIAMS. There may or may not be. I do not think there is any moral obligation upon the part of the locality to pay 20 per cent; but if there be, then there is also the reciprocal moral obligation upon the part of the United States to reduce it to 20 per cent, and keep it down to that figure.

So far as I am concerned, if you adopt the 20 per cent proposition the people of the Mississippi Valley will be delighted, provided you make the United States pay back the 80 per cent while you are making our people pay the 20 per cent.

Mr. NEWLANDS. Mr. President——

Mr. SHAFROTH. Let me answer the statement of the Senator from Mississippi. He thinks that there ought to be a refund upon the part of the Government of the United States. This contribution which has been made by the States bordering upon the Mississippi Valley has been a voluntary contribution upon their part, prompted no doubt by benefits received, and consequently there is no obligation whatever upon the part of the Government to make a refund. But here comes a line of action to be applied to all of the appropriations; and by reason of its being applied to all of the appropriations you will find that it not only cuts the amount which the United States Government must appropriate under this act to the extent of $8,000,000 or $10,000,000, but it will also be a guarantee that every project that is entered upon as the result of putting up that 20 per cent will be a genuine enterprise.

Mr. WILLIAMS. Mr. President, for the sake of the argument I am willing to "let the dead past bury its dead" if the Senator will put his proposition in such shape as that all appropriations for the Mississippi River shall be paid 80 per cent by the United States Government and 20 per cent by the local authorities for all time hereafter to come.

Mr. SHAFROTH. No, Mr. President; that is not involved. Each individual appropriation will arise, and the question will

naturally present itself to every Senator here, "Is this a meritorious enterprise that is presented?"

Mr. NEWLANDS. Mr. President, will the Senator let me make a suggestion?

Mr. SHAFROTH. Yes, sir; I will let the Senator make a suggestion, although it breaks the continuity of my argument.

Mr. NEWLANDS. The suggestion is this: That the project to which the Senator from Mississippi refers is one for the reclamation of swamp lands through the construction of levees, and not a proposition relating to the development of commerce; and that in such a case it is obvious that the entire cost of the reclamation ought to be levied upon the lands, as it is with reference to the arid lands of the West, where every dollar expended is recovered from the land itself; and that this case does not come within the class of projects for the promotion and development of commerce.

Mr. WILLIAMS. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Mississippi.

Mr. WILLIAMS. First, all the engineers agree that levees improve navigation; secondly—just one moment more. I hate to disturb the Senator from Colorado; but does the Senator from Nevada really intend to convey to the country the idea that the West is paying the irrigation tax and that anybody with common sense ever expects the Government to get it back?

Mr. NEWLANDS. Why, of course, we are paying it, and we expect to pay it back, and the law requires the payment back of every dollar.

Mr. WILLIAMS. Oh, yes; but how much has been paid back? Moreover, you want the balance of us to pay in advance.

Mr. NEWLANDS. Then I maintain, Mr. President, that commerce on the lower Mississippi would be better off without levee building than with it.

Mr. WILLIAMS. In that opinion you differ with the Mississippi River Commission and all the distinguished engineers of America. Now, Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado further yield to the Senator from Mississippi?

Mr. SHAFROTH. I yield to the Senator from Mississippi.

Mr. WILLIAMS. If the Senator from Nevada will agree, now, that the locality shall be subjected to even 20 per cent of the cost of irrigation in the West, now, beforehand—not ultimately and doubtfully and certainly never to pay—I imagine that nearly everybody from the Mississippi Valley who has ever voted for an irrigation project would be ready to close with his proposition. Nobody except the Senator from Nevada really expects that there ever will be paid back into the United States Treasury the immense amount of money that the United State Government has devoted to irrigation in the West; and if it ever comes to the point where the law is sought to be enforced there will be a bill here, possibly offered by him, releasing settlers from their payments. I think the Senator from Nevada knows that as well as I, or better than I. But if it is agreed that in all these irrigation projects in the West the community must put up 20 per cent before the United States Government advances the balance of it, that will be a new doctrine sounding from the West, and will be very welcome to a great many of us who want to "get in on the ground floor."

I voted for these irrigation projects in the West. I have not voted for them upon the narrow ground that is now being presented, both by me and by the Senator from Colorado and by the Senator from Nevada, but I have voted for them upon the broad national ground that under modern circumstances of civilization there is a degree of collectivism that must be carried through in order to give efficient Government to all parts of the Union. That collectivism applies in a tenfold degree to the great national river, or as Calhoun, strictest of strict constructionist, called it, the great American inland sea. I dare say that in the very next bill carrying an irrigation project, if it is proposed that no money shall be spent by the United States Government until after the locality has put up 20 per cent, the Senator from Nevada will be found opposing it.

Mr. NEWLANDS. Mr. President——

Mr. SHAFROTH. Mr. President, the Senator has said that I will have to look up a precedent somewhere else. I want to call his attention to the fact that there is precedent after precedent in this very bill, and I will read him one:

Provided, That no part of the latter amount shall be expended until the city of Dallas or other local interests shall have contributed the sum of $50,000 toward the improvement.

There is a direct requirement of contribution upon the part of the city of Dallas before a single dollar of the appropriation which is provided here can be obtained. Not only that, but there are 8 or 10 similar provisions in this bill. One of them provides that they shall pay into the Treasury a certain large amount, and, unless they do so, that the improvement shall not be started. Eight or nine provisions make that condition; and in my amendment, after requiring this 20 per cent contribution, I make this proviso:

Provided, however, That the provisions of this section shall not apply to those items requiring contributions from other sources.

Mr. LEWIS. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Illinois.

Mr. LEWIS. I should like to ask the Senator from Colorado if his amendment contemplates that each State through which an enterprise goes shall pay 20 per cent? Or does the Senator assume that in the case of enterprises passing through four or five States 20 per cent shall be gathered from all the States through which the enterprise goes?

Mr. SHAFROTH. Oh, Mr. President, I provide that the contribution shall be made, and we are not particular as to where it comes from. They will find the way. The city of Chicago has done this very same thing.

Mr. LEWIS. Then, I call the attention of the Senator, if he will permit me, to the fact that as the amendment now stands the Missouri River or the Mississippi River passing through five States, each paying 20 per cent, all would pay 100 per cent, and there would not be a cent then left for the Federal Government to pay at all.

Mr. SHAFROTH. Oh, no; that does not apply. It is a question of 20 per cent of the entire appropriation made. Consequently, if there are 10 States, it is only 2 per cent, as a matter of fact, against each State, if it is levied in that way.

Mr. LEWIS. I wanted to catch the Senator's idea as to how he expected to apply his amendment.

Mr. SHAFROTH. Mr. President, we can not help but realize the fact that there are appropriations made in every——

Mr. OLIVER. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Pennsylvania will state it.

Mr. OLIVER. What is the proposition before the Senate at the present time?

The VICE PRESIDENT. The motion of the Senator from Wisconsin [Mr. HUSTING] to recommit the bill to the Committee on Commerce.

Mr. OLIVER. Then I make the point of order that this discussion at this time is out of order.

Mr. THOMAS. Mr. President, I understood——

The VICE PRESIDENT. The point of order will have to be overruled. The Senate of the United States rarely discusses the question.

Mr. CLARKE of Arkansas. Mr. President, if the Senator from Colorado will yield to me at this time, I ask that the bill may be temporarily laid aside, in order that we may arrange for a recess. I understand that it is the purpose to hold an executive session at 5 o'clock, and that hour has about arrived.

Mr. SHAFROTH. I yield for that purpose.

The VICE PRESIDENT. Without objection, the bill will be temporarily laid aside.

EXECUTIVE SESSION.

Mr. STONE. Mr. President, 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 five minutes spent in executive session the doors were reopened.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of A. H. Overman, of Westmoreland Depot, N. H., praying for the enactment of legislation to provide for the grading of grain, which was ordered to lie on the table.

Mr. SMITH of Michigan presented a memorial of the ministers of the Lutheran South Michigan Conference, held at Detroit, Mich., remonstrating against the severance of diplomatic relations between the United States and Germany, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Flint, Mich., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Flint, Mich., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. FLETCHER:

A bill (S. 6153) for the relief of Frank A. Kopp; to the Committee on Claims.

By Mr. CHILTON:

A bill (S. 6154) for the relief of Dr. Charles Lee Baker; to the Committee on Military Affairs.

By Mr. BRANDEGEE:

A bill (S. 6155) granting an increase of pension to Alma I. Austin (with accompanying papers);

A bill (S. 6156) granting an increase of pension to Annie Jain Bump (with accompanying papers);

A bill (S. 6157) granting an increase of pension to Mary E. Button (with accompanying papers);

A bill (S. 6158) granting an increase of pension to Catherine L. Commerford (with accompanying papers);

A bill (S. 6159) granting an increase of pension to Anna M. De La Forgue (with accompanying papers);

A bill (S. 6160) granting an increase of pension to Ellen Hopper (with accompanying papers);

A bill (S. 6161) granting an increase of pension to Annie K. Lamphere (with accompanying papers);

A bill (S. 6162) granting a pension to Hannah C. Leary (with accompanying papers);

A bill (S. 6163) granting a pension to Mary J. Lynch (with accompanying papers);

A bill (S. 6164) granting an increase of pension to Mary A. Marble (with accompanying papers);

A bill (S. 6165) granting an increase of pension to Charles H. Minson (with accompanying papers);

A bill (S. 6166) granting a pension to Annie L. Kelly Nichols (with accompanying papers);

A bill (S. 6167) granting an increase of pension to Caroline M. Osborn (with accompanying papers);

A bill (S. 6168) granting an increase of pension to Sarah E. Parrott (with accompanying papers);

A bill (S. 6169) granting an increase of pension to Charles A. Potter (with accompanying papers);

A bill (S. 6170) granting an increase of pension to Ada Roberts (with accompanying papers);

A bill (S. 6171) granting an increase of pension to Edwin D. Sweet (with accompanying papers);

A bill (S. 6172) granting an increase of pension to Adelaide F. Thomas (with accompanying papers); and

A bill (S. 6173) granting an increase of pension to George O. Whitman (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 6174) granting a pension to Alexander Farris, jr.; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 6175) granting an increase of pension to Thomas B. Williams (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 6176) granting an increase of pension to James E. Bresett (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 6177) for the relief of Frank Kinsey Hill; to the Committee on Naval Affairs.

A bill (S. 6178) to exempt from taxation certain property of the Congressional Club in Washington, D. C.; to the Committee on the District of Columbia.

By Mr. NEWLANDS:

A joint resolution (S. J. Res. 135) to create a commission to investigate the standardization of time in the United States and its territorial possessions; to the Committee on Interstate Commerce.

RESTORATION OF PEACE.

Mr. LEWIS. Mr. President, I submit a resolution and ask that it may lie on the table.

The resolution (S. Res. 202) was ordered to lie on the table and to be printed, as follows:

Whereas the present war involving Europe has, up to the present time, sacrificed to death, disaster, or general destruction 10,000,000 human beings and has forced an outlay and expenditure of money exceeding $20,000,000,000, all to the desolation of countries and to the destruction of civilization; and

Whereas the conflict at this time gives no promise of absolute victory or absolute defeat to either of the forces engaged in the combat, and each of the principal combatants having indicated desire for peace; and

Whereas it is necessary for the best uses of the world that peace be had among the contending forces at the earliest possible moment and upon terms that may make for permanent peace, and which shall remove the possibility of revival or renewal of conflict born of any sense of disappointment or defeat upon the part of either or any one of the combatants: Therefore be it

Resolved, That the President of the United States is requested—unless to him such appears incompatible with the public interests of the United States—that he suggest through proper channels that the United States mediate between the combatants by tendering the proposition that the combatants at the earliest moment convenient to the situation in which they are placed declare a truce and either withdraw the armies from the field or hold the same in nonaction, and in the meantime each of the countries engaged in the combat choose a neutral country as its representative, thus creating a board of arbitration made up of the chosen neutral countries; the said board to have a member for each of the countries engaged in the conflict, with the President of the United States, or a representative of such chosen by him, to serve as referee. That this board be the tribunal before which the combatants shall at a time appropriate to their immediate necessities, present the demands or the claims which each regards as necessary to the acceptance of peace. That the said commission or arbitration board shall after the said propositions have been submitted settle upon such terms as in all the circumstances would appear equitable to all parties, leaving to the future the remedying of any omission which might be endured or accepted by any one of the combatants in the general solution presented by the commission; be it further

Resolved, That the said proposition is suggested by the Senate to the President of the United States to present to the combatants as an expression of the desire of the United States for world peace, and not as any expression of favoritism or partiality to any one of the combatants engaged at present in the European conflict.

FOREIGN-BUILT DREDGES.

Mr. LIPPITT. Mr. President, I enter a motion to reconsider the vote by which the Senate on yesterday passed the bill (S. 4797) to amend an act entitled "An act concerning foreign-built dredges," approved May 28, 1906, and I ask that the House of Representatives be requested to return the bill to the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

RAILROAD EMPLOYEES.

Mr. NEWLANDS. Mr. President, I desire to have printed as a public document the report of the United States Board of Mediation and Conciliation on the effects of arbitration proceedings upon rates of pay and working conditions of railroad employees. The estimated cost for printing the report will be $3,529.91. I ask that the report be referred to the Committee on Printing for action.

The VICE PRESIDENT. Without objection, it is so ordered.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the following act:

S. 5221. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

RECESS.

Mr. STONE. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m., Thursday, May 25, 1916) the Senate took a recess until to-morrow, Friday, May 26, 1916, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 25 (legislative day of May 18), 1916.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. Henry S. T. Harris, Medical Corps, to be colonel from May 23, 1916, vice Col. John L. Phillips, who died May 22, 1916.

Maj. James M. Kennedy, Medical Corps, to be lieutenant colonel from May 23, 1916, vice Lieut. Col. Henry S. T. Harris, promoted.

Capt. William H. Moncrief, Medical Corps, to be major from May 23, 1916, vice Maj. James M. Kennedy, promoted.

CAVALRY ARM.

First Lieut. George A. F. Trumbo, Cavalry, unassigned, to be captain from May 21, 1916, vice Capt. Wallace M. Craigie, Thirteenth Cavalry, retired from active service May 20, 1916.

Second Lieut. George S. Patton, jr., Eighth Cavalry, to be first lieutenant from May 23, 1916, vice First Lieut. Albert H. Mueller, Tenth Cavalry, detached from his proper command.

COAST ARTILLERY CORPS.

First Lieut. Henry T. Burgin, Coast Artillery Corps, to be captain from May 21, 1916, vice Capt. Charles L. J. Frohwitter, retired from active service May 20, 1916.

First Lieut. Nathan Horowitz, Coast Artillery Corps, to be captain from May 21, 1916, vice Capt. James Totten, detached from his proper command.

Second Lieut. George W. Easterday, Coast Artillery Corps, to be first lieutenant from May 21, 1916, vice First Lieut. Henry T. Burgin, promoted.

Second Lieut. George B. Gorham, Coast Artillery Corps, to be first lieutenant from May 21, 1916, vice First Lieut. Nathan Horowitz, promoted.

INFANTRY ARM.

First Lieut. Robert G. Peck, Seventh Infantry, to be captain from May 24, 1916, vice Capt. Frederick W. Benteen, Twelfth Infantry, retired from active service May 23, 1916.

Second Lieut. Robert Coker, Third Infantry, to be first lieutenant from May 16, 1916, vice First Lieut. John F. Curry, Fifth Infantry, detailed in the Aviation Section, Signal Corps.

Second Lieut. William F. Hoey, jr., Twelfth Infantry, to be first lieutenant from May 20, 1916, vice First Lieut. Henry H. Arnold, Third Infantry, detailed in the Aviation Section, Signal Corps.

Second Lieut. John H. Stutesman, Twenty-third Infantry, to be first lieutenant from May 24, 1916, vice First Lieut. Robert G. Peck, Seventh Infantry, promoted.

MEDICAL CORPS.

The first lieutenants of the Medical Reserve Corps herein named for appointment as first lieutenants of the Medical Corps, United States Army, each to rank from the date set opposite his name:

William Frederick Rice, May 8, 1916, vice First Lieut. George G. Divins, Medical Corps, honorably discharged March 25, 1914.

Edward Allen Noyes, May 9, 1916, vice First Lieut. Bert R. Huntington, Medical Corps, honorably discharged March 27, 1914.

Charles Woodward Riley, May 10, 1916, vice Capt. George D. Heath, jr., Medical Corps, retired from active service April 15, 1914.

Charles George Sinclair, May 11, 1916, vice Capt. John L. Shepard, Medical Corps, promoted April 23, 1914.

Charles George Hutter, May 12, 1916, vice Capt. Edwin D. Kilbourne, Medical Corps, resigned May 22, 1914.

Frederick Hensel Petters, May 13, 1916, vice Capt. Joseph O. Walkup, Medical Corps who died June 1, 1914.

Clarence Searle Ketcham, May 14, 1916, vice First Lieut. Charles R. Castlen, Medical Corps, resigned July 1, 1914.

Robert Parvin Williams, May 15, 1916, vice Capt. William L. Keller, Medical Corps, promoted July 4, 1914.

Edwin Brooks Maynard, May 16, 1916, vice First Lieut. Howard L. Hull, Medical Corps, resigned February 5, 1915.

Harvard Clayton Moore, May 17, 1916, vice Capt. Charles C. Billingslea, Medical Corps, promoted May 9, 1915.

Arden Freer, May 18, 1916, vice Capt. Harry S. Purnell, Medical Corps, resigned June 1, 1915.

Paul Adolph Schule, May 19, 1916, vice First Lieut. John S. C. Fielden, jr., Medical Corps, resigned September 1, 1915.

John Stuart Gaul, May 20, 1916, vice Capt. Henry L. Brown, Medical Corps, who died April 14, 1916.

APPOINTMENT AND PROMOTIONS IN THE NAVY.

Hubert A. Royster, a citizen of North Carolina, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 15th day of May, 1916.

Boatswain Gregory Cullen to be a chief boatswain in the Navy from the 9th day of January, 1915.

Machinist Charles F. Beecher to be a chief machinist in the Navy from the 30th day of December, 1915.

Pay Clerk Andrew J. McMullen to be a chief pay clerk in the Navy from the 7th day of August, 1915.

Pay Clerk Alvah B. Canham to be a chief pay clerk in the Navy from the 16th day of August, 1915.

Pay Clerk Noble R. Wade to be a chief pay clerk in the Navy from the 18th day of October, 1915.

Pay Clerk Ross B. Deming to be a chief pay clerk in the Navy from the 10th day of December, 1915.

Pay Clerk Effinger E. Hartline to be a chief pay clerk in the Navy from the 30th day of January, 1916.

Chaplain James D. MacNair, with rank of lieutenant (junior grade), to be a chaplain in the Navy, with rank of lieutenant, from the 20th day of May, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 25 (legislative day of May 18), 1916.

INTERNAL-REVENUE COLLECTOR.

George L. Loomis to be collector of internal revenue for the district of Nebraska.

REGISTERS OF THE LAND OFFICE.

M. C. Warrington to be register of the land office at Broken Bow, Nebr.

John P. Golden to be register of the land office at O'Neill, Nebr.

APPOINTMENTS IN THE ARMY.

Rev. John Granville Breden to be chaplain with the rank of first lieutenant.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Zabdiel Boylston Adams.
Herbert Merton Greene.
James Earle Ash.
Astley Paston Cooper Ashhurst.
James Harold Austin.
Louis de Keyser Belden.
Bernard Johan Beuker.
John Welch Boyce.
Claude Lee Bradford.
Harry Francis Byrnes.
George Fitzpatrick Adair.
Richard Travis Atkins.
Julius Benjamin Boehm.
Walter Whitney Boardman.
Ward Brinton.
Bert Wilmer Caldwell.
Williams Biddle Cadwalader.
Donald William Cameron.
Benjamin Van Campen.
Brewster Clarke Doust.
Ambrose Francis Dowd.
Blake Ferguson Donaldson.
William Darrach.
Charles Dudley Eldred.
Thomson Edwards.
Eldridge Lyon Eliason.
Daniel Wadsworth Frye.
Isaac Samuel Gellert.
Curtenius Gillette.
Thomas E. Gutch.
Edward L. Hanes.
Walter Coit Hill.
Daniel Mansfield Hoyt.
Reid Hunt.
Henry Barr Ingle.
Frank Hussy Jackson.
Floyd Elwood Keene.
Elmer Alexander Klein.
Edward Bell Krumbhaar.
Peirce Henry Leavitt.
Burton James Lee.
Hanson Thomas Asbury Lemon.
John Borneman Ludy.
William Sharp McCann.
Archibald Alexander MacLachlan.
Thomas William Maloney.
Harrison Stanford Martland.
Alvah Strong Miller.
Alfred Meyer.
Alfred James Ostheimer.
William Barclay Parsons, jr.
George Morris Piersol.
Thomas Christian Peightal.
Edmund Brown Piper.
Martin William Reddan.
Nathaniel Fulford Rodman.
George Malcolm Laws.
Daniel Augustus Shea.
Andrew Watson Sellards.
Henry Larned Keith Shaw.
Richmond Stephens.
Henry Joseph Fitz Simmons.
John Reid Simpson.
Frederick Jennings Smith.
Joseph Wheeler Smith, jr.
William Johnson Taylor.
Royden Mandeville Vose.
John William Warner.
James Homer Wright.
Herbert Maxwell Nash Wynne.
John Edward Williams.
William Whitridge Williams.
Warren Wooden.

John Archibald Campbell Colston.
Victor Francis Cullen.
Paul Wiswall Clough.
Arthur Bliss Dayton.
John Howland.
John Theodore King, jr.
Winford Henry Smith.
Arthur Charles Stokes.
Thomas Linville.
James Lee Funkhouser.
Clarence Linwood Scamman.
James Lona Stewart.
Lincoln Davis.
Edward Lorraine, Young, jr.
John Aloysius McKenna.
Henry Lee Smith.
William Hayes Mitchell.
Philip Levey.
Paul Regan Howard.
William Alexander Fisher, jr.
Reuben Spencer Simpson.
James Torrance Rugh.
Otto Lowy.
Roger Kinnicutt.
Custis Lee Hall.
George Adams Leland, jr.
Walter James Dodd.
Charles Galloupe Mixter.
William Thomas Fitzsimons.
Carl Henry Davis.
Harvey Heber Martin.
Beth Vincent.
Charles Ira Redfield.
Charles Andrew Fife.
Malcolm Eadie Smith.
Arthur Ellison Midgley.
Albert David Kaiser.
Charles Chester Benedict.
Arthur Wilburn Allen.
Robert Williamson Lovett.
Joshua Clapp Hubbard.
Isedor Mack Unger.
Charles Henry MacFarland.
Andrew Smith Robinson.
George Washington Wales Brewster.
Michael Joseph Sheahan.
Theodore Foster Riggs.
George Noble Kreider.
John Carl Arpad Gerster.
Montrose Thomas Burrows.
Verne Rheem Mason.
Charles Alexander Waters.
Homer Graham Duncan.
Robert Davies Rhein.
Harry Carl William Schultz-de Brun.
Clinton Ephraim Harris.
Robert Coalter Bryan.
Charles Christian Wolferth.
Truman Gross Schnabel.
Rutherford Lewis John.
Jacob Leon Herman.
Edward Harris Goodman.
John Dibble.
Emory Graham Alexander.
Bruce Gretton Phillips.
Philip Edward Rossiter.
Chester Field Smith Whitney.
William Ropes May.
Everett Garnsey Brownell.
Brooks Hughes Wells.
Francis Stuart Matthews.
Lawrence James Nacey.
John Rochester Booth.
Harry Rubin.

DENTAL CORPS.

Acting Dental Surg. Harry Morton Deiber to be dental surgeon with the rank of first lieutenant.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Capt. Edward C. Carey to be major.
First Lieut. Guy E. Bucker to be captain.
Second Lieut. Oral E. Clark to be first lieutenant.
First Lieut. David A. Henkes to be captain.
Second Lieut. James W. Peyton to be first lieutenant.
Lieut. Col. William P. Burnham to be colonel.
Maj. Arthur Johnson to be lieutenant colonel.
Capt. George H. Jamerson to be major.
First Lieut. Wallace McNamara to be captain.
Second Lieut. William B. Loughborough to be first lieutenant.

FIELD ARTILLERY ARM.

Second Lieut. Lucien H. Taliaferro to be first lieutenant.
Second Lieut. Harold H. Bateman to be first lieutenant.

TRANSFER TO ACTIVE LIST.

CAVALRY ARM.

Capt. Ben H. Dorcy, United States Army, retired, to the Cavalry Arm.
Second Lieut. Joseph I. McMullen, United States Army, retired, to the grade of first lieutenant.

INFANTRY ARM.

Capt. Robert C. Williams, United States Army, retired, to the grade of lieutenant colonel.
Capt. Harold L. Jackson, United States Army, retired, to the grade of major.

POSTMASTERS.

COLORADO.

Jerry F. Halloran, Victor.

ILLINOIS.

N. J. Highsmith, Robinson.

MINNESOTA.

John Engebretson, Elbow Lake.
Edward L. Wurst, Richmond.

MISSISSIPPI.

Arthur E. Bergold, Osyka.

NEW MEXICO.

Joseph C. Swain, Wagon Mound.

PENNSYLVANIA.

Henry M. Good, New Castle.

WASHINGTON.

Eli P. Marsolais, Sultan.

WEST VIRGINIA.

Stanhope McClelland Scott, Terra Alta.

WISCONSIN.

Christian F. A. Mau, West Salem.
Frank E. Poll, Almond.
Henry B. Taylor, Iola.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 25, 1916.*

The House met at 11 a. m.

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

Our Father who art in heaven, have mercy, we beseech Thee, upon us, and forgive our transgressions; create within us clean hearts and renew a right spirit within, that with unbiased judgment and a broader sweep of vision we may see clearly the way and walk with unfaltering footsteps therein; that we may satisfy our own longings and strive to measure up our lives to the life of the world's great Exemplar, that Thy kingdom may come and Thy will be done in all our hearts. Amen.

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

MESSAGE FROM THE SENATE.

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

S. 4797. An act to amend an act entitled "An act concerning foreign-built dredges," approved May 28, 1906.

The message also announced that the Senate had passed the following order:

Ordered, That Mr. FLETCHER and Mr. GRONNA be added to the conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2986) entitled "An act 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 provide for the investment of postal savings deposits, to create Government depositories and financial agents for the United States, and for other purposes."

ENROLLED BILL SIGNED.

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

H. R. 12843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

SENATE BILL REFERRED.

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

S. 4797. An act to amend an act entitled "An act concerning foreign-built dredges," approved May 28, 1906; to the Committee on the Merchant Marine and Fisheries.

LEAVE TO PRINT.

Mr. DYER. Mr. Speaker, I ask unanimous consent to print in the RECORD a petition addressed to the Speaker and signed by a number of Members of this House with reference to House resolution 235.

The SPEAKER. The gentleman from Missouri [Mr. DYER] asks unanimous consent to have printed in the RECORD a petition signed by certain Members.

Mr. DYER. It is very short, Mr. Speaker, and it is in support of House resolution 235, which asks Great Britain to use humane and present-day civilization treatment in dealing with the revolution in Ireland.

Mr. FOSTER. I suggest to the gentleman that he put it through the basket.

Mr. FITZGERALD. What is the request, Mr. Speaker?

Mr. DYER. The petition is addressed to the Speaker of the House, and——

Mr. FITZGERALD. I object, whatever it is.

The SPEAKER. The gentleman from New York objects.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a resolution unanimously indorsed by the Chicago Federation of Labor in regard to the parade in Chicago to be held on the 3d of June.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing a set of resolutions from the Federation of Labor in Chicago——

Mr. BUCHANAN of Illinois. And by inserting an article and editorial from the Chicago Day Book.

The SPEAKER. And by inserting an article and editorial from the Chicago Day Book. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may have inserted in the RECORD two short resolutions.

Mr. COX. What do they relate to?

Mr. RAKER. One is by the Oleta Suffrage Club, of California, and the other is by the Women Voters' Conference.

Mr. COX. I have no objection.

Mr. FITZGERALD. Mr. Speaker, I do not believe we should get into the practice of printing in the RECORD the resolutions of all these very desirable organizations.

Mr. MANN. Considering the fact that the gentleman from California [Mr. RAKER] was absent when we had a vote on the subject the other day, I think he ought to be permitted to square himself this morning. [Laughter.]

Mr. RAKER. Oh, no; I was not absent.

The SPEAKER. Is there objection?

Mr. CANNON. Mr. Speaker, pending the request, I want just half a minute.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to proceed for half a minute. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, I hope that the House—if necessary, by a concurrent or joint resolution—will take into consideration this matter of printing in the RECORD. The RECORD ought to record what happens in the House in a space where it can be found, and if we are to print speeches and resolutions not directly related to the proceedings of the House they ought to be printed separate and apart from the CONGRESSIONAL RECORD. I have not anybody in mind in particular when I say that, and I do not mean to reflect upon anybody. I have not asked permission myself to print things of that kind. [Applause.]

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may proceed for one minute.

The SPEAKER. Is there objection to the request of the gentleman from California to proceed for one minute?

Mr. MADDEN. Reserving the right to object, Mr. Speaker——

Mr. DYER. I object.

The SPEAKER. Objection is made. Is there objection to the request of the gentleman from California to extend his remarks in the RECORD?

Mr. MADDEN. Reserving the right to object, I would like to ask the gentleman a question.

Mr. DYER. I object.

The SPEAKER. The gentleman from Missouri [Mr. DYER] objects.

BUREAU OF ENGRAVING AND PRINTING.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to have considered House joint resolution 214, to enable the Bureau of Engraving and Printing to do certain work that is very imperative.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 214) increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916.

The SPEAKER. Is there objection to the present consideration of that resolution? [After a pause.] The Chair hears none. The Clerk will report it.

The Clerk read as follows:

Resolved, etc., That the limitation in the sundry civil appropriation act for the fiscal year 1916 as to the number of delivered sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing is increased from 239,000 and 1,600,500 to 289,000 and 2,101,000, respectively.

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

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

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the House joint resolution was passed was laid on the table.

AUTHORIZATION OF FLEET SUBMARINES.

Mr. PADGETT. Mr. Speaker, I wish to ask unanimous consent for the present consideration of the bill H. R. 13670, the submarine bill that I had up the other day.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks for the present consideration of the bill of which the Clerk will report the title:

The Clerk read as follows:

A bill (H. R. 13670) amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," relating to the authorization of fleet submarines.

The SPEAKER. Is there objection?

Mr. MADDEN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Tennessee how long has it been since these submarines were authorized?

Mr. PADGETT. They were authorized last March.

Mr. MADDEN. They were authorized last March by the Congress?

Mr. PADGETT. Yes, sir.

Mr. MADDEN. Is the contract about to be awarded?

Mr. PADGETT. It was advertised for, and they could not get any bids under the limitations imposed by the act.

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object——

Mr. PADGETT. I promised the gentleman in charge of the District appropriation bill that we would not interfere with them.

Mr. MADDEN. I will ask the gentleman from Tennessee, Was this last March or a year ago last March?

Mr. PADGETT. Last March a year ago.

Mr. MADDEN. A year ago last March?

Mr. PADGETT. Yes.

Mr. MOORE of Pennsylvania. Will the gentleman explain the purpose of this bill?

Mr. PADGETT. The naval appropriation bill required that these submarines should be of 25 knots speed if possible, but with a minimum of 20 knots. They advertised for bids and could not get a guaranty above 19 knots, and this is to make the minimum 19, and 25 if possible. That is all there is in it.

The SPEAKER. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Speaker, there is a correction of a word, in line 3, "provision" instead of "provisions."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 3, strike out the word "provisions" and insert the word "provision."

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.

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

OREGON & CALIFORNIA RAILROAD LAND GRANT.

Mr. PAGE of North Carolina. Mr. Speaker, a parliamentary inquiry. Is the amendment to the bill in charge of the gentleman from Oklahoma (H. R. 14864) now pending as unfinished business?

Mr. WINGO. It is, with the previous question ordered.

The SPEAKER. That is correct. When the House broke up last night there was an amendment pending, offered by the gentleman from Illinois [Mr. FOSTER] to the California-Oregon Railroad bill, on which the previous question had been ordered.

Accordingly the House resumed consideration of the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

The SPEAKER. The Clerk will report the pending amendment offered by the gentleman from Illinois [Mr. FOSTER].

The Clerk read as follows:

Page 14, in line 12, strike out the word "thirty" and insert "twenty."

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

The question was taken; and on a division (demanded by Mr. FOSTER) there were—ayes 60, noes 72.

Mr. FOSTER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is none. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 128, nays 167, answered "present" 10, not voting 129, as follows:

YEAS—128.

Abercrombie	Dies	Houston	Rubey
Aiken	Dixon	Howard	Rucker
Allen	Doolittle	Huddleston	Saunders
Almon	Doremus	Hull, Tenn.	Shackleford
Ashbrook	Doughton	Jacoway	Shallenberger
Ayres	Eagan	Johnson, Ky.	Sherwood
Bailey	Edwards	Key, Ohio	Shouse
Barnhart	Fields	Kitchin	Sims
Beakes	Finley	Lazaro	Sisson
Bell	Fitzgerald	Lee	Slayden
Black	Flood	Lesher	Small
Borland	Foster	Lloyd	Smith, N. Y.
Brumbaugh	Gard	McAndrews	Smith, Tex.
Buchanan, Ill.	Garner	McClintic	Stafford
Burgess	Goodwin, Ark.	McKellar	Steele, Iowa
Burnett	Gordon	Mann	Steele, Pa.
Byrnes, S. C.	Gray, Ala.	Mays	Stephens, Nebr.
Byrns, Tenn.	Gray, Ind.	Montague	Stone
Caldwell	Griffin	Moon	Sumners
Callaway	Hamlin	Neely	Talbott
Caraway	Hardy	Oldfield	Tavenner
Carlin	Harrison	Oliver	Taylor, Ark.
Cline	Hastings	Olney	Thompson
Connelly	Haugen	Padgett	Tillman
Cox	Hay	Page, N. C.	Tribble
Crisp	Heflin	Park	Van Dyke
Crosser	Helm	Phelan	Vinson
Cullop	Helvering	Quin	Watkins
Davenport	Hensley	Ragsdale	Webb
Davis, Tex.	Hilliard	Rainey	Wilson, Ill.
Dewalt	Holland	Rauch	Wise
Dickinson	Hood	Rayburn	Young, Tex.

NAYS—167.

Adamson	Church	Dunn	Good
Alexander	Coleman	Dupré	Graham
Anderson	Cooper, Ohio	Dyer	Green, Iowa
Aswell	Cooper, W. Va.	Edmonds	Greene, Mass.
Bacharach	Cooper, Wis.	Ellsworth	Gregg
Blackmon	Costello	Elston	Hadley
Booher	Crago	Esch	Hamilton, Mich.
Britt	Cramton	Estopinal	Hamilton, N. Y.
Britten	Curry	Evans	Hawley
Browne	Dallinger	Farr	Hayden
Butler	Danforth	Ferris	Hayes
Campbell	Darrow	Fess	Heaton
Cannon	Davis, Minn.	Fordney	Helgesen
Capstick	Decker	Foss	Hernandez
Carter, Mass.	Denison	Freeman	Hill
Carter, Okla.	Dent	Garland	Hinds
Cary	Dill	Garrett	Hollingsworth
Charles	Dowell	Glynn	Hopwood
Howell	McDermott	Paige, Mass.	Stephens, Tex.
Hughes	McKenzie	Parker, N. Y.	Sterling
Hull, Iowa	McKinley	Platt	Stiness
Igoe	McLaughlin	Porter	Stout
James	Magee	Powers	Sulloway
Johnson, Wash.	Mapes	Raker	Sweet
Kahn	Martin	Ramseyer	Taggart
Keating	Matthews	Randall	Tague
Kelley	Meeker	Reavis	Taylor, Colo.
Kennedy, Iowa	Miller, Del.	Reilly	Temple
Kennedy, R. I.	Miller, Pa.	Ricketts	Tilson
Kettner	Mondell	Roberts, Mass.	Timberlake
Kinkaid	Moore, Pa.	Roberts, Nev.	Tinkham
Konop	Moores, Ind.	Rogers	Towner
Lafean	Morgan, Okla.	Russell, Ohio	Venable
La Follette	Moss, Ind.	Sanford	Volstead
Lenroot	Mott	Schall	Wason
Lever	Murray	Scott, Mich.	Watson, Pa.
Lieb	Nelson	Sinnott	Watson, Va.
Linthicum	Nicholls, S. C.	Sloan	Wilson, Fla.
Lobeck	Nolan	Smith, Idaho	Wingo
Loud	North	Smith, Mich.	Woods, Iowa
McArthur	Norton	Steagall	Young, N. Dak.
McCracken	Oakey	Stephens, Cal.	

ANSWERED "PRESENT"—10.

Browning	Langley	Madden	Wheeler
Candler, Miss.	London	Overmyer	
Humphrey, Wash.	Longworth	Price	

NOT VOTING—129.

Adair	Focht	Lehlbach	Scott, Pa.
Anthony	Frear	Lewis	Scully
Austin	Fuller	Liebel	Sears
Barchfeld	Gallagher	Lindbergh	Sells
Barkley	Gallivan	Littlepage	Sherley
Beales	Gandy	Loft	Siegel
Bennet	Gardner	McCulloch	Slemp
Bowers	Gillett	McFadden	Smith, Minn.
Bruckner	Glass	McGillicuddy	Snell
Buchanan, Tex.	Godwin, N. C.	McLemore	Snyder
Burke	Gould	Maher	Sparkman
Cantrill	Gray, N. J.	Miller, Minn.	Stedman
Carew	Greene, Vt.	Mooney	Steenerson
Casey	Griest	Morgan, La.	Stephens, Miss.
Chandler, N. Y.	Guernsey	Morin	Sutherland
Chiperfield	Hamill	Morrison	Swift
Clark, Fla.	Hart	Moss, W. Va.	Switzer
Coady	Haskell	Mudd	Thomas
Collier	Henry	Nichols, Mich.	Treadway
Conry	Hicks	Oglesby	Vare
Copley	Hulbert	O'Shaunessy	Walker
Dale, N. Y.	Humphreys, Miss.	Parker, N. J.	Walsh
Dale, Vt.	Husted	Patten	Ward
Dempsey	Hutchinson	Peters	Whaley
Dillon	Johnson, S. Dak.	Pou	Williams, T. S.
Dooling	Jones	Pratt	Williams, W. E.
Driscoll	Kearns	Riordan	Williams, Ohio
Drukker	Keister	Rodenberg	Wilson, La.
Eagle	Kent	Rouse	Winslow
Emerson	Kiess, Pa.	Rowe	Wood, Ind.
Fairchild	Kincheloe	Rowland	
Farley	King	Russell, Mo.	
Flynn	Kreider	Sabath	

So the amendment was rejected.

The following pairs were announced:

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. LIEBEL with Mr. ROWLAND.

Until further notice:

Mr. STEVENS of Minnesota with Mr. SWIFT.

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. HULBERT with Mr. SIEGEL.

Mr. THOMAS with Mr. DEMPSEY.

Mr. KINCHELOE with Mr. WHEELER.

Mr. ROUSE with Mr. MADDEN.

Mr. CANTRILL with Mr. LANGLEY.

Mr. CONRY with Mr. EMERSON.

Mr. MAHER with Mr. HUSTED.

Mr. FLYNN with Mr. GRIEST.

Mr. PATTEN with Mr. SNELL.

Mr. DALE of New York with Mr. HASKELL.

Mr. HENRY with Mr. JOHNSON of South Dakota.

Mr. COADY with Mr. WALSH.

Mr. DOOLING with Mr. DALE of Vermont.

Mr. FARLEY with Mr. MCCULLOCH.

Mr. MCGILLICUDDY with Mr. MORIN.

Mr. CAREW with Mr. MUDD.

Mr. CANDLER of Mississippi with Mr. FAIRCHILD.

Mr. EAGLE with Mr. SMITH of Minnesota.

Mr. HUMPHREYS of Mississippi with Mr. WOOD of Indiana.

Mr. HAMILL with Mr. WILLIAMS of Ohio.

Mr. SEARS with Mr. KIESS of Pennsylvania.

Mr. WALKER with Mr. PETERS.

Mr. LOFT with Mr. SNYDER.

Mr. GLASS with Mr. SLEMP.

Mr. LITTLEPAGE with Mr. SUTHERLAND.

Mr. POU with Mr. TREADWAY.

Mr. ADAIR with Mr. PRATT.

Mr. GANDY with Mr. RODENBERG.

Mr. COLLIER with Mr. MOONEY.

Mr. BARKLEY with Mr. DRUKKER.
Mr. GALLIVAN with Mr. ANTHONY.
Mr. WILSON of Louisiana with Mr. MILLER of Minnesota.
Mr. STEDMAN with Mr. HUTCHINSON.
Mr. SABATH with Mr. LEHLBACH.
Mr. OGLESBY with Mr. GRAY of New Jersey.
Mr. JONES with Mr. GILLETT.
Mr. BUCHANAN of Texas with Mr. FOCHT.
Mr. HART with Mr. COPLEY.
Mr. MORGAN of Louisiana with Mr. GOULD.
Mr. RUSSELL of Missouri with Mr. GARDNER.
Mr. O'SHAUNESSY with Mr. HICKS.
Mr. CASEY with Mr. GUERNSEY.
Mr. LEWIS with Mr. MCFADDEN.
Mr. WHALEY with Mr. CHIPERFIELD.
Mr. GODWIN of North Carolina with Mr. AUSTIN.
Mr. DRISCOLL with Mr. CHANDLER of New York.
Mr. MCLEMORE with Mr. KEARNS.
Mr. RIORDAN (for rule on District of Columbia bill) with Mr. WARD (against).
Mr. GALLAGHER with Mr. WINSLOW (commencing May 22, ending May 27, inclusive).
Mr. BRUCKNER with Mr. BENNET (ending June 20, 1916).
Mr. CLARK of Florida with Mr. FULLER (commencing May 8, until further notice).
Mr. SHERLEY with Mr. LONGWORTH (ending May 29).
Mr. BURKE with Mr. GREENE of Vermont (ending June 2).
Mr. WM. ELZA WILLIAMS with Mr. KING (commencing May 24, ending May 27, 1916).
Mr. SPARKMAN with Mr. BARCHFELD (commencing May 24, ending June 10).

Mr. BROWNING. Mr. Speaker, I voted "no." I am paired with the gentleman from New Jersey, Mr. SCULLY. I therefore withdraw my vote and answer "present."

Mr. LANGLEY. Mr. Speaker, I voted "no," but I have a general pair with my colleague, Mr. CANTRILL, and I withdraw that vote and answer "present."

Mr. HUMPHREY of Washington. Mr. Speaker, I have a pair with the gentleman from Indiana, Mr. MORRISON. I voted "no." I withdraw that vote and answer "present."

Mr. SLOAN. Mr. Speaker, inadvertently I answered the call of the name of the gentleman from New York, Mr. ROWE.

The SPEAKER. Does the gentleman know that Mr. ROWE is not here?

Mr. SLOAN. I do not; but I do not want my answer to stand for him.

The result of the vote was then announced as above recorded.

The SPEAKER. A quorum is present, the Doorkeeper will open the doors. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

Mr. MANN. Mr. Speaker, I ask that that be taken by a rising vote.

The question was taken by a rising vote, and the Speaker announced that there were 186 ayes and 6 noes.

So the bill was passed.

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

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15774, the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FERRIS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

Mr. PAGE of North Carolina. Mr. Chairman, when the House rose at the time it last had the bill under consideration there was a unanimous-consent agreement that when the House met this morning we would revert to the first section of the bill. Under that agreement, I ask that the Clerk read the first section.

The Clerk read as follows:

Be it enacted, etc., That hereafter all appropriations made for the support of the government of the District of Columbia, including all sums appropriated in any general appropriation act indicated to be paid out of the District of Columbia revenues and amounts to pay the interest and sinking fund on the funded debt of said District, shall be paid out of the revenues of the District of Columbia to the extent that the same shall be sufficient therefor and the remainder out of any money in the Treasury not otherwise appropriated.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. PAGE of North Carolina. Before the gentleman proceeds under his pro forma amendment, it is evident that we shall have some discussion on these two paragraphs, and I would like to arrange for the time under the five-minute rule.

Mr. MANN. I moved to strike out the last word because the Clerk was going to read the second paragraph, which would have prevented amendment to the first paragraph. The gentleman from Massachusetts [Mr. TINKHAM] intended to offer an amendment.

Mr. TINKHAM rose.

Mr. MANN. I withdraw my pro forma amendment.

Mr. TINKHAM. I offer the following amendment: Strike out the entire paragraph after the enacting clause, from line 3 to line 8, inclusive, on page 1, and from line 1 to line 3, on page 2.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the enacting clause, including line 3, page 1, to line 3, on page 2.

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

Mr. MANN. Mr. Chairman, I move to strike out the last word of the amendment.

Mr. PAGE of North Carolina. Mr. Chairman, at this stage of the proceeding, I would like to arrange with the gentleman on the other side as to how much time shall be consumed in debate on these two paragraphs with all amendments thereto. I suggest to gentlemen that we have had a great deal of debate on this subject.

Mr. MANN. Let us have the debate on this first paragraph first.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. PAGE of North Carolina. I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Has the gentleman from North Carolina offered his amendment as to the funded debt?

Mr. PAGE of North Carolina. Yes; I offered it as it applied to this section, and I shall offer it at another place to perfect it.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. HUMPHREY of Washington. I wish the gentleman would explain in a word or two just what this amendment does.

Mr. PAGE of North Carolina. That will be explained when we get into the discussion; I am trying to fix the time for debate.

Mr. DAVIS of Minnesota. Mr. Chairman, it has been suggested by the chairman of the committee that we consume one hour in the discussion of the amendment and the principle contained in the first paragraph—that is, the first paragraph of the first section of the bill. The second paragraph has not been read. I was very favorable to this proposition, because I know that considerable discussion has already been had on this proposition for the last 10 years. I do not think that anything new can be said. However, I will consent to 1 hour and 10 minutes' debate on this paragraph.

Mr. PAGE of North Carolina. That is agreeable to me. How does the gentleman want the time divided?

Mr. DAVIS of Minnesota. Half of the time to be controlled by the gentleman from North Carolina and the other half by myself.

Mr. PAGE of North Carolina. Mr. Chairman, I will make that request for unanimous consent that all debate on the first paragraph of the bill and all amendments thereto be closed in 1 hour and 10 minutes—one half of the time to be controlled by myself and the other half by the gentleman from Minnesota [Mr. DAVIS].

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that debate on this first paragraph be confined to 1 hour and 10 minutes—one half of the time to be controlled by the gentleman from North Carolina [Mr. PAGE] and the other half by the gentleman from Minnesota [Mr. DAVIS]. Is there objection?

Mr. SMALL. Mr. Chairman, reserving the right to object, I would like to know if I can have a little time?

Mr. PAGE of North Carolina. Mr. Chairman, I will try to accommodate the gentleman and do my best. I have 35 min-

utes at my disposal. I shall do the best I can; and, of course, I shall be disposed to give my colleague time.

Mr. SMALL. Unless I can get some time I shall have to object.

Mr. PAGE of North Carolina. Then, Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 1 hour and 10 minutes.

Mr. SMALL. Mr. Chairman, in lieu of that motion I ask unanimous consent that there be 1 hour and 20 minutes of debate.

The CHAIRMAN. Does the gentleman from North Carolina accept that proposition?

Mr. PAGE of North Carolina. Mr. Chairman, I have made the agreement with the other side. I will do the best I can to accommodate the gentleman, but I insist upon my motion.

The CHAIRMAN. The question is on the motion of the gentleman from North Carolina that all debate on this paragraph and all amendments thereto close in 1 hour and 10 minutes.

The motion was agreed to.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time be equally divided between the gentleman from North Carolina [Mr. PAGE] and the gentleman from Minnesota [Mr. DAVIS].

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chiarman, when this paragraph was under consideration on Wednesday last, in commenting upon the amendment proposed by the chairman of the committee my colleague from Illinois [Mr. MANN], usually so accurate in his figures and in his conclusions, expressed surprise that the joint committee investigating the fiscal relations between the District of Columbia and the Federal Government should have made a distinction between paying the interest and the principal of the funded debt and other expenditures of the District, and he insisted that the matter was a mere matter of bookkeeping which a $50-a-month clerk ought to understand. The gentleman is absolutely correct so far as this bill is concerned and so far as all appropriation bills are concerned where the Government's contribution amounts to at least one-half of $975,000 and half of the interest on the funded debt.

If it should ever happen that the Government's contribution should be less than this, the Government would be in the position of repudiating its obligations if the method suggested by the gentleman from Illinois were adopted. This debt accrued between 1871 and 1874, and long before the organic act of 1878 the half-and-half principle as to the payment of the funded debt and the interest upon it was recognized by the Congress. In a long series of appropriation bills it was recognized; in messages submitted to Congress by Presidents of the United States it was recognized. Finally, in 1914, the Comptroller of the Treasury in an exhaustive opinion assembling all of these facts reached the conclusion that the Federal Government had agreed and stood obligated to pay one-half of the funded debt and one-half of the interest upon those bonds as they accrued. The contribution of the Government to-day in this bill is apparently smaller than it has been in recent years. Suppose a tax upon intangibles should be imposed here in the District in the future, and an inheritance tax; suppose the contribution of the people who live here should exceed eleven or twelve million dollars in any one year, should amount to as much as Congress felt like appropriating for District expenditures, should amount to as much as the commissioners recommended and submitted estimates for. In that event the Federal Government would not be compelled, if we repealed entirely the act of 1878 and the obligations, written and unwritten, which the Federal Government has assumed, to pay one-half of the funded debt and one-half of the interest on the funded debt. I am not discussing the proposition as a question of abstract right; but if the Federal contribution should ever be less during the next six or seven years than $975,000 and half the interest upon the public debt, the Federal Government would be in the position of having repudiated to that extent its obligations, and, therefore, this is not merely a matter of bookkeeping; it may not be a matter of bookkeeping.

We can not tell what Congress hereafter may do, but the gentleman from Massachusetts [Mr. TINKHAM], who has been arguing this matter upon the floor here and in the newspapers, insists that without the amendment offered by the committee the Government would be in the position, might be in the position some time in the future, of repudiating its obligations, and the gentleman from Wyoming [Mr. MONDELL] takes the same position, and as lawmakers, protecting the obligations of this Government, especially when it undertakes to pay a part of the amount due upon issues of bonds and interest thereon, it is necessary for us——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PAGE of North Carolina. Mr. Chairman, I yield the gentleman more time.

Mr. MANN. Mr. Chairman, would the gentleman have time to yield for a question?

Mr. RAINEY. Yes; I will be glad to yield.

Mr. MANN. Does the gentleman refer to the obligation of the Government to the bondholders or the obligation of the Government to the District of Columbia?

Mr. RAINEY. I am referring to the amendment the committee made, which my colleague insisted was not necessary at all, was a mere matter of bookkeeping, and it may be a matter of bookkeeping as long as the Government's contribution is as much as it is in this bill, and it will be of course in the future as long as the Government contributes more than the amount I have indicated.

Mr. MANN. The gentleman spoke about repudiating obligations of the Government. Does he mean obligations to the District or obligations to the bondholder?

Mr. RAINEY. The obligation that the Government has assumed to pay one-half of these bonds out of the National Treasury.

Mr. MANN. Obligations to whom—the bondholders or to the District?

Mr. RAINEY. Obligations to whoever owns these bonds and presents them for payment.

Mr. MANN. They are not interested if they are paid. They do not care where the money comes from if the bonds are paid.

Mr. RAINEY. But the citizens of the District are interested, and the Government has assumed obligations to them in this connection. The people who live in the United States are interested. The citizens of the District want to keep their contracts, and the United States Government ought to keep its contracts, and we have made this amendment in order that the United States Government may keep its contracts.

Mr. MANN. Is not the same obligation in the act in reference to the bonded indebtedness also in reference to the current expenses? Does not the same act provide that the Government shall pay half?

Mr. RAINEY. The conclusion the committee reached in that particular was that the citizens who live here ought to pay as much for public purposes as they would pay if they lived in any other comparable city; the conclusion we reached in our report was that they ought not to pay any more, but they ought to pay as much.

LIBERAL APPROPRIATIONS FOR THE NATIONAL CAPITAL.

The gentleman from Massachusetts [Mr. TINKHAM] and other gentlemen on both sides of the House insist that there ought to be liberal appropriations for the National Capital, and for that reason they support the half-and-half plan of contribution—the Government to pay half of the expenses of conducting the District of Columbia, the people who live here to pay the other half. Liberal appropriations for the National Capital do not mean necessarily that the half-and-half plan of contribution should be continued. If we matched dollars in this bill, the bill would carry a million dollars more than the amount of the estimates submitted by the commissioners. This state of affairs is brought about by the fact that during the next fiscal year there will be collected from the citizens of the District more money in taxes than ever collected before, over $8,000,000. We could not use $16,000,000 this year, or anything like that amount, without making most extravagant, unnecessary, and indefensible appropriations. The bill we are considering now already carries $600,000 more than any other bill ever reported out by the committee. At this stage the bill is larger than it ever has been. Every amendment which adds an appropriation will be added to the sum the General Government appropriates. When it comes to a matter of liberal appropriations for the National Capital this bill, as far as it has gone, is the most liberal bill ever suggested by any committee of the House. It is hardly possible that any newspaper in the District of Columbia will call attention to this fact. The people who live here would be happier and the matter would be better presented by the newspapers if this phase of the situation were fairly presented.

PEOPLE WHO LIVE HERE NOT TAX DODGERS.

According to the best available data, the people who live here are not tax dodgers, as has been intimated more than once on this floor, and they are at the present time contributing their full share toward the payment of the expenses of the District of Columbia; they are contributing, according to the best available data, substantially what they would contribute if they lived in

any other city of comparable size. The unusually large amount that will be contributed next year by the people who live here is due to the fact that under the present administration the assessed value of real estate in the business section of Washington and in the more important residence sections has been materially increased, and more taxes will be collected from personal property than ever before. The assessment now in progress has not reached the small-homes sections of the city. It may be that the assessed value of real estate in the small-homes sections will be substantially diminished or it may remain substantially as it is.

There is no complaint with reference to the new assessment in Washington so far as it has gone. The taxpayers will willingly and readily pay the amount the assessment will require them to pay.

CITIZENS PAY FAIR SHARE OF MUNICIPAL EXPENSES.

The gentleman from Kentucky [Mr. JOHNSON] called attention to Bulletin No. 126 issued by the Bureau of the Census in an effort to show that the citizens of Washington were greatly favored over the citizens of other cities, and were contributing for public purposes out of their pockets only about half as much as the citizens of other cities.

Bulletin No. 126 will not, in my judgment, sustain the position taken by the gentleman from Kentucky. The best way to arrive, from this bulletin, at the contribution of the citizens who live here for public purposes is to examine the item "General property taxes," contained in table No. 1, which will show that citizens who live in Washington contributed in 1913 for public purposes over $5,000,000. In this table are grouped 19 cities of comparable size, containing from 300,000 to 500,000 inhabitants. In 1913, when these figures were made up, the citizens of Washington contributed in gross more than the citizens of any of these cities contributed except six, and of these six every one of them contained a much larger population than Washington except Minneapolis, and the contribution, however, of the citizens of Minneapolis in general property taxes was, in 1913, only slightly larger than the contribution made by the citizens of Washington. This same table shows that the per capita levy of property taxes in Washington was $16; it will be larger next year. Eight of these nineteen cities had in that year per capita levies of between $14 and $18, and the per capita levy in Washington seems to have been in 1913 a fair average per capita levy for a city in this group of comparable cities. Of course the levies in San Francisco and Los Angeles were much larger, but in those cities, in all probability in that year, payments were being made for municipal improvements unusually extensive.

THE NEGRO POPULATION.

In estimating the burdens placed upon the taxpayers of Washington there ought to be taken into consideration the fact that more negroes live here than in any other city in the United States. Ninety-four thousand four hundred and forty-six negroes live here, 28½ per cent of the total population. New York comes next, with a little over 91,000, and Baltimore next, with a little over 84,000, but New York and Baltimore are not comparable in size with Washington. The negro population in a city is not regarded as a tax-paying proposition. Their holdings upon which taxes can be assessed are small, indeed. This situation therefore increases far beyond $16 the per capita contribution of the white citizens of Washington who pay taxes. I therefore submit that the statistics contained in Bulletin No. 126, upon which the gentleman from Kentucky relies, show that the people who live here contribute substantially as much for public purposes as they would contribute if they lived in some other city comparable in size to Washington.

As far back as 1835 Senator Southard, of New Jersey, chairman of a joint committee to investigate this very subject, reported in effect that Washington was being developed as a Nation's capital on a most stupendous scale, and that the people who live here ought not to be compelled and could not be expected to pay the expenses of maintaining in a proper scale of magnificence the Capital City. The attempt of the District of Columbia from 1871 to 1874 to level the hills, lift the city out of the mud, and pave the streets resulted in the tremendous indebtedness of which the Government agreed to pay half. The Government is paying half of the bonds as they fall due to this day. The amount remaining of the original indebtedness of $30,000,000 is small, and Washington carries the smallest debt of any city at all approaching it in size in the United States, the indebtedness here now being only about $6,000,000. At the present rate of payment—$975,000 per year—in a comparatively few years the debt will be entirely wiped out.

The time will, in my judgment, never come when the District of Columbia will be self-sustaining. It ought not to be self-sustaining. The people of the United States expect it to be maintained as at present, the most magnificent and most beautiful capital in all the world.

WASHINGTON COMPARED WITH BALTIMORE.

In this connection it may be interesting to compare the city of Washington with the nearby city of Baltimore. Washington had a population in 1913 of 348,000; Baltimore had a population in that year of 572,000. The streets and avenues in Washington have now been practically extended to the District boundary, and there is embraced in the city of Washington 60 square miles, while in the city of Baltimore with its 234,000 more population there are only 30 square miles of territory. There are in Washington substantially as many square yards of pavement as there are in the much larger city of Baltimore. The best type of pavement is the asphalt pavement, and there is in Washington 3,964,000 square yards of asphalt pavement; in Baltimore there are only 750,000 square yards of asphalt pavement. In Washington there are 543 miles of sewers; in Baltimore there are only 77 miles of sewers.

The situation therefore is this: If the people who live in Washington were compelled to pay for building and maintaining the pavements here as they are compelled to pay for building and maintaining the pavements in Baltimore, the citizens of Washington would be charged with building and maintaining 21.41 square yards of paved streets per capita, while the citizens of Baltimore would be compelled to build and maintain only 12.80 square yards of paved streets per capita. For each 100,000 of population in Washington there would be charged 166.12 miles of sewers; for each 100,000 of the population of the much larger city of Baltimore there would be charged only 13.82 square miles. All this is due to the magnificent distances which prevail here, the parking spaces, the tremendously large and magnificent public buildings and the grounds which surround them. The population per square mile of territory in Baltimore is 17,000; in Washington the population per square mile is only 5,801.

A brief examination of such comparisons as these indicates the reason for the Government's contribution. The citizens of Washington ought not to be expected and never will be expected under these circumstances to pay the entire expenses of maintaining this magnificent Capital City. Every citizen of the United States has an interest here. Citizens come here from all parts of the Union and throng the streets of Washington every day in the year. I have never seen one of them who did not experience a feeling of pride in the beauty and grandeur of the Capital of the wealthiest Nation in all the world. [Applause.]

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, I will answer the gentleman from Illinois [Mr. MANN] by quoting from the opinion of Comptroller Downey, of the Treasury, on the exact point raised by the gentleman's question. On page 344 of the first volume of the hearings of the Joint Select Committee on Fiscal Relations I find this excerpt from the comptroller's opinion:

"2. To restore the credit of the District of Columbia, make acceptable to creditors of the District 3.65 bonds by a guaranty of payment, and assume the to-be-determined equitable proportion to be contributed by the United States toward the expenses of the District, the United States covenanted with the holders of these bonds that it would provide, by taxation on the property within the District, a portion of the revenues necessary to pay the interest on and principal of these bonds, and that it would provide the other portion, to be determined, by appropriation out of the revenues of the United States."

Later he said:

"As to one half of this debt, the United States undertook with the bondholders, in effect, that the District would pay it out of its revenues from taxation, and as to the other half, it promised the bondholders that it would appropriate it out of the Treasury. The original pledging clause did not make certain these proportions. They might ultimately be seven-eighths out of the District revenues and one-eighth out of the revenues of the United States. So far as the bondholders were concerned, it was the pledge of the United States to provide the necessary revenues, which was effective, and, so far as they were concerned, an undertaking on the part of the United States that it would provide all the funds necessary out of District revenues derived from taxation would have been equally effective. In other words, the United States as guarantor, in terms, for the payment of all of this debt would have been just as acceptable to the bondholders as the United States as guarantor of an unascertained part and as a promisor to pay of the other part. If, then, that was all the United States was to be as to all the debt, either to the bondholders or as between it and the District, why might it not as easily and effectively have been so stated?"

* * * * * * *

"The United States undoubtedly assumed, so far as the bondholders were concerned, that it would pay one-half of this debt."

Now, in January, 1876, two years before the enactment of the act of 1878, which established the half-and-half plan, Senator Thurman, of Ohio, one of the country's great lawyers, said in the Senate:

"This act contemplated that the General Government should pay a proportional part of the expenses of government within this District and that proportional part of it was supposed would be ascertained by the joint committee that was to frame a permanent form of government for the District; and here is a pledge that the Government of the United States will pay that proportional part. What it should be was not determined by this act; it was to be the subject of investigation; but whenever found, here is the pledge that the Government would, by payments out of the Public Treasury of its proportional part of the expenses of government in this District, contribute to pay the interest on these 3.65 bonds and provide a sinking fund for the liquidation of the principal."

Now the proportional part to be paid by the National Government, to quote the language of former Senator Thurman, was not determined by the act to which he was making specific reference, but two years later, in June, 1878, Congress enacted the half-and-half law, and fixed the proportion of the District funded debt to be paid by the Government at 50 per cent thereof. The joint select committee of the two Houses of the present Congress, of which committee the gentleman from Illinois [Mr. RAINEY], the gentleman from Ohio [Mr. GARD], and I were members, reached the same conclusion as did the comptroller concerning the payment of the funded debt. But the joint select committee also found that as a matter of logical reasoning it is impossible to reach a conclusion that all of the other expenditures for District purposes should be in accordance with the so-called half-and-half plan. We declared in our report that when the residents of this District are taxed as their fellow citizens in other cities with which Washington is fairly comparable, are taxed, they pay all that they ought to pay to the United States, and that the United States ought in justice to pay all of the balance necessary to properly develop and maintain this Capital City of a great Nation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to my colleague from North Carolina Mr. SMALL.

Mr. SMALL. Mr. Chairman, I hesitate to disagree with the committee, which evidently have given consideration and study to the matter of fiscal relations between the United States and the District of Columbia. We all agree that Congress has exclusive jurisdiction of the District of Columbia. Congress, in exercising that jurisdiction, ought to be governed by the same motives as if it were legislating about matters in which their particular States or districts are concerned. To my mind, I would not be willing to impose such an indefinite method of raising revenues upon my State in the matter of local taxes as is proposed by this paragraph.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. SMALL. I will.

Mr. PAGE of North Carolina. Simply for a question. Is there any question of taxation involved in this paragraph? I claim that there is not.

Mr. SMALL. This paragraph, it is true, does not purport to amend existing law as to the rate or subject of taxation or as to the machinery for its collection. To come to the point, Mr. Chairman, that I had in mind: Under existing law the United States and the District each pay one-half of the appropriations for the maintenance of the District government. It is proposed in this bill to pay all appropriations out of the District revenues until they are exhausted and to pay the deficiency out of the Federal Treasury. If assurance could be given of the stability of the law fixing the subjects and rate of taxation in the District, much of the objection to this new plan would be removed; but there can be no such assurance. I do not wish to disparage the temper, the intelligence, or the motives of Congress, but my observation, I think, justifies the statement that this House does not always give that deliberation and consideration to affairs in the District here as they do to general legislation affecting the country as a whole. The District would become an experiment station, as it were, for every variety of theory of fiscal government. Year after year, at each recurring session, every impracticable theorist will be free to offer a new experiment in taxation. Different subjects and methods of taxation will be attempted to be introduced. The machinery for the collection of taxes will be changed.

This is becoming a great municipality. It is true that the fathers intended it for the seat of government and to retain control over it, but at the same time it is a great city and ought to be treated as a city. Men have investments here. We encourage business of various kinds here; and yet what sort of invitation do we offer? The possibility at each session of Congress of a change in the rate and subjects of taxation and the proportion which is to be paid by the people of the United States and by the people of the District.

Everyone agrees that the United States should contribute toward the revenues of the District, and I do not concede that it is impossible to lay down a fixed proportion. If one-half is too much, make it less. Why, according to this proposition——

Mr. GARD. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. GARD. Has the gentleman any information to give to the House as to what the proportion should be?

Mr. SMALL. The gentleman was a member of the joint commission to consider this subject and, I have no doubt, industriously studied the evidence submitted to them. If that evidence was not sufficient, they should have sought evidence that would have been sufficient to have fixed upon a definite proportion; and because they failed to comply with the direction of Congress in this respect, I do not approve their report or conclusions.

Permit me to summarize the contentions I have endeavored to present. It is admitted that the Federal Government should contribute a fair proportion toward the revenues of the District for the maintenance of its government and to meet the annual appropriations made by Congress. I contend that it is of the very essence of fairness that this proportion should be fixed and definite. Neither the joint commission appointed at the last session of Congress to consider this subject nor the Committee on Appropriations in this bill have met this condition. The paragraph under consideration in this bill does not in express terms repeal the half-and-half law of 1878, but seeks to accomplish its repeal by inference. It provides that appropriations made by Congress for the District shall be paid out of the revenues of the District until they are exhausted, and that the deficit shall be paid out of the Federal Treasury. Let us anticipate the future and observe how this plan will work. It must be remembered that Congress alone has the power to fix the subjects of taxation and the rate of taxes. Doubtless there will be Members of Congress at each session who will contend that the District is not raising sufficient revenue, and there will be constant agitation for adding to the subjects of taxation. At the same time others will doubtless seek to increase the rate. While it is now admitted that the Federal Treasury should bear a proportion of the revenues for the District, there will doubtless be some who will contend either that this contribution should be decreased or reduced to a minimum. We have had many illustrations in the past of Members from villages or rural sections seeking to apply their own provincial theories of government in the administration of the affairs of the District. While the joint commission enjoin generous appropriations and emphasize the necessity of making the seat of Government one of the beautiful capitals of the world, their fine words will soon be forgotten under the exigencies of practical and provincial politics. We are simply paving the way for making our National Capital the football of provincial and impracticable theorizers in municipal government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, just a word on this subject. My colleague says that unless we continue to pay one-half of the funded debt out of the General Treasury we will be repudiating our obligations. I ask him to whom he made the obligations. The bondholders do not care where the money comes from. We are not repudiating any obligation to the bondholder if his bonds and interest are paid. He can not complain. And if it be said that we are repudiating our obligation to the District—and I think we are—it equally applies to the payment of the expenditures for current expenses. Because in the same law is the obligation fixed that the Government pays one-half of the running expenses out of the General Treasury and one-half of the funded debt and interest out of the General Treasury.

I think we have the right and the power at any time to change our fiscal relations with the District of Columbia as we please. I think we ought to treat them fairly. I am opposed to the repeal of the half-and-half proposition. I believe it is wiser and better for us to say that on account of this being the Capital of the country, on account of the great number of buildings and public lands which the Government owns in the District of Columbia, in order that we may continue to be proud of the Capital of the country, we may well say we will pay one-half of the expenditures in the District out of the General Treasury. But the gentlemen say that will raise too much money. That does not frighten me. I think we can expend it very profitably.

It has been cited here, for instance, that tax levies in various cities are over $2 a hundred on the actual valuation and only $1 a hundred on the actual valuation here. If that be the case, we ought to continue our present system as an example. There is not another city in the country that is as well taken care of, as well cleaned, that has as good streets, that has as good municipal government as the District of Columbia. And gentlemen say that it costs less per capita here and less in actual taxation here than it does in other cities, even if you combine what the District contributes and what the General Government contributes. I would take the extra money which is not now appropriated, and I would buy new parks. I would provide for the future. I would develop the park system that we have now. I would make a place where the people could meet and enjoy themselves. They do not have much opportunity for that now. Why, even in the city of Chicago, which is new, and more or less an over-grown village, we would be ashamed if in our park system we did not better provide for the people in the parks than they do in Washington. I would finish up the improvements along the Anacostia River, make drives and places where the people could go. I would develop the new park over here east of the railroad tracks into a great gathering place for the people. I would add to Rock Creek Park. I would add to the "Zoo" in Rock Creek Park, where the people of the whole country go. There are many, many things where we can profitably expend money for years to come. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, I know that the section under discussion does not deal with the tax rate, and yet all here so treated it, and so will I. I spent two years as a member of the Committee on the District of Columbia. I heard nothing but complaints and pleas for special privileges by the citizens who came before that committee while I was a member of it. There are a good many confusing laws with reference to taxation in the District. In the first place, real estate within the city proper is taxed on two-thirds of its real value, at $1.50, or, really, a dollar rate. The part of the District outside the city is taxed $1 on two-thirds of its value, or two-thirds of a dollar. This is all the burden of taxation that is borne by the residents of the District of Columbia for all purposes. In return they get a magnificent park system; they get, according to the statement of the gentleman from Illinois [Mr. MANN], the best-kept and best-lighted and cleanest city in the world. All these at a tax rate less than one-half of the property tax on the property of the constituents of any Member who has a seat in this House. All intangible personal property is wholly exempt.

And there is another rather unique scheme that I have seen availed of on several occasions here and that is on your tangible personal property a mortgage is placed, and to the extent of this mortgage it is exempt from all taxes.

I recall one rather wealthy citizen of this District—in fact, an extremely rich man—who was getting ready to go to Paris with a string of race horses, placed a mortgage of $40,000 on his household furniture. The only object was to exempt $40,000 worth of his property from taxation. It worked, and he went happily. That is not all. Let us take, for instance, the people who live along these broad streets. They tell you that the burden of caring for the streets is heavy because the streets are so broad. They get a compensation for this. Everybody's front yard—that is, with but a few exceptions—is not his property at all.

There are streets in this town where the average width of the property between the building line and the sidewalk line is from 20 to 25 feet. If it is 25 or 30 feet, and the lots are 20 feet in width the man has from 500 to 600 square feet of property that belongs to the Government, yet he is permitted to fence it in and exercise exclusive ownership of it. It did not cost him a cent. It is exempted from taxation. He pays nothing for it, nor does he pay tax on it, as you and I must do if our children have a front yard in which to play. In the street where I now live the average width of the lot is 20 feet; the depth from sidewalk to building line is 30 feet, so each owner has 600 square feet, so far as the use of it is concerned, that never costs him a cent, and it is not assessed for taxes against him. At the back of their lot they have 200 square feet which they are permitted to use in the same way, so that every man's lot has 800 square feet of land, worth at least $1.50 a square foot, over which he exercises exclusive ownership, but which never costs him anything and on which he pays no taxes. It belongs to the Government, yet the lot owner has an exclusive use of it, free both of cost and taxes. Yet they tell you they are overtaxed, and want your people and mine to bear a heavier burden that they may bear none at all.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

The CHAIRMAN. The gentleman from Ohio [Mr. LONGWORTH] is recognized for five minutes.

Mr. LONGWORTH. Mr. Chairman, for a good many years I have heard this proposition debated pro and con, and I have given particular attention to this debate. I have tried to weigh as judicially as I could the various arguments in favor of the abolition of the so-called half-and-half plan, but I can not come to any other conclusion than that by so doing we would not be taking a step in advance, but, on the contrary, would be taking a step backward.

Since 1878 it has been the policy of this Government to divide equally with the District of Columbia the cost of its maintenance, and during that time and under that method Washington has developed from comparative insignificance into one of the most beautiful, one of the most dignified, capitals in the world. Its progress has been noteworthy. But I do not believe our ambitions as legislators should stop at that. We should aim, as I believe is the desire of the people we represent, to stop at nothing short of making Washington the capital of capitals, the fitting majestic seat of government of the greatest of the Nations.

The method pursued for the last 40 years, nearly, has gone far in that direction. Why should we change it now? It has been said in this debate that the people of our districts are being overtaxed for the development and upkeep of the National Capital. It is proposed in this bill to reduce their share of the expense from 50 to 30 per cent, to reduce it in actual cash from about $6,000,000 to about $3,500,000. That is a saving, if you please. But to me it is too insignificant to talk about. If you divided it up among all the people of this country, it would amount to about 2½ cents apiece, and I do not believe that the American people will begrudge this pittance to the beautification and the upkeep of the Capital of the United States.

Our duty in reference to matters concerning the government of the District of Columbia is exceptional, because it is twofold in its nature. We must represent not only the people of the States and the districts that send us here but we must also represent the people who live here, and from whom, because of the fact that they can not speak for themselves, there can be no comeback. It is therefore peculiarly our duty to be scrupulously careful lest, merely because we have a giant's strength, we shall use it like a giant. Statesmen are often too prone, I think, to use Washington as a legislative experiment station. They are too often prone, I think, to attempt to impose upon this particular portion of the American people, and against their protest, laws which they would hesitate to impose upon another portion endowed with the power to translate a protest into retribution. The Capital of the Nation is the last place in the country which should be selected by any legislator to "try it on the dog."

It can not in the long run accomplish any useful purpose to hamper, as I fear that this proposition will at least tend to hamper, the development of Washington. Money spent here is well spent. I can not think that the American people are disposed to haggle over the amount. On the contrary, I believe that posterity will be satisfied with nothing less than that Washington shall be, not in size, perhaps, but in the beauty of its parks and public places and in the dignity of its monuments and buildings, the most impressive and majestic capital that the world has ever known.

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

Mr. LONGWORTH. I will ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

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

There was no objection.

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Chairman, the act of June 11, 1878, provided for what is known as the half-and-half plan between the District of Columbia and the Federal Government. There has been more or less dissatisfaction with regard to that plan for a number of years past, culminating in the appointment of the Joint Select Committee whose recommendation was made

to the House and Senate a short time ago—several months ago, in fact.

In the ordinary course of legislative business it would have been the duty of the Committee on the District of Columbia to take cognizance of that report and bring in legislation in harmony with that report, in so far as the findings of the report met their judgment. That committee did not do so, and the Committee on Appropriations, in making up its bill, concluded that it was its duty to legislate in the matter.

There are a number of objections to that form of procedure: First, the Committee on Appropriations has no jurisdiction over legislation of this character. It could not, in the nature of things, give the matter the consideration to which it is entitled. Furthermore, the Committee on Appropriations did not bring in legislation in harmony with the report of the Joint Select Committee. It simply provided that in the future the District revenues should be used, and whatever was necessary over and above that to meet the expenses of the District should be paid out of the Federal Treasury.

This is not the time, this is not the place, to amend the half-and-half plan, either in accordance with the report of the joint select committee or in any other way. It is the duty of the Committee on Appropriations to provide for the expenditures of the District, to bring in its bill, and to bring in the bill in accordance with the law as the committee finds it. Therefore I am against this provision, not that I am unalterably opposed to any change of the half-and-half plan. I think it is possible that we may work out a change from that plan. But I am opposed to a provision such as is contained in this bill, which does not settle the matter, because it does not settle it wisely. It does not legislate upon it in detail, does not follow the plans outlined by the joint select committee, and in my opinion it does not or ought not to meet with the judgment or approval of the membership of the House.

In due time, if this provision goes out of the bill and the bill is otherwise amended, this bill will be in accordance with the existing law relative to the fiscal relations between the District and the Federal Government, and in due course of time the District Committee can bring in a bill modifying those relations as it sees fit. The House can then pass upon that question in a fair, orderly way. It occurs to me that, of all people, the members of the joint committee, whose recommendation is not fairly carried out by this legislation, should oppose it, and that we should all of us oppose it, on the ground that it has not had fair consideration, is not presented to the House by the committee having jurisdiction over the subject, and is not a wise or definite settlement of the question.

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, those who are opposed to changing the fiscal relations between the District of Columbia and the United States will oppose this provision in the bill. Those who believe that there should be a change in the fiscal relations will favor it. It is idle to talk about modifying the present fiscal arrangements by the consideration of a separate bill. Whoever has been in Washington long enough to find his way from one end of Pennsylvania Avenue to the other knows that such a bill has not the slightest chance of being considered in one body of the Congress.

What is proposed here is very simple. It contemplates that under a fair system of taxation, with a very considerable volume of taxable, intangible property eliminated from taxation, revenue shall be raised in the District of Columbia; that the sum raised each year shall be appropriated to the payment of the sums necessary to maintain the District government in a suitable manner; and that if any additional sums be required they shall be paid out of the general funds of the Treasury of the United States. That is the whole proposition.

Some objection is made to it because the joint commission in its report said that there should be adopted a definite policy of liberal appropriations. That can not be done simply by a resolution to that effect. The definite policy of liberal appropriations is expressed in the annual appropriation bill, and if the Congress be dissatisfied with the recommendations for appropriations, if the Congress believes the appropriations recommended are too great or too small, this is the time to make the changes necessary in the amounts to be appropriated.

Mr. TINKHAM. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. FITZGERALD. For a question. I have not much time.

Mr. TINKHAM. Does not the abolition of the half-and-half plan leave each District appropriation bill in succeeding Congresses at the mercy and the caprice of each Congress, thereby making the appropriations for the District less definite and less regular than under the half-and-half plan?

Mr. FITZGERALD. Oh, no; there is nothing to that contention. If it were not that I do not want to be discourteous I would say that it was just balderdash. Every appropriation bill is at the mercy and caprice of Congress. Regardless of the amount of revenue raised in the District of Columbia, Congress can appropriate what it sees fit. For years during my service in the House of Representatives, when the District of Columbia was unable to raise a sum sufficient to equal one-half of the money that Congress determined should necessarily be expended for the support and in the improvement of the District of Columbia, Congress advanced out of the Federal Treasury, as a loan to the District, money in excess of the revenues raised by the District. But the appropriations can not be at the caprice of Congress. There are certain fixed and definite charges in the conduct of a municipality which can not be lessened in any substantial way. The police department, the fire department, the school system, the park system, the upkeep of streets, the extensions of sewers and streets, all must be carried on and will be carried on regardless of what the revenues of the District may be.

This is an equitable provision. It does justice to the residents of the District, so far as the taxing laws at present permit, and does justice to the people of the United States. If all of the available property that ought to be taxed were brought within the taxing system the Federal Treasury would be called upon for very little contribution, and even then no injustice would be done to the residents of the District of Columbia. [Applause.]

Mr. PAGE of North Carolina. Will the gentleman from Minnesota use some of his time?

Mr. DAVIS of Minnesota. I yield five minutes to the gentleman from Connecticut [Mr. OAKEY].

Mr. OAKEY. Mr. Chairman, if all of the taxable property in all of the communities of the United States were equitably reached by the taxgatherer the burdens of the people would be very much less than they are at present. However, from some considerable experience in tax levying, I am inclined to think that the taxpayers of the District of Columbia are, indeed, let off easily. I can see no extreme tax burden from a levy of what in our country we call 15 mills, or $1.50 a hundred, with an assessment on a two-thirds valuation of tangible property.

However, this city is just a little different in regard to taxation and its fiscal considerations than most cities, because of the fact that it is a capital city, that it is filled with exempted property, and that certain kinds of industry and business are at least prevented from coming here.

Mr. Chairman, I am one of those who believe in a liberality in regard to District appropriations. I am one of those who believe that the residents of this city ought to be enfranchised. I believe they ought to be represented in this body and the one across the way. I like what has been said here about the future home of our Capital City. I believe the American people will be more inclined to be liberal, to be generous with the appropriations that we may make, to make this our municipal national home as beautiful, as picturesque, and as artistic as possible. I like what is said about the improvement of our beautiful parks, our great buildings, and our memorials. I want to see them extended and beautified, so that this will become indeed the most beautiful city in the world. I want to see that bridge that I have heard so much about, from the Imperial Capital City to the silent city of our heroic dead; that this city indeed, bearing the honored name of Washington, occupying such a beautiful place as it does, shall become the pride of all our people. And I think, Mr. Chairman and my colleagues, in conclusion, that these matters pertaining to our interest should be considered in the open forum of the Committee on the District of Columbia. I think that is the place where these things should be considered and presented to this body, rather than through the doubtful, the mysterious, and I am afraid dangerous policy of an appropriation rider. [Applause.]

Mr. PAGE of North Carolina. Mr. Chairman, will the gentleman from Minnesota [Mr. DAVIS] consume the remainder of his time? There will be only one more speech on this side.

Mr. DAVIS of Minnesota. How much time have I remaining?

The CHAIRMAN. The gentleman has 10 minutes.

Mr. DAVIS of Minnesota. I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, my interest in this particular item is not because I am temporarily a resident of the Capital City, but rather because as a citizen of the State of Ohio I am

interested in the Capital City never becoming less in its importance or in its beauty than it now is. I feel that at times we approach this subject with too much regard to the city itself without reference to its being the Capital. I frequently hear mention of the low taxation rates here. I think that all of us will agree that we must not think of this city just as we would of the city in which we live.

Mr. GORDON. Just why; that is what I would like to know.

Mr. FESS. The reason I have is that the Capital City should be a model city in every feature that pertains to a modern city. We ought to have a model school system that would serve as an example for all the schools in the United States. It ought to have a model street system as an object lesson for all the cities in the United States. It ought to have a model hospital system of a municipal character to serve as a standard for all the hospitals found in any city in the United States. We ought to strive to make this city an object lesson to the country in all the things that stand for efficiency in administration, beauty in street, in park, in all that serves the artistic taste of our people.

Mr. FITZGERALD. Does the gentleman think that the city in which we live ought not to have a model system?

Mr. FESS. I do not mean that they ought not to have a model system, but I am sure that the Capital City is the place necessarily where we ought to expect to find the highest reach of efficiency and achievement of any place in the world.

Mr. FITZGERALD. How will that be affected by people who have not a model system contributing to a reasonable extent in the upkeep of the city?

Mr. FESS. I am not married to any particular plan of half and half other than I want to be assured that a system that has continued for 30 years upon a certain plan of expenditure outlined by the authority of the Government will not be interrupted. We are not going to stop that plan, I trust; but it looks as though we are going to refuse to bear our share of the burden and place it on the District. That is, if we continue the plan that is in view—and I hope we will not only continue it but improve upon it—we should be free to bear the additional burden. I think the park system should be improved far beyond what it now is. The city of Boston has a more beautiful park system than we have here. There are many other cities which have a more ambitious system than in the Capital City. I do not think that ought to be. I think the highest reach in art of every sort ought to be in this city, if for no other reason than that it is the model city of the world, and if we are going to continue supreme authority of Congress in the Capital City we ought to realize that we ought not to put an additional burden on the people here, who do not have any voice in what they are to bear.

Mr. HOWARD. Will the gentleman yield?

Mr. FESS. Yes.

Mr. HOWARD. Does not the gentleman think that in addition to all the model things, we ought to have here the most model system of taxation as to equity and justice and the manner of collecting it?

Mr. FESS. In other words, you would say that if there is a city somewhere in the country that has a lower rate of taxation than this city we ought to have it here.

Mr. HOWARD. I do not. I am talking about the system.

Mr. FESS. What I am talking about is that if this is the Federal Government system we must not be niggardly about it; we must be benevolent, not only to the people of the city but in a degree that this is our Capital City, and we want to make it the most beautiful place in the world. [Applause.]

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, the only thing I have to say in concluding what is to be said in behalf of the plan that has been in vogue here since 1878 is that the commission found that we were obligated to the bondholders because we entered into a contract with them that we would pay one-half and the District one-half of the District debt and that we should continue it.

The House will to-day say we must keep our contract with the bondholders, and properly so, on recommendation of the commission. But, upon the other hand, under the organic act we have undertaken to carry out a plan for a great city, with schools, hospitals, parks, streets, sidewalks, sewer system, water system, health department, inspections and regulations of every character. We have builded a Capital City upon an extensive plan, and we have paid half of that expense out of the Public Treasury. After we have laid out the plan for expenditures it is now proposed that the Government of the United States withdraw from the contract and no longer pay its share, its half of maintaining the expenses of the Capital of the Nation. The people of the District of Columbia must tax themselves to keep up the Nation's Capital on the plan on which we have started it. We say to the District people: "We legislate for you, but you will pay the burden of the expense. Of course if you are unable to tax yourselves to pay all, we will make up the difference." Mr. Chairman, we start in on this plan by paying about one-third and the District two-thirds. It is stated that there are $8,000,000 in revenue raised by the District this year. Every dollar should be expended, and we should cover every dollar of it in additions to the parks and streets and schools and hospitals. We should pave Pennsylvania Avenue from here to the White House, so that a man who rode over it in an automobile would not think he was riding on a rough sea.

Mr. FITZGERALD. It has only been paved within a year.

Mr. CAMPBELL. Then the paving contractor ought to make his work good.

Mr. FITZGERALD. We can not pave the street every year.

Mr. CAMPBELL. It ought to have been better paved, so that would not be necessary. Then, too, there are many streets in the city not properly lighted.

Mr. FITZGERALD. Where?

Mr. CAMPBELL. Nineteenth Street from Pennsylvania Avenue north and south and Twentieth Street from Pennsylvania Avenue north and south. There are 100 blocks in this city where people live and pay taxes where the streets are not properly lighted. There are many things the Capital of the Nation requires that may not be required in other cities.

Mr. GORDON. Name some of those cities; name one.

Mr. CAMPBELL. The standard of streets and parks and of beauty required by your people when they come here. They are disappointed when they come here and do not find what they saw when they were in Berlin, Paris, or Petrograd. They expect to find in the Capital of their country better streets, better parks, better surroundings than in any capital of any nation on earth, and they have a right to. The people of the country are not penurious about these matters. It is only their Representatives here who make a show of economy by lack of proper appropriations for the Nation's Capital. [Applause.]

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Chairman, that which is before this committee now is simply a plain business proposition. We have heard a great deal about the so-called organic act and about the development of the city of Washington. Concerning the development and continuance of the city of Washington as a beautiful city and as a city fit in every way to be the Capital of this great Nation, I am sure everyone here is in accord, but there is a great deal of noise made about this so-called organic act which has no basis in merit. The truth of the matter is this, that that which is called the organic act, the act of 1878, was simply passed because of a then existing necessity. At about that time the city of Washington had many civic improvements. The streets were being rebuilt and paved, sewers and water extensions were being put in, and the city of Washington was being transformed from a town into a city. Naturally a great expense attached thereto, and the city at that time found itself unable to cope with this additional expense, whereupon the act of 1878, this so-called half-and-half contribution, was suggested as a temporary expediency in order to help the District of Columbia and more particularly help the city of Washington.

As time has gone on, as the city of Washington has developed from a town into a city, as the taxable assets have increased, as the population has increased, there no longer exists any reason for the continuance of this half-and-half contribution. There is absolutely no reason why the Government should contribute dollar for dollar to the expenses of maintaining the municipal government in the city of Washington and in the District of Columbia.

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

Mr. GARD. For a question.

Mr. TINKHAM. Are not the taxable assets being reduced each year by the Federal Government taking property, are not the streets being increased, and are they not having much more money spent upon them because of their breadth, because this is the National Capital, and is not this Congress passing legislation continually to prevent industrial establishments coming here?

Mr. GARD. Mr. Chairman, I decline longer to yield. A time may come when additional space will be needed by the General Government, and if such time does come then the General Government is still in a position through its acts of Congress to afford all necessary relief to the District of Columbia and the city of Washington. I will say that this is the only town in the United States, necessarily the only town, where any sum of

money is contributed from national finances toward carrying on the expenses of the municipal government. This is the plain business proposition: The tax rate here is fixed and it is certain, and that is all that is asked from the residents of the District. The Federal appropriation for local expenses is $3,600,000 in this bill, over $2,000,000 in another bill, in all over $5,500,000, and now if the half-and-half plan is continued as some gentlemen want, it would mean that the Government contribute under this bill, instead of $3,600,000, $8,300,000, which nobody says they have any need for and nobody wants. That is the plain business proposition. There can be no defense in the system of taxation of piling up unnecessarily at the expense of all of the people of the United States a sum of money which is not needed and not even asked for by those who have knowledge of municipal needs. [Applause.]

Mr. PAGE of North Carolina. Mr. Chairman, without any criticism and with great commendation for the members of the special committee investigating the fiscal relations between the United States Treasury and the District of Columbia, had I been a member of that commission I should have reached a slightly different conclusion from that reached by them.

There is no other spot, large or small, within the boundary of the United States bearing the same relationship to the Nation as does the District of Columbia, set aside by mandate of the Constitution as the seat of government, to be directly and immediately under the control of the Congress, in order that there might be no conflict of authority.

The city population and private ownership of property are merely incidental and in no degree change the national character of the District nor the national obligation to maintain and control it. The very fact that it is a national city, the Capital of a great Republic, makes it an attractive place of residence. It does not follow, however, that the person whose necessity or preference brings him here should be exempted from the usual and ordinary obligations of citizenship, nor should he be penalized by being required, because of his residence, to contribute more largely to the support of the Government than do those citizens living elsewhere under the flag.

In my judgment much confusion exists in the minds of Members of Congress attempting to deal with this question, for the reason that they think of Washington as a municipality and undertake to compare it with other cities incorporated under States laws and constituting a part of the State in which they are located.

This same thought is uppermost in the minds of those who reside here, ignoring or forgetting the peculiar relationship to the Nation of that territory embraced within the District of Columbia.

There is nothing local about it. It is the one national city.

The resident property owner is not a citizen of Washington or the District of Columbia in the same sense that I am a citizen of North Carolina. By choice he relinquishes his rights of municipal or State citizenship when he elects to permanently reside within the District and becomes a citizen of the Nation exclusively.

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

Mr. PAGE of North Carolina. Yes.

Mr. FESS. Is there not a little difference there? The residents of Baltimore, for example, have some voice in the Government.

Mr. PAGE of North Carolina. It was intended that the residents of this District should never have a voice or a vote.

Mr. FESS. And for that reason should the tax rate be as high as where the resident does have a voice and a vote?

Mr. PAGE of North Carolina. I do not think that we compensate any of those people from whom we take the franchise anywhere else by lowering the rate of taxation.

Mr. FESS. I am assuming that we will not give the franchise. I am not in favor of that, but I am in favor of taking more of the burden ourselves.

Mr. PAGE of North Carolina. He enjoys the same right of protection to his person and property, the same advantages of schools, hospitals, and other conveniences that people living elsewhere enjoy, and should make his contribution to the general fund that other people must contribute to obtain these advantages—this and nothing more.

Therefore I believe that an assessment and tax levy should be made upon privately owned property within the District of Columbia in like amount and at a like rate as is placed upon the property of people living in other places enjoying like benefits, and every dollar so collected should be paid, not into a supposed municipal treasury but into the Treasury of the United States to the credit of "miscellaneous receipts."

Then the first paragraph of this bill should read: "The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes."

No divided obligation or responsibility, no quarreling over percentages, but a National Capital supported, enlarged, beautified by the whole people from the Common Treasury, the pride of the Nation, in time the marvel of the world, and a constant joy to all those who reside in it.

I believe that this paragraph should be adopted, and that the man who votes to have this old, inadequate fiscal policy continued is voting against the interest, and the best interest, of the Capital of his Nation. [Applause on the Democratic side.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. TINKHAM].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. TINKHAM. Mr. Chairman, I demand tellers.

The CHAIRMAN. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Seventeen; not a sufficient number, and tellers are refused.

So the amendment was rejected.

The Clerk read as follows:

The following sums are appropriated out of the revenues of the District of Columbia to the extent that they are sufficient therefor and the remainder out of any money in the Treasury not otherwise appropriated in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, namely:

Mr. MONDELL. Mr. Chairman, I make the point of order against this paragraph that it is a change of existing law, not made in order by the special rule, and does not come within any of the exceptions to the general prohibition against legislation on all appropriation bills laid down in Rule XXI.

Mr. PAGE of North Carolina. Mr. Chairman, the first paragraph of the bill having been made in order and having been adopted by the committee, it seems to me that it necessarily follows that the language contained in the second paragraph, to make the application of the first paragraph, is in order. I frankly confess that had I considered this question, to make assurance doubly sure, I might have included it within the rule. I do not think that the gentleman's point of order is well taken.

Mr. MONDELL. Mr. Chairman, the gentleman in charge of the bill, who is a good parliamentarian, does not deny the force of the point of order, but he presents for the consideration of the Chair a new, novel, and curious theory, unknown heretofore to parliamentary law, to wit, that a rule having made one part of a section in order, the balance of the section is made in order by reason of the adoption of that rule. Now, I submit to the Chair that is not sound reasoning. The question as to whether or not this paragraph is subject to a point of order depends solely and wholly on the paragraph itself, unaffected by anything that precedes or follows it. Now, if the Chair will indulge me, I want to make this observation: If the gentleman in charge of the bill had insisted that this paragraph was in order under the Holman rule, he might at least have had some excuse for that argument. It is not, however, in order under the Holman rule, as the Chair, who, I have no doubt, is familiar with the rule, very well knows. The Holman rule is as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for public work and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Now, this paragraph does not accomplish any of those objects. It does not, therefore, come within the provisions of the Holman rule. There is, it is true, a proviso to the Holman rule which provides that upon the report of a committee or a joint commission authorized by law, or the House, or the House Members of any such commission, having jurisdiction of the subject matter an amendment germane to the subject matter of the bill which shall retrench expenditures is in order. But this is not presented by a committee having jurisdiction of the subject matter. It was presented by the Committee on Appropriations that has no legislative jurisdiction in this regard.

Now, to come back to the genesis of the thing. Let me call the attention of the Chair to the fact that the act of 1878 very clearly and definitely provided for the payment of these appropriations, one-half out of the District treasury and one-half out of the Treasury of the United States. That is the law; it has never been superseded, modified, or amended. Now, it is proposed in an appropriation bill, presented by a committee having no jurisdiction over the legislation, to modify and change that

provision of law. It can not be done in this way, Mr. Chairman.

Mr. CRISP. Mr. Chairman, I desire to present this thought to the Chair in passing upon the point of order, and it seems to me the point of order is not well taken. It is a rule of this House—and if the Chair desires it I can cite several authorities on this subject—that where a provision is in an appropriation bill, and that provision itself is not in order, it is in order to further amend that proposition by other germane legislation—legislation that as an original proposition would itself be out of order. Now, the House has refused to strike out of this bill the first section, which repeals the act of June 11, 1878, and provides that the revenues raised from the District of Columbia shall first be used. Now, the paragraph of the bill to which the gentleman from Wyoming lodges a point of order is the natural logical sequence of the first paragraph of the bill, which is in order under the special rule. It seems to me that the paragraph in question is germane, relates to and necessarily follows the first paragraph, and therefore is in order.

Mr. MONDELL. Mr. Chairman, I am very much surprised at the line of argument made by the gentleman from Georgia [Mr. CRISP], who is a splendid parliamentarian. We all know that a provision not in order under the rules, if not objected to or if made in order by a special rule, may be further amended. That is true; there is no question about that. But that is not the situation at this time. While the first paragraph was under discussion, made in order by the special rule, it would have been entirely in order to have offered this paragraph as an amendment, as a proviso. It certainly would have been in order to have amended that paragraph with any amendment that was germane to it, but nothing of the sort was done. That paragraph was disposed of. The House has acted upon that matter; it is out of the way; it is no longer before us; and we are now on an entirely different and distinct proposition. It seems to me it is not necessary to argue this further point with the Chair, but, if the Chair will allow me, let me illustrate how illogical the argument of the gentleman from Georgia is. These two paragraphs do not, as a matter of fact, relate to the same matter. One is a change in existing law for all future time. The other, the one now before us, is a provision relative to the appropriations contained in this bill.

Mr. PAGE of North Carolina. Will the gentleman allow me an interruption?

Mr. MONDELL. Certainly.

Mr. PAGE of North Carolina. The gentleman's last statement is unquestionably true and showing its close relationship to the paragraph already accepted by the House and made in order it uses the same language as to how the money shall be expended.

Mr. MONDELL. But surely my friend will not contend—I am sure he will not contend—that the matter having been made in order by a special rule and disposed of, you can thereafter bring in other matters that are subject to a point of order on the theory that they have some relation to what has already been disposed of by the House.

Mr. HOWARD. Mr. Chairman——

Mr. MONDELL. Just let me suggest to the gentleman what that would lead him to. Under that theory we could continue to the end of the bill and add all sorts of amendments on the theory that one paragraph in the bill having been made in order and disposed of another paragraph germane to the subject matter of the paragraph thus made in order is in order thereafter simply because it relates in a way to the same general subject. It is a most extraordinary theory that making one paragraph in order by a special rule makes in order thereafter every proposal of legislation that in the remotest way relates to the same general subject.

Mr. HOWARD. Mr. Chairman, if the Chair will bear with a parliamentary tenderfoot for a moment, I have one suggestion I desire to offer. The point of order raised by the gentleman from Wyoming [Mr. MONDELL], in my judgment, is not good for this reason, that the second paragraph, and its relation to the first paragraph, made in order by the rule, simply does this. It simply carries into effect, so far as the provisions of the first paragraph are concerned, the provisions of the first paragraph as applicable to the appropriations in this bill. They are inseparable for this reason, that the first paragraph abolishes what is now known as the half-and-half plan. It says how the revenues of the District of Columbia shall be applied, how much shall be paid out of the Treasury, and the second paragraph says that the application of the first paragraph to the appropriations carried in this bill shall be done in like manner.

In other words, it would be the height of legislative folly to hold the first paragraph in order and to hold the second paragraph out of order, because the law contained in the first paragraph could not possibly be administered without the following paragraph that is incorporated on page 2 of the bill. Therefore they are inseparable. One is obliged to follow, as the gentleman from Georgia [Mr. CRISP] says, as a sequence to the other.

Mr. MONDELL. I appeal to the gentleman's own excellent judgment to show how illogical his proposition is. He is assuming that the first paragraph, having been made in order and having received an affirmative vote, is law. It is not anything of the kind. It is simply an expression of opinion on the part of the committee. The law still stands and will stand until both bodies of Congress and the President have, acting together under the Constitution, changed it, and it does not change the situation because a certain thing was made in order under the rule.

Mr. HOWARD. Will the gentleman state how this second paragraph, then, will be in any different situation than the first paragraph if we do the same thing to the second paragraph that we did to the first paragraph, namely, express an opinion about it? They are on all fours.

Mr. MONDELL. The difference between the two paragraphs, I will say to my friend, is that the Committee on Rules, or whoever it was made up the rule, "slipped a cog," if I may use that expression. They should have covered both paragraphs by the rule. They failed to do it. That is not my fault. I am taking advantage of the fact that they did not provide in their rule to accomplish that which they sought to accomplish, and they can not come in here now and plead the "baby act" that, having brought in a certain provision which otherwise would have been out of order, thereafter they may propose and have considered all sorts of propositions out of order if they tend to relate to the same general subject.

The CHAIRMAN. The gentleman from Wyoming makes a point of order on the language on page 2, from line 4 to 10, inclusive, asserting it to be a change of existing law, and asserting it not to be one of the exceptions made by the Holman rule or any other exception in the rule; also asserting that it is not made in order by the special rule. Of course an examination of the special rule discloses that it is not made in order by reason of the special rule. The Chair thinks, however, that inasmuch as the paragraph against which the point of order is lodged merely contains a repetition of the language in the first paragraph plus the necessary words "of appropriation," necessarily appropriating the money to carry that into effect——

Mr. MONDELL. Before the Chair goes further, will he allow me just a moment? I do not want to see the Chair go wrong on as important a matter as that. The Chair seems to have it in mind that this paragraph simply follows the former paragraph and really is surplusage. That is not true. The first paragraph provides that "hereafter all appropriations made for the support of the government of the District of Columbia," and so forth, and this paragraph provides that "the following sums are appropriated out of the revenues of the District of Columbia." They are two very different and distinct matters. It might be held that if this item went out entirely the former paragraph would accomplish what is sought to be accomplished in this paragraph. I do not think it would. The two things are entirely dissimilar in their character and in what they seek to accomplish.

The CHAIRMAN. The Chair thinks that the language on page 4 just referred to merely consists of a repetition of words already made in order and the necessary language carrying into effect and appropriating money provided for in the first paragraph. While the Chair does not claim to be infallible, neither does he think that he is the last word on the subject of rules; he does think the paragraph under discussion to be ancillary and a necessary incident thereto. The Chair thinks there is no question that it would be in order as an amendment to the former paragraph, having in mind that the first paragraph was made in order by the special rule. Hence the Chair overrules the point of order.

Mr. SMALL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

Mr. PAGE of North Carolina. Mr. Chairman, I call the attention of the Chair to the fact that the bill has been read down to and including line 11 on page 22.

The CHAIRMAN. The gentleman is right about that. The Clerk will read.

The Clerk read as follows:

Repave with asphalt the roadway of Fourteenth Street NW., from Pennsylvania Avenue to F Street, 70 feet wide, $7,500.

Mr. TINKHAM. Mr. Chairman, I desire to make a point of order against the appropriation in lines 8 to 10.

The CHAIRMAN. On what page?

Mr. TINKHAM. On page 23, just read. Under Rule XXI, section 2, it says:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

As I understand the law, no street can be widened without authority of Congress. If that is so, then this appropriation is subject to a point of order, as it is an expenditure not previously authorized by law.

Mr. HOWARD. Mr. Chairman, I do not think the point of order made by the gentleman from Massachusetts is well taken for this reason. Under the existing law, as found in section 77 of the District Revised Statutes, with which I presume the gentleman is not familiar, or he would not have made this point of order, the commissioners are given this power. I do not think this has ever been repealed, except possibly there has been a limitation and restriction placed upon it. But this is the general fundamental law that has been under the revision of the courts of the District of Columbia:

The board of public works shall have entire control of and make all regulations which they shall deem necessary for keeping in repair the streets, avenues, alleys, and sewers of the city, and all other works which may be intrusted to their charge by the legislative assembly or Congress.

Now, in the appropriation bill of 1907 this provision is contained:

For work on streets and avenues in Appendix A—

And so forth, which I will not read, and then they go on and name some streets, and continue:

Provided, That hereafter no street or avenue in the District of Columbia shall be paved less in width than the width now provided by law, except upon express authority of Congress, upon estimates to be submitted to Congress by the Commissioners of the District of Columbia.

Now, there is absolutely no inhibition on widening streets, but the inhibition in the statute, which is the existing law, is that they can not make them narrower.

Now, here is the proposition on Fourteenth Street, from Pennsylvania Avenue to F Street, as contained in the present bill: The sidewalk on the west side—and that is what the gentleman from Massachusetts [Mr. TINKHAM] is probably trying to protect here from disturbance—is alongside the hotel property. They have a sidewalk there 36 feet wide, and they occupy all that space under the sidewalk, which is very valuable to them, under this street, and they do not want their permissions disturbed. The roadway on Fourteenth Street from F Street to G Street is 70 feet wide, and by some hook or crook this particular privileged character in the District of Columbia has gone out on the west side of this street, from Pennsylvania Avenue up to F Street, and taken in 36 feet of sidewalk. The commissioners, in an attempt to straighten Fourteenth Street, to make the roadway the same width all the way up from Pennsylvania Avenue, have asked an appropriation for restoring this street along that block to its proper width; they have asked so much money to make this street 70 feet wide.

Now, the point of order made by the gentleman from Massachusetts [Mr. TINKHAM] is that there is no legislative authority for it. The legislative authority distinctly says that these commissioners can not make a street narrower. Now, they have the authority to do the reverse of it, to wit, to widen a street; and here is the law. I would like to have the gentleman answer that.

Mr. JOHNSON of Kentucky. Will the gentleman yield there?

Mr. HOWARD. Yes.

Mr. JOHNSON of Kentucky. Is this one of the wide streets that is a burden to them?

Mr. HOWARD. Yes; I suppose this is one of the wide streets that is a burden to them.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there for a question?

Mr. HOWARD. Yes.

Mr. MADDEN. What is the ordinary sidewalk width along Fourteenth Street in other places?

Mr. HOWARD. I can only give the gentleman information as to the other side of the street.

Mr. MADDEN. I suppose they have a uniform width, except at that place?

Mr. HOWARD. Yes; 70 feet is the usual width of the roadway.

Mr. MADDEN. There must be a uniformity of width in the sidewalk everywhere?

Mr. PAGE of North Carolina. No; there is not everywhere. It varies on different streets.

Mr. MADDEN. On that particular street?

Mr. PAGE of North Carolina. Without attempting to be absolutely correct, I think on most of the streets it is about 12 feet.

Mr. MADDEN. Then I suppose all above 12 feet is an encroachment on the street?

Mr. PAGE of North Carolina. Yes.

Mr. HOWARD. I will say to the gentleman that the sidewalk on that street, on the west side, where the roadway of Fourteenth Street runs into the sidewalk, is 36 feet wide. Now, that is the widest sidewalk of which I have any knowledge in the District of Columbia.

Mr. MADDEN. What I was trying to get information on is what is the width of the sidewalk at every place else except at this place?

Mr. HOWARD. It is 20 feet.

Mr. MADDEN. Then they are 20 feet in excess?

Mr. HOWARD. Yes; they are 20 feet in excess. The committee wanted to straighten Fourteenth Street by taking off that width from this sidewalk.

Mr. EVANS. Mr. Chairman, may I ask the gentleman a question?

Mr. HOWARD. With pleasure, sir.

Mr. EVANS. Is it not a fact that about all of Fourteenth Street, along there, that is not occupied by the sidewalk is occupied by taxicabs?

Mr. HOWARD. Yes. That is the very reason why the commissioners want to straighten that funnel down to the Avenue for traffic. Of course, that applies to the merits of it. I would like to defend the committee's action in the matter and commend the good judgment of the District Commissioners, but that does not apply to the parliamentary situation.

Mr. MADDEN. The commissioners are not seeking to widen the street, but are simply seeking to widen the roadbed?

Mr. HOWARD. Yes; to widen the roadbed. They are not going to tear down anybody's playhouse.

The CHAIRMAN. The gentleman from Massachusetts [Mr. TINKHAM] makes a point of order against the language on page 23, lines 8 to 10, inclusive, on the ground that it is legislation added on an appropriation bill in contravention of paragraph 2 of Rule XXI. The gentleman from Georgia [Mr. HOWARD] presents a law here in which there is an inhibition against narrowing streets. The Chair thinks he would have to go a long way to prove that that would authorize the widening of the street, and the Chair is inclined to sustain the point of order, and does sustain it.

Mr. JOHNSON of Kentucky. It is not a proposition to widen the street. It is a proposition to widen the roadbed to the extent that they have legally the right to widen it.

Mr. HOWARD. Mr. Chairman, it is an incident. It does not change the width of the street. From building line to building line across that street the distance is not changed an atom, but by this provision we simply desire to cut off some of the sidewalk and restore it to the street or roadway where it is now being usurped by a certain concern, which makes the roadway along this particular block 20 feet narrower than the roadway along the rest of the street. We simply want to lower the sidewalk to the roadbed. That is all. It is not narrowing; it is not widening. It is doing nothing but lowering the sidewalk and making a roadway for vehicles instead of a sidewalk for pedestrians.

Mr. TINKHAM. Mr. Chairman, there is no such explanation in the bill.

Mr. HOWARD. In other words, if we had asked for the removal of an obstruction out of the street, which we have specific authority here to do under the law, we would probably have reached this matter in another way, because of the fact that the street in this block—that is, the roadway——

The CHAIRMAN. If any property owner transgresses upon or extends his private holdings out upon the public thoroughfare, is there not a criminal statute under which he can be proceeded against for obstructing the street?

Mr. HOWARD. I do not know about that; and I will admit that if we wanted to go in and tear down a wall or encroach upon private property for the purpose of widening this street, the point of order of the gentleman from Massachusetts [Mr. TINKHAM] would be good.

Mr. JOHNSON of Kentucky. But we do not want to go beyond our own property.

Mr. HOWARD. But under the law of the land the streets from building line to building line are the property of the United States Government. In the Van Ness case (4 Pet., 232) the United States Supreme Court squarely decided, in an opinion by Justice Story, that the United States had "an absolute, unconditional fee simple" in the streets and public squares of the city under the conveyance by the original proprietors.

There was elaborate argument by eminent counsel, including Taney, afterwards Chief Justice of the United States, for Van Ness, and Daniel Webster and William Wirt and Attorney General Berrien on the other side.

The case of Smith *v.* Washington (28 How., 135), decided in 1857, which has been quoted as modifying the opinion in the Van Ness case, did not pass upon the Van Ness case or the question involved in it; and the Supreme Court, since the Smith case, has repeatedly approved the Van Ness case. (See Steamboat Co. case, 109 U. S., 672, and Morris *v.* United States, 174 U. S., 196.)

Under the Van Ness decision the United States could close or sell any of the streets and reservations in the original city of Washington. As Representative Garfield said in the House June 19, 1876:

> They (the fathers) went even further. They went so far as to arrange that the fee simple of the streets of the Federal city should be exclusively and only in the Government; and, so far as I know, it is the only city on the globe that owns the fee simple to every foot of the streets in it. We could build a block of buildings all the way from the western front of our Capitol to the Treasury, filling Pennsylvania Avenue from side to side, if we chose to do so, because we own every foot of the ground

Now, we do not want to encroach on the rights of anybody. We want to do a certain thing with our own property—to widen the roadway 20 feet to make it conform with the width of the street so far as that street runs through the city.

Mr. JOHNSON of Kentucky. And we ask for nothing but the money to do it with.

Mr. HOWARD. The street is 70 feet wide, except upon this particular block; and on account of the congestion of the traffic the commissioners wish to change this width, to take 20 feet of sidewalk and apply that 20 feet of sidewalk to 20 feet of roadway. That is the simple proposition.

Mr. JOHNSON of Kentucky. Mr. Chairman, if you will permit me to say it, no authority is asked to change a law or to make a law. They are asking for $7,500 to do work upon a roadway that belongs to the Federal Government, established long ago. In the beginning the lawmakers chose to make the roadway narrower. Now they ask for the money—and for nothing else except the money—to build the roadway upon property which has already been set aside for street purposes.

The CHAIRMAN. The Chair will ask the gentleman if this requires the purchase of any new property at all?

Mr. JOHNSON of Kentucky. None at all.

The CHAIRMAN. The property that is proposed to be paved already belongs to the Federal Government?

Mr. JOHNSON of Kentucky. Absolutely.

The CHAIRMAN. Who occupies it now?

Mr. PAGE of North Carolina. It is occupied by the sidewalk. When they originally paved the roadway of Fourteenth Street in this block between Pennsylvania Avenue and F Street, instead of paving it to the full width of 70 feet, as they did north and south of it, the commissioners paved it 50 feet wide, and made the sidewalk wider. We merely propose, by widening the pavement, to take the city's property that is now used as a sidewalk with which to widen the roadway and make it conform to the width of the roadway both north and south of this block.

Mr. JOHNSON of Kentucky. Just to transfer from sidewalk to driveway; that is the only difference.

The CHAIRMAN. What does the gentleman from Massachusetts [Mr. TINKHAM] say about that?

Mr. TINKHAM. Mr. Chairman, I say that the condition of the street as it now exists is in accordance with law, and that no change can be made in that street without new legislative action, and that this is legislative action which is asked, and therefore is subject to a point of order.

Mr. HOWARD. Will the gentleman from Massachusetts yield for a question?

The CHAIRMAN. The Chair wishes to ask the gentleman from Massachusetts where is the authority that authorizes these sidewalks to be laid by private parties upon Government property? Has the gentleman that authority?

Mr. TINKHAM. I have not the authority right in hand, but I understand the sidewalks are properly there by permission of the District government, and that is not denied.

Mr. HOWARD. I will say to the gentleman that there never was any such permit.

Mr. JOHNSON of Kentucky. If there was, it was illegally done.

Mr. HOWARD. If there was any such permit, it was void, because they had no authority to grant it. I want to say that I have diligently investigated this matter for three weeks, and I have all the law there is upon it, and that there is no such provision in existence as the gentleman from Massachusetts states.

Mr. MADDEN. Mr. Chairman, I have no interest in this thing, except to see the tangle straightened out. I think it is within the power of the committee to decide whether the roadway on a given street shall be a certain width or some other width. If the commissioners decide that it is wise to create a uniform width of roadway upon a given street, it is within their power to do that. I assume that they have granted permits to the owners of certain property to encroach upon the roadway of the street within this block; but such permits when granted, as they frequently are in all cities, are granted on condition that they are revocable at the pleasure of those who granted them. There is no doubt about that, and when the person to whom the permit is granted accepts the privilege and acts under it, he acts with the distinct understanding that he is doing it at the pleasure of those who granted the permit.

Now, it can not be said that it is not within the power of the District of Columbia to pave a street to a width of 30 feet or 40 feet or 50 feet or 60 feet, or whatever width they may choose to pave it. It frequently happens that they make a very narrow roadway, and the reason why they do it is because they want to economize. They do not want to impose upon the Treasury the immense burden that would be required by the paving of a wide roadway. On residential streets, for example, it frequently happens that the roadway is only 25 or 30 feet wide, while on business streets it is 50, 60, 70, or 80 feet wide, depending on the width of the street, and it is nearly always uniform on a particular street.

Mr. BUTLER. What is the width of that street, may I ask the gentleman?

Mr. MADDEN. I understand the width of the roadway is 70 feet, except at this point.

Mr. HOWARD. And 50 feet at this point.

Mr. MADDEN. And 50 feet at this point.

Mr. HOWARD. Between Pennsylvania Avenue and F Street it is 50 feet wide, and all the rest of the way it is 70 feet wide.

Mr. MADDEN. I do not think we are doing anything in this provision except to appropriate the money to do that which we already have the authority to do.

The CHAIRMAN. The Chair is ready to rule. A moment ago, when the Chair started to sustain the point of order, he was under the impression that this necessitated the acquirement of new land and the doing of something other than the paving of land that now belongs to the Government. As I now understand the situation, however, it seems to be uncontroverted either by word of mouth or by the existing law that this amendment only authorizes the pavement of a street that now belongs to the Government. It seems to be true part of the street is not at this time used by the Government as a roadway, and it is apparently true that some sort of a permit has heretofore been issued, although nothing definite is here presented to so show. Either that or else a trespass is being committed by the private owners who have built the sidewalk out into the street and are temporarily occupying the same. But, be that as it may, such permit if any there be, even if acted upon, does not rise to the dignity of law; hence this provision repeals no law and therefore does not bring this provision within the rule. The Chair therefore overrules the point of order. The Clerk will read.

The Clerk read as follows:

> For repaving the roadway of B Street NW., from Seventh Street to Ninth Street, on plans to be approved by the commissioners: *Provided*, That the one-half cost of paving said roadway between the north side thereof and a line 20 feet therefrom and parallel thereto between the west building line of Seventh Street and the east building line of Ninth Street shall be assessed against the Washington Market Co. and collected as provided herein for assessments for paving roadways on streets herein authorized to be paved or repaved, $22,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word for the purpose of saying that the history of the Washington Market Co. is very wonderful. It had its origin in one of the most monumental pieces of graft that ever went out of the American Congress. That bill was lobbied through Congress by the then Sergeant at Arms of the House. The bill is singularly peculiar in its very first words of the charter, which incorporated a lot of people who never did and never expected to put the charter into effect. They never intended to put into execution the charter, but they did intend and it followed that it was put into execution by Members of Congress, represented by Mr. Ordway, the then Sergeant at Arms of this body. The capital stock was subscribed largely by Members of Congress and those who were then in control of the government of the District of Columbia.

At that time the stockholders in the Washington Market Co. were the very highest officers in the District of Columbia, and they made a trade between the District of Columbia and the Washington Market Co. by which the District of Columbia was discriminated against and the stockholders of the Washington Market Co. were benefited. The trail of this corporation through its early existence was marked by corruption and fraud, by the destruction of private property of the poor. It has been marked by the torch of the incendiary, and it has been further marked by the destruction of human life.

Mr. Chairman, I ask unanimous consent to extend my remarks upon this subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read as follows:

The Secretary of the Interior is authorized and directed to transfer to the commissioners for use as a public highway so much of the United States reservation on Nichols Avenue, and designated as parcel 243, one, as may be necessary to open Nichols Avenue with a width of 110 feet from its westerly line as now established.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve a point of order against the paragraph.

Mr. PAGE of North Carolina. Mr. Chairman, I can not controvert the point of order that this is not authorized by existing law; but when I drew the rule making certain provisions in order on the bill I did not think this of enough importance to include it. I want to say to my friend that before we allowed this item to go into the bill the subcommittee went out and made a personal examination of this situation with a view of making the avenue meet the purposes for which it was laid out, and this item seemed necessary. We were assured that it was not resented, but acquiesced in, by the National Government. It will be a considerable hardship to the people living in this section if the item goes out, and since it does not meet any opposition from the National Government, the owner of the land, I hope the gentleman will withdraw his point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, in view of the explanation made by the gentleman from North Carolina, I withdraw the point of order.

The CHAIRMAN. The Chair desires to call the attention of the gentleman from North Carolina to the word "one," in line 19, page 24. Is that correct?

Mr. PAGE of North Carolina. Yes, Mr. Chairman; that is the description given as it relates to this plot.

The Clerk read as follows:

Northwest. Thirteenth Street, Florida Avenue to Clifton Street, pave, $6,700.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Committee amendment: Line 10, page 25, insert "Northwest. Champlain Street, Florida Avenue to Kalorama Road, pave, $10,500."

Mr. MONDELL. Mr. Chairman, I shall not oppose the amendment, but I rise to express the hope that before we get through with these appropriations the chairman of the subcommittee will offer many amendments of this sort, taking care of the roadways that are not provided for in the bill. The District Commissioners, in my opinion, and I have given some little attention to their estimates, were careful in making up their estimates for the coming fiscal year, were anxious to provide only for those roads that required immediate care and attention, and my opinion is that they did not estimate for anything that is not needed. And yet in this matter of suburban roads the committee has reduced their estimate from $284,000 in round numbers to $174,000, or $110,000. It is true this amount is an increase over the amount appropriated last year, but that is true because the amount appropriated last year was scandalously inadequate. This year the committee seems to have been fearful that it would depart too radically from its too parsimonious attitude last year. As I understand it, these roads are improved out of the revenues of the District and not charged against the abutting proprietors. Is that true?

Mr. PAGE of North Carolina. They are charged against the abutting proprietors under what is known as the Borland amendment.

Mr. MONDELL. Yes; if it is a permanent roadway.

Mr. PAGE of North Carolina. If it is asphalt.

Mr. MONDELL. But they are not in most cases permanent roads.

Mr. PAGE of North Carolina. No.

Mr. MONDELL. Is it not true that a considerable portion of these roads will be improved out of funds of the District?

Mr. PAGE of North Carolina. They will not if the gentleman from Wyoming and other gentlemen will support the provision made in order on this bill under the rule to include not only asphalt but macadam and all permanent pavements under the provision of the Borland amendment.

Mr. MONDELL. Let me call my friend's attention to the lack of logic in his attitude.

Mr. PAGE of North Carolina. The gentleman from North Carolina makes no special pretense of being logical.

Mr. MONDELL. Or consistent.

Mr. PAGE of North Carolina. Not always.

Mr. MONDELL. He being a member of the Democratic Party, which he honors, I think that is a true confession. [Laughter.] If the amendment which the gentleman refers to is not adopted, and it is not yet, these suburban roads would mostly be built out of public revenues not chargeable to abutting proprietors, and it seems to me it is the wise and proper way to build suburban roads.

Mr. PAGE of North Carolina. Under that provision, if we confine the part payment to abutting property owners on suburban roads, the very street which my amendment provides for, if the amendment be adopted, which will be paved with asphalt running due north from Florida Avenue, would be classed as a suburban road, and the property in the middle of the city enjoying all the benefits of property on the one side of Florida Avenue would be exempt from any participation in the payment and that on the other side would have to participate. Is that logical?

Mr. MONDELL. Mr. Chairman, I admit that there are exceptions to all good rules. It takes exceptions to really prove a rule, it is said, but in the main it is not fair to charge a suburban holder with a road built past his property intended not so much for his use as for the use of the general public in getting from the city out onto the main roads in the country. That is the purpose of these suburban roads in the main; many of them do not add materially to the value of the property. But that was not what I was intending to discuss, but rather this proposition, that under the law as it now exists these roads would largely be built out of the revenues of the District. If the committee is endeavoring to bring itself in line with its new theory of cutting down expenditures so that the Federal Government will pay as little as possible, then the reduction of this estimate might be logical, but if the gentleman expects his amendment to become law and the property owners are to be called upon to pay for this improvement, then why should not we provide for all of these improvements? If the people are to pay for them, as the gentleman thinks they should, why did you not approve them if they are really needed? Why cut out a number of these roads when it is to be assumed the property owner is in favor of the improvement, and the property owner, if the amendment prevails, pays? It seems to me that is not a logical position for the gentleman to take, if he expects the amendment to be adopted, so that the property owners will pay for the work. Why not have the work done? It is not going to cost the Government anything in the long run.

Mr. PAGE of North Carolina. Mr. Chairman, in reply to the gentleman's criticism of the committee as to the meagerness of this appropriation, let me say that last year we appropriated $118,700 for the suburban roads in the District of Columbia. The present bill carries $284,450, or an increase of more than 120 per cent. I do not think that is very slow progress.

In answer to the gentleman's other inquiry as to why, if we expect the amendment in this bill requiring the abutting property owners to pay a certain part for the paving of these suburban roads to be adopted, we do not include the whole amount as estimated by the commissioners, the gentleman and the committee must remember that there is a limitation upon the ability of the organization to accomplish within a year more than a certain amount of work, and your committee thought that if we gave them twice as much work to do during the next fiscal year and twice as much money with which to do it they would probably accomplish it within the life of the appropriation, while if we gave them more they would not. That is all I have to say about the proposition.

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

The amendment was agreed to.

The Clerk read as follows:

Northeast. Ord Street, Kenilworth Road to Forty-fourth Street, grade and improve, $2,900.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After line 4, on page 26, insert:
Southeast. Portland Street, Nichols Avenue to Fourth Street, grade, $10,500.

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

The amendment was agreed to.

The Clerk read as follows:

Under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act, the commissioners are authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Seventeenth Street NW., from Kenyon Street to Irving Street, with a width of 90 feet, said extension to be in direct line with Seventeenth Street as it now exists north of Kenyon Street: *Provided, however,* That the entire amount found to be due and awarded by a jury in said proceedings as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of the proceeding hereunder, shall be assessed by the jury as benefits;

There is appropriated out of the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceeding taken pursuant hereto and for the payment of the amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia;

Mr. MONDELL. Mr. Chairman, I want to ask the chairman of the committee with regard to this paragraph relative to the widening of Seventeenth Street, from Kenyon to Irving, to 90 feet. Did the committee feel that it was necessary, in widening that street, to widen it to the extent of 90 feet? That will be a very expensive procedure, it seems to me.

Mr. PAGE of North Carolina. If the gentleman is acquainted with the locality, and I think he is——

Mr. MONDELL. I am familiar with it.

Mr. PAGE of North Carolina. The representation to your committee was that this street should be widened at this place into Irving Street to the full width as provided on the highway plan. The gentleman understands that this includes not the roadway, but the sidewalks as well—that it is from building line to building line, as it is laid out on Seventeenth Street.

Mr. MONDELL. The street is now very narrow?

Mr. PAGE of North Carolina. Yes.

Mr. MONDELL. It ought to be widened?

Mr. PAGE of North Carolina. I think so.

Mr. MONDELL. But is there not an apartment house on one side? If the street is to be widened in line with the extension of Seventeenth Street, it would cut into that apartment house, would it not?

Mr. PAGE of North Carolina. No. I am assured by the engineer commissioner that it will not interfere with any property now constructed or any building line that has been established, and the apartment to which the gentleman refers is farther up on Seventeenth Street than this particular part. There is not a building on either side of this proposed extension of Seventeenth Street from Kenyon to Irving Street. That is over what was a few years ago a very deep ravine, which has been filled up by a dump. This fill is still extending down toward Rock Creek Park, and a communication into Irving Street can now be made over the dump.

The Clerk read as follows:

In all, $174,950.

Mr. PAGE of North Carolina. Mr. Chairman, I ask unanimous consent that the Clerk may be given permission by the committee to correct this total and other totals affected by amendments offered.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the Clerk be given authority to correct totals. Is there objection?

There was no objection.

The Clerk read as follows:

To carry out the provisions contained in the District of Columbia appropriation act for the fiscal year 1914, which authorizes the commissioners to open, extend, or widen any street, avenue, road, or highway to conform with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown, there is appropriated, payable entirely from the revenues of the District of Columbia, such sum as is necessary for said purpose during the fiscal year 1917.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the subcommittee just what necessity there is for the last sentence of this paragraph, "payable entirely from the revenues of the District of Columbia," in view of the provisions of the first section of the bill? These sums are all to be paid out of the revenues of the District of Columbia, and I assume that this is simply a relic of the former fiscal plan.

Mr. PAGE of North Carolina. Mr. Chairman, we left this language in because the first section of this bill was not at that time adopted by the committee. If this bill is enacted into law as it now stands, I agree with him that this should be stricken out, and if the gentleman cares to offer an amendment to that effect——

Mr. MONDELL. Oh, no.

Mr. PAGE of North Carolina. I do not think we ought to strike it out now, and I merely want to give the gentleman the assurance that before the bill does become a law, providing the first section is kept in, we will endeavor to make this language in each instance conform to the first section of the bill.

The Clerk read as follows:

The authority given the commissioners in the District of Columbia appropriation act approved March 2, 1907, to make such changes in the lines of the curb of Pennsylvania Avenue and its intersecting streets in connection with their resurfacing as they may consider necessary and advisable is made applicable to such other streets and avenues as may be improved under appropriations contained in this act: *Provided,* That no such change shall be made unless there shall result therefrom a decrease in the cost of the improvement.

Mr. TINKHAM. Mr. Chairman, I desire to make a point of order against the section, lines 24 and 25, page 29, and lines 1 to 8, page 30, just read, as being new legislation not authorized in the special rule.

The CHAIRMAN. What has the gentleman from North Carolina to say about that?

Mr. PAGE of North Carolina. Mr. Chairman, this provision has been carried in several appropriation bills in this same language. I do not know, in fact I am inclined to think that does not make it in order simply because it has been carried year after year in appropriation bills, but this is not new to this appropriation bill. It has been carried in others, and no objection has been raised to it. The gentleman from Massachusetts in making the point of order will not effect the purpose that he had in view when he made the other point of order. It does not change any existing law, however, that I know anything about. I know of no law contrary to the provisions of this bill.

The CHAIRMAN. Does the gentleman from Massachusetts insist upon his point of order?

Mr. TINKHAM. No; Mr. Chairman, I do not.

The CHAIRMAN. The gentleman withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

Repairs to suburban roads: For current work of repairs to suburban roads and suburban streets, including the purchase of four motor cycles, and one truck at a price not exceeding $1,000, in lieu of four motor cycles and one truck to be exchanged, and including maintenance of motor vehicles, $150,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I shall not offer an amendment increasing this item to the amount of the estimate of the District Commissioners, but I simply rise to suggest that even though we do halt the work of new surfacing, we should at least give what the District Commissioners ask for the purpose of keeping the suburban roads in condition. I am not one of those lucky people who own an automobile, or at least not one of those who have one at this time, but I am told by my friends who have that the suburban roads of the city are not in good condition at this time, and I am of the opinion that all of this money is needed. I am sorry the committee did not see fit to allow the full estimate.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For painting the ironwork and repairing the fenders of the bridge, $10,000.

Mr. MONDELL. Mr. Chairman, I offer an amendment as a new paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 13, on page 31, insert the following as a new paragraph: "For preparation of plans for the construction of a bridge to take the place of the existing Calvert Street Bridge, $10,000."

Mr. PAGE of North Carolina. Mr. Chairman, I make a point of order against the amendment. I will reserve it if the gentleman wishes me to do so.

Mr. MONDELL. Mr. Chairman, the item is subject to a point of order. However, I rise to ask the chairman of the subcommittee why the committee did not allow this item? I understand that a new bridge at Calvert Street is very badly needed. I am told that the old bridge is dangerous. I know that several years ago the District Commissioners issued orders which were in force for some time very greatly restricting traffic across that bridge. It is not safe and very unsightly, and it seems to me we ought to begin to make preparations for a new bridge there.

Mr. PAGE of North Carolina. Mr. Chairman, in answer to the gentleman's question as to why the subcommittee did not allow this item for plans for the construction of a new bridge at Calvert Street, I will say that the knowledge of the members of the subcommittee and the knowledge of other Members of the House is to the effect that a very few years ago we built a very expensive, very handsome bridge over Rock Creek Park on the line of Connecticut Avenue——

Mr. MANN. Rock Creek.

Mr. PAGE of North Carolina. Rock Creek, soon to be part of Rock Creek Park, and those two bridges on the northerly end are almost exactly at the same place. The present bridge at Calvert Street was constructed, not by the city but by the street railway company, entirely for the use of the car line out to Chevy Chase some years ago. It was never intended that that bridge should be a highway for traffic, and there is a very grave question in the minds of the gentlemen who compose this subcommittee as to whether or not we should build another expensive bridge so near to the million-dollar Connecticut Avenue Bridge, and whether the matter of traffic warrants the expenditure at that place. My own judgment is that at this time it does not; that the street-car company having constructed this bridge, using it almost exclusively, if it is a little weak or a little unsafe they might repair it, it being used for street car purposes, and so we do not think it is wise to expend this money at this place.

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

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. MADDEN. Does the gentleman think it never would be wise to build it?

Mr. PAGE of North Carolina. I think possibly at some time it would be wise; yes. I think with the increase of traffic going in that direction it is possible that at some time there should be a bridge at Calvert Street.

Mr. MADDEN. I understand there is in contemplation the extension of Calvert Street to the west of Connecticut Avenue.

Mr. PAGE of North Carolina. Yes; I think if it was opened up that would increase the necessity for this bridge at this point. But it has not been opened up. And there is, as the gentleman knows, a constant development of that section of the city, and when it becomes popular enough and a sufficient amount of traffic I think the time will come for the building of a bridge.

Mr. MADDEN. If you take Sundays and holidays now, the traffic to Chevy Chase Lake is very heavy.

Mr. PAGE of North Carolina. Very recently, as the gentleman knows, the Connecticut Avenue Bridge has been closed for repairs.

Mr. MADDEN. The stoppage of the other bridge on account of repairs is only temporary and only for three or four weeks.

Mr. PAGE of North Carolina. I insist on the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Rock Creek main interceptor: For completing construction of the Rock Creek main interceptor from P Street to Military Road, $50,000.

Mr. MONDELL. Mr. Chairman, I intended to offer quite a number of amendments to the bill covering items that were estimated for by the commissioners and not allowed by the committee, but I have no desire to take up the time of the committee unnecessarily and will not do so further than to call attention to these items as we reach them. The District Commissioners estimated $30,000 for land for sewage-treatment work, and called attention to the fact that it was important and in their opinion essential that the city should begin the development of a sewage-treatment plant, and that we should at least make a beginning this year by purchasing this land.

I am sure the committee gave attention to this matter, but they do not seem to have considered it of sufficient importance to have allowed it. I would like to have the view of the chairman of the subcommittee on that point. The engineer commissioner made a pretty strong statement in regard to it. If the committee really had any reason for disallowing this item further than that they were trying to economize, I would be glad to know it. The argument as made before the committee was very strong, and, it seems to me, convincing, that this amount was needed for the establishment of this sewage-treatment plant.

Mr. PAGE of North Carolina. Mr. Chairman, there was no probability of the beginning of the construction of this sewage-treatment plant at any time in the near future, because of the building of the mains that we are providing in this bill. There is not the slightest probability in the world that the lands that they need will increase in value. The probability is, judging by some real estate I have known in the District of Columbia, by deferring this we can buy cheaper than we can now. It was not a pressing necessity at all, and I want to say to the gentleman from Wyoming [Mr. MONDELL] that this subcommittee—and I can speak for myself—still has a slight regard for the Treasury of the United States, and I did not see any necessity for appropriating money for a project that was not at this time a necessity and that we would not lose money on by deferring.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Dust prevention, cleaning, and snow removal: For dust prevention, sweeping, and cleaning streets, avenues, alleys, and suburban streets, under the immediate direction of the commissioners, and for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters, in the discretion of the commissioners, including services and purchase and maintenance of equipment, rent of storage rooms; maintenance and repairs of stables; hire, purchase, and maintenance of horses; hire, purchase, maintenance, and repair of wagons, harness, and other equipment; allowance to inspectors and foremen for maintenance of horses and vehicles or motor vehicles used in the performance of official duties, not to exceed for each inspector or foreman $20 per month for a horse-drawn vehicle, $25 per month for an automobile, and $12 per month for a motor cycle; purchase, maintenance, and repair of motor-propelled vehicles necessary in cleaning streets; purchase, maintenance, and repair of bicycles; and necessary incidental expenses, $290,000, and the commissioners shall so apportion this appropriation as to prevent a deficiency therein.

Mr. LIEB. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 33, line 3, strike out the figures "$20" and insert in lieu thereof "$25."

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

Mr. PAGE of North Carolina. Mr. Chairman, I want to say to my friend from Indiana and to the committee that running through this bill for prior years there have been diverse amounts appropriated in various departments for the upkeep of motor cycles, horses and buggies, and motor-driven vehicles furnished by the employees, running in this instance all the way, I believe, from $20 to $30 a month as applied to horses and vehicles. The commissioners recommended to the committee in their estimates at this session of Congress that these prices be made uniform through all the various departments of the District of Columbia, and we have made them uniform, recommending in every single department, even with the superintendent of schools, that he should be allowed the same as one of these inspectors, for a horse and buggy, $20 a month. The evidence before the committee was to the effect that they could maintain a horse for this price, and I do not think that one exception should be made in one section of the bill, applying to one department, whereas to the other departments no amendment has been offered, and likely will not be offered, and destroy the uniformity running all through the bill.

Mr. STAFFORD. As I understand the policy of the committee in making the recommendations, it is to have a uniform allowance made to all of the users of these motor vehicles, and not keep an account of their individual items of expenditure?

Mr. PAGE of North Carolina. That is done in every department of the District government. It is made uniform in this bill as applying to all the departments of the Government and all employees of the Government who furnish their own means of transportation, whether it is a motorcycle or a horse and buggy or an automobile.

Mr. STAFFORD. Do I understand you extend it to others than are provided for in this bill?

Mr. PAGE of North Carolina. We have not extended it at all. We have made it uniform to those who formerly had it.

Mr. LIEB. Mr. Chairman, the amount heretofore paid is $27.50, and it has been reduced in this item to $20, while on the other hand with the motor vehicles it is $25, and they should let these men have the same. Now, I have evidence here that the horse hire amounts to $27.50. They can not afford to keep a horse at any less than that amount and keep up a buggy, too, and I believe that my amendment should prevail and make it uniform at $25, the same as given to the owners of the motors. I think it is unjust to put these men at $27.50.

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

The question was taken, and the amendment was rejected.

Mr. MAPES. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. MAPES. Mr. Chairman, I would like to ask the chairman of the committee if this is the item from which the commissioners get their allowance for the pay of the men who clean the streets?

Mr. PAGE of North Carolina. Yes, sir; this is the item.

Mr. MAPES. What compensation do they receive?

Mr. PAGE of North Carolina. I think the compensation of the men on the streets now runs from $1.50 a day—none of them less than that—up to $1.75, and some of them $2 a day.

Mr. MAPES. There has been some complaint, I think, about the little pay which they receive, and the answer of the commissioners, as I understand it, has been that the lump-sum appropriation which they receive for that purpose did not allow them to pay any more than they were paying.

I have heard it rumored that the committee was going to report an item which would allow the commissioners to increase the pay of these street cleaners. Is that correct?

Mr. PAGE of North Carolina. I will say, Mr. Chairman, in reply to the gentleman, that the subcommittee, after investigating this matter, found that these people were paid just as much here for like service rendered as they were paid in any other similar city, although a few of the larger cities had a scale of wages averaging perhaps a little higher, but that these people were paid here for this service on a par with cities elsewhere of like size. If the gentleman will keep his eyes open and observe, he will notice that these people do not overwork themselves.

Mr. MAPES. The committee has not recommended any increase?

Mr. PAGE of North Carolina. No; the committee has not recommended any increase, so far as it would allow them to pay an additional scale of wages all the way through. No; we have not. We have increased the amount $10,000 over the appropriation for the current year. We do not direct, of course, how the commissioners shall spend this money. They could increase the wages of some of these lower priced men under this lump-sum appropriation. We have increased it $10,000.

Mr. MAPES. Is it true that these men receive on an average less than $1 a day?

Mr. PAGE of North Carolina. I have no information as to that. Under the schedule furnished us by the Commissioners of the District of Columbia, $1.50 is the minimum wage of these men. There is no wage less than $1.50.

Mr. MAPES. Does the gentleman know whether or not they lose a great deal of time on account of bad weather and other things.

Mr. PAGE of North Carolina. I am not informed as to the number of days they are able to make in a week, but I should say that from the climate we have in Washington from March until December they are not forced to lose any time on account of weather conditions any more than similar employees are in other cities forced to lose time.

Mr. MAPES. Does the gentleman think these men would come under the Nolan bill, requiring that all Government employees receive $3 a day?

Mr. PAGE of North Carolina. I think it would be an outrage on the Treasury of the United States to be obliged to pay these men $3 a day for the work they perform.

Mr. MONDELL. Mr. Chairman, the question of increasing the compensation of the lowest paid employees of the District government and of the Gevernment generally is one that has been considered very carefully by the subcommittees of the Committee on Appropriations this year. There is no question but that the Federal Government is paying less for certain classes of work than some of the States, municipalities, or private employers are paying. That is true, not in all cases; but it is true in quite a number of cases, particularly in the case of laborers or mechanics.

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

Mr. MONDELL. Yes

Mr. COX. Will the gentleman put in the RECORD what class of employees the Government is underpaying, as compared with States and municipalities, and where?

Mr. MONDELL. Well, I do not know that I will have time to do that, but I will say to my friend that there are quite a number of such cases in the Government service, by and large, although generally I think the Government pays quite as well as private employers do for the same class of work.

Mr. DENISON. Mr. Chairman, if the gentleman will yield, I will answer the question which the gentleman from Indiana has asked. Will the gentleman yield for a moment?

Mr. MONDELL. Yes.

Mr. DENISON. The custodians of some of the Government buildings and the elevator men and the watchmen in a number of different places in the Government service are paid less than those who are engaged in similar service for private people.

Mr. PAGE of North Carolina. Mr. Chairman, in reply to the gentleman who has just made that observation, he no doubt realizes that this bill does not appropriate for any of the employees of the Government of the United States in the District of Columbia, but only for employees in the service of the government of the District of Columbia, and there are only a few of these buildings to which these appropriations apply.

Mr. COX. I suppose the gentleman takes into consideration, does he not, the fact that Government employees do not work by far the number of days in the year that private citizens in other municipalities work? For instance, they have a Saturday afternoon during three or four months each summer and they have 30 days' leave of absence and 30 days' sick leave, and all the holidays. They work only about 247 days in a year, and they work the enormous length of time of six and one-half hours a day.

Mr. MONDELL. It is true, Mr. Chairman, that Government employees mostly do have vacations with pay, which employees of private individuals and corporations do not have in all cases; but it is also true, as has just been stated by the gentleman from Illinois [Mr. DENISON], that certain classes of employees of the Federal Government, and among them notably those having charge of public buildings, are paid less than men doing the same class of work and working the same number of hours employed by municipalities and by private employers in many cities of the country. There is no question about that. That matter was developed in the hearings had before the Committee on Appropriations, and particularly before the subcommittee having charge of the sundry civil bill.

There is another matter that has been brought to our attention and that renders important this matter of increasing the pay of these low-paid employees of the Federal Government, and that is the continual increase in the price of living.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MONDELL. A great deal was said about the high cost of living several years ago. It was quite a campaign slogan, and certain gentlemen on the other side of the aisle had those words constantly on their lips and rolled them as a delicious morsel under their tongues, and projected them upon all of the audiences they could get before them. But they have entirely forgotten that there is such a thing as the high cost of living, although it is a fact that the cost of living has increased more in the last two years than it did in the 12 or 15 years preceding, and that it is higher now; not only actually higher, but higher in proportion to salaries and wages than it ever has been in the history of the country. Now I yield to the gentleman from Texas.

Mr. DAVIS of Texas. If the gentleman will allow me, I just want to suggest that hereafter under Democratic prosperity we are going to reverse the expression, and to say not the high cost of living, but the cost of high living.

Mr. MONDELL. Whenever Democratic prosperity is ushered in—we have heard a great deal about it, but most of us have not seen much of it—whenever that time comes it may be all right to reverse the statement, but in the meantime it is a very serious matter. Now, I am not charging, as our friends on the other side charged two years ago, that their party is responsible for the very great increase in the cost of living within the last two years. They have sins enough to answer for, Heaven knows, without being charged up with that. But it does present a very serious situation when we take into consideration the large number of people employed by the Federal Government who receive less than $1,000 a year, less than $900 a year, from $540 to $1,000 a year. Personally, I should have been very glad indeed if we could have brought in, on all of our appropriation bills, appropriations that would have authorized increases of all of these low wages and salaries, at least everything below $1,000 a year. We do not know how long this condition of the high cost of living is going to continue. We all feel it, and it is particularly hard on those people who are receiving small salaries and small incomes, not only in private employment, but under the Federal Government. This is certain, that if the present cost of living proves to be permanent, then within a very short time we must increase the salaries and wages of a very large number of people employed by the Federal Government in order to make it possible for them to live decently.

Mr. DENISON. I will state in this connection that the Committee on Labor, of which I happen to be a member, has reported to the House favorably a bill fixing the minimum wage for all employees of the Government and of the District of Columbia at $3 per day. That bill has been reported to the House, and the

gentleman from Wyoming [Mr. MONDELL], as well as other Members, will have a chance to express their views on that question when that bill reaches the House, which we hope will be at this session.

Mr. MONDELL. I do not care to express any opinion with regard to that at this time. I do not think we ought to be extravagant with the public money or to pay larger salaries and wages in Government employment than are paid in well-paid private employments. But the cost of living in a decent way has so advanced as to render it necessary, if we are going to do justice by these people employed by the Federal Government, to increase their salaries and their pay very considerably. Everybody feels it, but those who are hardest hit and entitled to first consideration are the humble but faithful folks receiving the very lowest salaries and wages.

Mr. BUCHANAN of Illinois. Mr. Chairman, I ask unanimous consent to proceed for two minutes out of order.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two minutes out of order. Is there objection?

There was no objection.

Mr. BUCHANAN of Illinois. Mr. Chairman, I feel called upon to express my appreciation and gratitude for the confidence and respect that have been shown to me by my colleagues in the House, in spite of the erroneous, libelous statements in the big daily newspapers of the country and the fraudulent indictment in the southern district of New York, and I propose now to show the illegal and fraudulent character of that indictment against me and others, for the benefit of Members of this House. Therefore I ask unanimous consent to extend my remarks in the RECORD by inserting a brief compiled by Hon. H. Robert Fowler, a former Member of the House, who was a most faithful servant of the common people in the House. I believe the Members of the House ought to know something about the fraud that is being practiced by men holding Federal office at the present time.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing a certain brief. Is there objection?

There was no objection.

The brief referred to is as follows:

ARGUMENT BY HON. H. ROBERT FOWLER.

In the Supreme Court of the District of Columbia, Justice Ashley M. Gould, presiding.

Henry B. Martin et al. v. Maurice Splain, United States marshal. Habeas Corpus.

A REMOVAL PROCEEDING IS JUDICIAL AND NOT MINISTERIAL.

It is now well settled that, in passing upon an application for removal, the court must determine (1) whether the indictment charges an offense against the United States, (2) whether there is probable cause for believing the accused guilty of the offense charged, (3) whether the court to which the accused is sought to be removed has jurisdiction of the same. A careful examination of the indictment will enable the court to determine the first of these requirements, but additional testimony may be required to enable him to settle the other two.

The power and duty of preliminary courts in removal proceedings under section 1014, Revised Statutes of the United States, have been often misconstrued by such courts as conferring upon them a ministerial duty instead of the exercise of an important judicial function. It is ordinarily said that the indictment furnishes prima facie evidence of probable cause, and in one case—Tinsley *v.* Treat (205 U. S.)—the lower court held the indictment conclusive evidence; but this holding, however, was reversed by the Supreme Court in a well-considered opinion by Chief Justice Fuller. At page 29 of the above case he said:

> It has been repeatedly held that in such cases the judge exercises something more than a mere ministerial function, involving no judicial discretion. He must look into the indictment and ascertain whether an offense against the United States is charged, find whether there was probable cause, and determine whether the court to which the accused is sought to be removed has jurisdiction of the same. The liberty of the citizen and his general right to be tried in a tribunal or forum of his domicil imposes upon the judge the duty of considering and passing upon these questions.

While it has been frequently held that the indictment need not be judged with technical precision and nicety, yet in every case in which the question has arisen it has been definitely held that the finding that an offense against the United States is properly charged in the indictment is an absolute essential.

This is illustrated in the case of Haas *v.* Hinkel (216 U. S., 462), wherein the court stated the objection that the indictment thereunder mentioned did not charge an offense against the United States, and said, at page 479, "Do the counts which charge a conspiracy to defraud the United States charge any offense?" And in the case of Pereless *v.* Weil (157 Fed. Rep., 419), we find a comprehensive statement of the law upon the subject, as follows:

> In the proceeding it is necessary to determine whether the offense against the United States has been committed and whether there is probable cause to believe the defendant guilty. * * * Under the sixth amendment to the Constitution there is also a question whether the petitioning defendants shall be removed for trial to the district in which the indictment was found and whether the district court of that district has jurisdiction of the offense charged in the indictment.

Upon consideration the court found that the indictment did not charge an offense against the United States, so the defendants were discharged. In the case of United States *v.* Greene (137 Fed. Rep., 618), at page 660, the court says:

> A void indictment—that is, one void on its face for the reason it does not charge the commission of a crime—is not prima facie evidence to an intelligent court or charge of anything except that the person who directed and the grand jury that found it made a mistake. It will be a sad day for the cause of justice when it is decreed by Congress or the courts that a citizen may be removed from Maine to California for trial on a void indictment. That question may be determined by the court where the arrest is made, for it is jurisdictional.

Section 761 of the Federal Revised Statutes, dealing with habeas corpus questions, provides as follows:

> The court or justice shall proceed in a summary way to determine the facts in the case by hearing the testimony and argument and thereupon to dispose of the party as law and justice require.

In passing upon this statute, the Supreme Court, in the case of In re Neagle (135 U. S., 1), said:

> This, of course, means that if he is held in custody in violation of the Constitution or law of the United States, or for any act done or omitted in pursuance of law of the United States, he must be discharged.

Bailey on Habeas Corpus, page 66, lays down the same doctrine.

In the case of Henry *v.* Henkel (235 U. S., 219), which was a habeas decision, the court said:

> No hard and fast rule has been announced as to how far the court can go in passing upon the questions raised in a habeas corpus proceeding.

In the case of Brown *v.* Henkel (194 U. S., 73) Justice Brown, in an able opinion on extradition, said:

> It may be considered that no such removal should be summarily and arbitrarily made. There are risks and burdens attending it which ought not to be needlessly cast upon any individual. These may not be serious in a removal from New York to Brooklyn, but might be if the removal was from San Francisco to New York. And statutory provisions must be interpreted in the light of all that may be done under them. We must never forget that in all controversies, civil or criminal, between the Government and the individual the latter is entitled to reasonable protection. Such seems to have been the purpose of Congress in enacting section 1014, Revised Statutes, which requires that the orders of removal be issued by the judge of the district in which the defendant is arrested. In other words, the removal is made a judicial rather than a ministerial act.

In the case of Tillinghast *v.* Richards (225 Fed. Rep., 234), decided July 27, 1915, the commissioner held the defendant for removal, but he was discharged by the court in a habeas corpus proceeding, in which the court said:

> If a rule of pleading is adopted which permits a constructive presence to be alleged in the same terms as an actual presence, and this upon a foundation of a bare allegation that an act apparently isolated was done in pursuance of a plan with which it has no apparent connection, then the prima facie effect of an indictment as evidence of probable cause is entirely destroyed. * * * A pleader should not be permitted to allege isolated acts, and the court required, upon his mere allegation that they were done pursuant to the conspiracy, and without the slightest idea whether this is true or not, to take the pleader's word instead of himself seeing whether the act alleged was relevant or not. * * * He must find in the facts alleged and not in the pleader's conclusions as to logical construction of facts.

From this opinion, which is one of the very latest on this subject, and the other opinions above cited, and still others of a like character which might be cited, we are forced to the conclusion that before the indictment will be held as prima facie evidence for removal it must follow the common-law rule—that the substance, nature, and manner of the crime must be laid positively and not by way of recital. Recitals and conclusions of the pleader will not be accepted as true by the court. The court must find in the facts alleged and not in the pleader's conclusions as to the merits of the indictment as evidence of prima facie cause for granting removal.

In habeas corpus proceedings for removal the decisions of the Federal and Supreme Courts are not harmonious as to what the indictment must contain in order to furnish evidence of probable cause; yet the latest decisions of the Supreme Court furnish us a reasonably safe guide. In the case of Pierce *v.* Creecy (210 U. S., 400) Justice Moody, in delivering the opinion of the court, laid down the rule that the indictment, in order to constitute a sufficient charge of crime to warrant extradition, must show that the accused has been substantially charged with crime.

In the case of Henry against Henkel, Two hundred and thirty-fifth United States, page 230, Justice Lamar delivered the opinion of the court. George G. Henry, a member of the bank-

ing firm of Solomon & Co., of New York, had been called before the congressional Committee on Banking and Currency, in pursuance of a resolution to investigate and report upon the financial affairs and activities of the national banks, in which he testified that his bank had paid $8,215,262 for $22,500,000 worth of preferred and common stock of a California oil company. After detailing the manner of allotting the stock among a group of four New York banks, consisting of his bank, Lewisohn Bros., Hallgarten & Co., and another bank not named, he said that 12½ per cent of this oil stock had been allotted to persons whose names he refused to disclose. He was indicted in the District of Columbia for contempt of Congress. Removal proceedings were instituted in New York City to bring him to the District of Columbia, which resulted in a habeas corpus proceeding finally reaching the Supreme Court. After citing several important cases, Justice Lamar concluded by saying:

These cases do not, of course, lead to the conclusion that a citizen can be held in custody or removed for trial where there was no provision of the common law or statute making an offense of the case charged. In such cases the commitment court would have no jurisdiction, the person would be in custody without warrant of law, and therefore entitled to his discharge.

Citing Greene against Henkel, 142 United States, page 249.

These two decisions disclose the fact that the Supreme Court makes it obligatory upon the pleader to set out the offense against some statute before extradition will be granted. If, upon a careful examination of the indictment, it is found that any essential element necessary to constitute the offense sought to be alleged is omitted, the court will discharge the prisoner.

In the Tillinghast case, supra, the defendants were indicted for a conspiracy to defraud the United States by omitting to place on colored oleomargarine the statutory required stamp of 10 cents a pound. The indictment was returned in the southern district of New York and charged the defendants with being engaged in the manufacture of oleomargarine at Providence, R. I.; numerous overt acts were charged in the indictment as to secret purchases in New York City of many of the ingredients used in the manufacture of oleomargarine. It was also charged that these secret purchases were followed up by secret shipments and secret manufacture of said product, but the omission of the required revenue stamp is charged to have taken place at Providence, R. I. On application for removal at Providence, R. I., after hearing much evidence the commissioner held the defendants for removal. On a writ of habeas corpus District Judge Brown, in a lengthy opinion, held that the defendants were entitled to their discharge for the reason that the indictment did not charge that the offense was committed in the southern district of New York. One of the ingredients purchased in New York was palm oil. In passing upon the sufficiency of the venue the court said:

The purchase of palm oil, its shipment, payment for it, etc., may be acts to effect the object of manufacturing colored oleomargarine; but they can not possibly affect the removal of oleomargarine without payment of the tax, unless by some connection which does not appear and which is not inferable from what is alleged. These are, for all that appears, nonculpable acts, from which no intent to defraud can be inferred, and which can not support a finding of probable cause.

From the consideration of this matter it clearly appears that in removal proceedings it is a prime essential that the indictment on which the removal is asked be sufficient on its face to show that an offense against the United States has been committed, and it follows as of course that unless the commissioner who is charged with the duty of inquiry in that behalf is advised of an offense against the United States, sufficiently charged on the face of the indictment, he has no alternative to discharging the defendant.

THE INDICTMENT IN THE CASE AT BAR DOES NOT CHARGE AN OFFENSE AGAINST THE UNITED STATES.

It is the policy of the law to surround the accused with the highest degree of caution and circumspection, so that the innocent may escape the punishment sought to be inflicted by wrongful accusation. One of the wisest of these safeguards is found in the fifth amendment to the Constitution, which provides that:

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury * * *.

The indictment grew up with the civilization of England, and is a milestone in the history of the development and growth of the common-law jurisprudence of that country.

The injunction placed on the common-law indictment requires that every element necessary to constitute the offense must be charged in the indictment with that degree of clearness, positiveness, and certainty as to enable the court to see, from the face of the indictment, that if the elements charged in the indictment were proven to be true as charged in the indictment the offense charged would inevitably follow. This is the yardstick of measurement for every Federal indictment which finds its way into the courts of the United States. In the case of Pettibone *v.* United States (148 U. S., 202), in an able opinion Chief Justice Fuller said:

The general rule in reference to an indictment is that all material facts and circumstances embraced in the description of the offense must be stated, and that if any essential element of the crime is omitted, such omission can not be supplied by intendment or implication or by way of recital. * * * This indictment does not in terms aver that it was the purpose of the conspiracy to violate the injunction referred to, or to impede or obstruct the due administration of justice in the circuit court; but it states as a conclusion from the previous allegation that the defendants had conspired, by intimidation, to compel the officers of the mining company to discharge their employees, and the employees to leave the service of the company, a conspiracy which was not an offense against the United States.

In the case of the United States *v.* McAndrews & Forbes Co. (149 Fed. Rep., 630) the court there said as to an indictment for a conspiracy:

An indictment for conspiracy should describe something that amounts to a conspiracy conformable to the rule of the common law as, perhaps, modified by general Federal statute.

Let us compare the rule of common-law pleading as laid down by one of the eminent English writers with the requirement set forth in the above able opinions. From Hakwins's "The Pleas of the Crown," fourth edition, 1762, book 2, chapter 25, of indictments, section 59, page 226, we quote the following:

That regularly every indictment must either charge a man with some particular offense or else with several such offenses, particularly and certainly expressed, and not with being an offender in general, for no one can well know what defense to make to a charge so uncertain or to plead it either in bar or abatement of a subsequent prosecution; neither can it appear that the facts given in evidence against the defendant on such general accusation are the same of which the indictors have accused him; neither can it judicially appear to the court what punishment is proper for an offense so loosely expressed. And upon this ground it hath been adjudged that an indictment is insufficient which only charges a man in general with having spoken divers false and scandalous words against J. S., being mayor of such a place, or with being a common defamer, vexer, and oppressor of many men, * * * or with being a common deceiver of the king's people, or with being a common publisher of the king's secrets, or with being a common evildoer, or with being a common conspirator and such like. It is holden in a note in Fitzherbert's Abridgment that an indictment for conspiracy in general is good, but this is made quaere by the reporter of the yearbook, from which the said note in Fitzherbert's is taken, and is denied to be the law both by Brook and Rolle, nor do I anywhere find the least reason offered to distinguish this from other cases above mentioned. Also it is holden by Sir Edward Coke that the ancient form of indictment charging men with having, as heretics and traitors and infestors of the highways, conspired and conferedated, etc., to destroy the Catholic faith, and having daily published false and seditious writings, etc., were utterly insufficient, and yet such indictments seem to have been frequent, as were also indictments charging men in general, as insidiatores viarum and depopulatores agrorum, which words took the benefit of clergy from the persons indicted before the statutes of Fourth H., 4, 2, by which it is enacted that these words shall no more be put into indictments, nor if they be shall have such effect as to take from the persons indicted the benefit of clergy; and this statute in this respect seems to be an affirmance of the common law, which seems generally to disallow such uncertain indictments, as appears from the reasons and authorities set forth.

SEC. 60. That the charges must be laid positively, and not by way of recital, and that the want of a direct allegation of anything material in the description of the substance, nature, or manner of the crime can not be supplied by any intendment or implication whatever.

By a few quotations from some of the other leading cases dealing with the sufficiency of the charges in the indictment it will be seen that this English author laid down the rule now followed by both the Federal and Supreme Courts of the United States, and that all indictments which do not conform to these rules are fatally defective and are not sufficient to require the defendant to be placed on trial.

The following is taken from the opinion of Foster *v.* United States (178 Fed. Rep., 165):

An indictment is fatally defective if an essential element of the crime intended to be charged is omitted.

In the case of United States *v.* Post (133 Fed. Rep., 852) the following rule is laid down:

All indictments require direct, positive, and affirmative allegations of every point necessary to be proven.

The Federal court holds, in the case of John Reardon & Sons (191 Fed. Rep., 454), that—

It is never sufficient to charge in an indictment that an act is illegal, but something must be alleged which the court can see on the face of the indictment is illegal if the facts are proven.

The common-law rule for indictment for conspiracy does not require an overt act to support a conviction. The Federal statute, section 5440, changed this rule, by requiring an overt act to be charged in the indictment and proven. As the Sherman law omits the requirement of such overt act and fails to define what is required to constitute a conspiracy under its provisions we are compelled to go back to the requirements of an indictment for a common-law conspiracy, and as it was not a crime to restrain trade and commerce at common law we must resort to the common law applicable to other conspiracies made criminal at common law for a guide in passing upon the sufficiency of

an indictment under this antitrust law. Section 60, quoted from Hawkins, supra, appears to lay down the correct rule as to what an indictment at common law for a conspiracy must contain, which is quoted again:

The charge must be laid positively, and not by way of recital, and that the want of a direct allegation of anything material in the description of the substance, nature, and manner of the crime can not be supplied by any intendment or implication whatever.

We must conclude from the decisions above quoted, and from the various decisions, both of the Federal and Supreme Courts of the United States, dealing with indictments for conspiracy under the Sherman Act, that the common-law rules governing the sufficiency of such indictments must be invoked in determining the sufficiency of all indictments for conspiracy under the Sherman Act.

THE INDICTMENT.

Now let us turn to the indictment in this case and apply these well-known and highly established rules as a test of its merits as evidence in this case. All that part of the indictment down to the words "and the grand jurors aforesaid, upon their oath aforesaid, do further present that upon the 1st day of May," and so forth, is a mere recital, not of facts but of things supposed to exist, without being able to give the name of a single person, copartnership, association, or corporation in the business recited, to wit, the manufacture and transportation of munitions, or to locate either definitely or indefinitely the location of a single manufacturing plant so engaged, or transportation line, either by rail or water, so engaged, either in intrastate, interstate, or foreign trade or commerce, but, on the other hand, the pleader winds up this recital with a frank confession that the grand jury does not know the names of the supposed manufacturers of munitions, nor the names or locations of their supposed manufacturing plants, nor the names of the supposed shippers of munitions, nor the names of the supposed transportation lines and the names of the routes of the supposed shipments, nor the kind of commodities supposed to have been shipped, nor the amount of any supposed shipment, nor the point of origin or of destination. If the grand jury failed in procuring evidence of the existence, location, or transportation of such commerce, how was it possible for them to learn that there had been a conspiracy to restrain such unknown commerce?

The question naturally arises, how could the grand jury know that any person, copartnership, association, or corporation had been engaged in the manufacture of munitions during the time indicated in the indictment, or that munitions had been sold or delivered to any point in America and shipped to any port in any foreign country without having had some person who, under oath, was able to and did testify of his own knowledge, giving names of the persons, firms, companies, and corporations, with the names and locations of the manufacturing plants, and the names of the interstate transportation lines, the routes taken, the commodities transported, the States crossed, and the destination ports reached, together with the names of the companies engaged at this end of the line in the supposed foreign commerce, and the ocean transportation lines engaged in the supposed foreign commerce. Without such evidence it is impossible for the grand jury to say upon their oath that any foreign trade and commerce had been carried on during the time, or any portion of the time, attempted to be charged in this indictment. Hence it follows that it was impossible for them to know of any alleged conspiracy for the restraint of such commerce.

Certainly the pleader can not expect the court to believe that such trade and commerce existed during the time set out in the indictment, first, because the grand jury frankly says it did not know of any such commerce at the time of their return of the indictment; secondly, there is nothing in that part of the indictment from which the court may determine the truth of such recitals, all of which have been condemned by both the Federal and Supreme Courts of the United States, and the recent decision in the Tillinghast case, supra, repudiated such recitals, declaring that they were not worthy of consideration as evidence.

The right of the grand jury to use the term "To the grand jurors unknown" is a privilege and arises from the necessity of the case and should never be abused. In the case of United States *v.* John Doe (122 Fed., 964) the grand jury indicted a Chinese in this language: "John Doe, a Chinese person whose true name is to the grand jurors aforesaid unknown," charging him with the offense of aiding the illegal landing of Chinese persons in the United States. The court held that the indictment, on its face, showed that the name "John Doe" was fictitious only, and that the grand jury did not know and were unable to identify the person they were indicting, and held the indictment void for insufficiency of description.

In the case of United States *v.* Rhodes (212 Fed., 517) the grand jury indicted Rhodes for concealing "goods, wares, and merchandise," alleging that the "character, kind, and particular description of which is to the grand jurors unknown." The court held that such language is permissible only when the grand jury can not obtain a knowledge of the facts. On the hearing the evidence showed that the grand jury did know the character and kind of goods concealed, so the court discharged the defendant. The case of Naftzger *v.* United States (200 Fed. Rep., 494) upholds this rule.

Immediately following the language, "are not known to the grand jurors aforesaid," we find the following remarkable statement: "And are so numerous as to preclude their enumeration in this indictment." A most astounding disclosure, a flat contradiction of a want of knowledge on the part of the grand jury, for how could the grand jury know that the number of the manufacturing plants of munitions and their names and locations, and the transporation companies, the names thereof, the names of the owners and operators thereof, the character and quantity of the commodities shipped in foreign commerce were "so numerous as to preclude their enumeration in the indictment, without first having had some reliable evidence before them upon which to base such a statement"? This is impossible; and when compared with the statement disclaiming a want of knowledge of such things, a statement made under oath, it is patent on its face that the indictment is a snare and a delusion, stamping it as a miserable fraud, unworthy of belief. It is a desecration of the sanctity of an oath, and a brazen invasion of the dignity of a high court of justice. Under the rules of pleading, this part of the indictment is good for nothing, except to expose the lack of good faith, necessary in the presentation of every indictment in a court of record.

We now reach what is known as the charging part of the indictment, which states, after naming the defendants:

Each of whom well knew the facts as to said foreign commerce hereinbefore stated and alleged.

Then after stating the situs of the supposed offense the indictment continues as follows:

Unlawfully did knowingly and willfully engage in a conspiracy to restrain the aforesaid foreign trade and commerce * * * and to prevent the transportation of said articles in said foreign trade and commerce.

This part of the indictment fails to charge any offense, for the reason that it does not charge that an offense has been committed, to wit, a conspiracy to restrain foreign trade and commerce. It attempts to appropriate what appeared in the former recitals, all of which failed to state facts from which the court could see from the face of the indictment that there was any such foreign trade and commerce in existence at the time named in the indictment or at any time within the last three years. "The said foreign commerce," the "aforesaid foreign trade and commerce," "the said foreign trade and commerce" are the terms in this part of the indictment which the pleader relies upon as a compliance with the rules of pleading. The pleader is required to state distinctly and definitely some specific trade and commerce against which the conspiracy was directed, and in the light of that part of the former recital, which declared under the oath of the grand jury that they did not know the name and location of any munition plant engaged in manufacturing munitions for foreign trade and commerce and that they did not know the name of any transportation company engaged in foreign trade and commerce nor the transportation routes used for foreign trade and commerce, how can the court say that the statements in the charging part are any more definite and clear than those to which it would refer in the former recitals? This part of the indictment, the chief and all-important part, is required by all the rules of common-law pleading to set out in clear and unmistakable terms every element and ingredient of which the offense is composed, which embraces the substance, nature, and manner of the crime.

In the case of United States *v.* Cruikshank (92 U. S., 542) the indictment sought to charge the defendants with conspiring to deprive colored citizens of certain legal and constitutional rights, and in the charging part it was charged that the defendants conspired to hinder and prevent certain-named colored citizens in the free exercise and enjoyment of "every, each, all, and singular the rights granted them by the Federal Constitution," without specifying any particular right. In passing upon the indictment the court said, this—

is too vague and general to charge an offense under the act of May 31, 1870, section 6, making criminal the banding or conspiring together with intent to hinder or prevent the enjoyment or exercise of a right or privilege granted or secured by the Federal Constitution or laws.

The statute referred to in this case is very similar to the conspiracy clause in the Sherman Act in that neither requires an overt act to complete a right of action. If the one requires the indictment to state definitely and distinctly the name of a specific right against which the conspiracy was directed in order to

constitute a charge of conspiracy, it would seem that equal particularity should be required in stating the names of the munition, manufacturing, and transportation companies in this indictment. Suppose the names of the colored citizens had been omitted instead of the particular right, and it had been charged generally that a large number of colored citizens, somewhere located in the United States, had been hindered from exercising the right of franchise at an election for a Member of Congress at a place certain on a day certain, would anyone contend for a moment that the last indictment charged an offense any more definitely and clearly than the indictment condemned by the Supreme Court in the above case?

The next six or eight lines of the indictment contain a statement that the quantity sought to be restrained, the time, place, and number of articles was to be no more than the defendants "might thereafter be able to do"; and then follows a statement that the restraint of the manufacture of munitions was directed against "such of said articles and in such ways and at such times and places as they might be able so to do." All of which is a mere conclusion of the pleader and has no more weight in the indictment than if it had been omitted entirely.

The next paragraph is among the most novel in the history of criminal pleading. What shall we think of an indictment which begins by trying to charge a conspiracy to restrain foreign commerce at a particular time in munitions of war, and after blundering along like a lost man in a forest, it suddenly breaks off by saying that the "conspiracy was not confined to any particular articles, times, places, ways, and means," but it was "intended at any time or place, and by any ways and means, some of which were not definitely determined upon," all of which indicates a most wonderful accumulation of information, the possession of much of which could be had only by the unlocking of the secret chambers of the minds of the defendants, and then success would depend upon whether the defendants were in possession of such knowledge.

"Not confined to any particular articles" is broad enough to include all the articles in the world. "Not confined to any particular time or place" includes all time and all places in the world. There seems to be no limitation. But the real ludicrous portion of the composition, after assuming such a wide range of definite and general knowledge, is found in the following extract from the indictment:

> And the particular articles, times, places, and means determined upon by the defendants are not known to the grand juror aforesaid.

Yet, just a few lines above this statement, the grand jury, upon its oath, was able to inform the court and the defendants that some of the ways and means were not determined upon, indicating that some others had, but when all this is followed by a disclaimer under oath we reach a climax in doubt and wonder. Yet in the next sentence we are informed by the grand jury, under oath, that divers means and methods were intended to be used by the defendants, and our wonder deepens, and we are at a loss to know how it is that the grand jury was able to emerge so suddenly from total darkness, as to the ways and means, into the clear sunlight of knowledge, sufficient to inform us that divers ways and methods were intended to be used, and then following up this statement with six specific ways and means which it had learned so suddenly. But this is in keeping with the whole indictment. It violates more rules of pleading than any indictment I ever saw, and what I have said as to the conclusions of the pleader's vague and misty statements "to the grand jurors aforesaid unknown" heretofore, I now urge against this portion of the indictment and insist that it is good for nothing except to show a lack of good faith in the presentation of the indictment. It bristles with inconsistencies from the beginning, sufficient to destroy it, but it is further loaded down by recitals of indefinite matter, having no logical connection, all of which are vague conclusions of the pleader.

I now come to the consideration of the six ways and means which are recited in the indictment to effect the supposed conspiracy, the first five of which deal with strikes and walkouts in the supposed munition plants and transportation lines supposed to be engaged in foreign commerce. The third and fourth embrace all that is in the first and second, but go further by reciting the supposed means agreed upon by the defendants for carrying into effect strikes and walkouts in the supposed munition plants and transportation lines. Number five differs only in that the heads of labor organizations were to be appealed to as a means of creating strikes and walkouts.

Bearing in mind the well-accepted doctrine that the statute does not apply unless the restraint complained of produced a direct effect on the foreign commerce and not merely indirect, which doctrine is laid down in one of the most recent cases for conspiracy under the Sherman Act (United States *v.* Patten, 225 U. S., 542), I think we can dispose of this part of the indictment with clearness and certainty. Summing up these charges and taking them in their fullness, they amount to no more than this: That the defendants agree to inaugurate an educational campaign for the purpose of crystallizing public sentiment against the manufacture and shipment of war materials to foreign belligerent countries, hoping thereby that those engaged in such business would quit, and that the means agreed upon were the following: Inducing by solicitation, persuasion, and exhortation, and by circulating through the mails, through the public press, and by distribution of literature, such as telegrams, circulars, pamphlets, letters, and newspaper articles. No matter from what angle we examine the language used in reciting the ways and means, it can amount to no more than what is indicated above.

To hold to the contrary would be an invasion of three of the most important, original, and superlative rights of men, none of which depend upon any law made by man, and all of which antedate all human law. The freedom of speech, the freedom of the press, and the right to assemble peaceably are fixed rights, coextensive with human civilization, and as enduring as the mountains or stars. To deny workingmen the privilege of quitting their jobs at will would destroy the force and effect of the thirteenth amendment to the Constitution and revive the ante bellum practice of involuntary servitude. Voluntary servitude is the universal rule in America, and the obligation to work for others depends, as a rule, upon contract; and a termination of such contract, even before the terms of the contract have been complied with, has never been held to be a violation of the antitrust law; neither has it ever been held that peaceable persuasion by word or by writing has been a violation of this act.

The first amendment to the Constitution provides that—

> Congress shall make no laws abridging the freedom of speech or of the press or the right of the people peaceably to assemble and petition the Government for a redress of grievances.

All of the means specified in the six paragraphs of this indictment are invulnerable and immune from assaults or abridgment by legislative enactment or decisions of the courts. They were bulwarks of freedom long before the Sherman law was born.

To hold that it is a conspiracy under the Sherman Act for two or more to agree to try to induce workmen to quit their work in munition plants or transportation lines engaged in moving munitions in foreign trade and commerce by exhortation, persuasion, and solicitation, or to agree to do the same by means of newspaper articles, telegrams, letters, pamphlets, and circulars, would be to hold that Congress has a right to pass a law abridging the freedom of speech and the freedom of the press, and also to abridge the right of people to peaceably assemble for the purpose indicated in the indictment, and it is upon such allegations that the Government relies as evidence to support their claim for removal, which is wholly insufficient.

There is nothing in the indictment, from which the court can see for himself that if all the workmen in munition plants and munition transportation business, located in the United States and elsewhere, should have been moved by the agencies enumerated to quit in a body that the result of such action would in any way restrain foreign commerce at all. So far as the allegations in this indictment are concerned the places of all such workmen might have been readily filled without any restraint whatever to the production or transportation in foreign commerce of all the munitions referred to in the indictment.

This is well supported by the law as is evidenced by a late decision in the case of United States against North Pacific Wharves & Trading Co., Fourth Alaska, page 583, which was an indictment for a conspiracy to monopolize the trade in coal at Skagway, Alaska.

Lyons, district judge, delivered the opinion, saying:

> The indictment charges the North Pacific Wharves & Trading Co. was the owner of all the wharves in Skagway, excepting the Pacific coast wharf, which was owned by the Pacific Coast Co.; that the North Pacific Wharves & Trading Co. entered into an agreement with the Pacific Coast Co. whereby the latter agreed to close its wharf as a public wharf and to permit only the North Pacific Wharves & Trading Co., E. E. Billinghurst, and E. J. Shaw to use the same for storing purposes. In consideration whereof the North Pacific Wharves & Trading Co. agreed to pay the Pacific Coast Co. 25 cents per ton wharfage on all coal passing over the wharf owned by the North Pacific Wharves & Trading Co., and further agreed to ship all of its coal to or through Skagway on boats owned by the North Coast Steamship Co., which is alleged to be a subsidiary corporation of the Pacific Coast Co.

The reasoning of the court was based upon the failure of the indictment to charge that the wharf business was sufficient to support more than one wharf or that the conditions were such that no other person or company could engage in the wharf business at Skagway.

The court also says:

The facts charged in the indictment do not warrant an inference that the carrying out of the alleged agreement in the indictment would in any way restrain trade. * * * The indictment should state facts, from which it must be inferred trade will be restrained or competition stifled. If every fact charged in the indictment were proved to a mathematical certainty, no jury or court would be warranted in saying that such a conspiracy would substantially restrain trade or would result in a monopolization of any particular business.

Before the court can say that foreign commerce in munitions would have been restrained if the things recited in the indictment should happen, he must be compelled to reach such conclusion from the matters and things recited in the charging part of the indictment, for, under the decision of the case of Tillinghast against Richards, supra, of July 27, 1915, the court is compelled to "find in the facts alleged and not in the pleader's conclusion as to the logical construction of facts." If the courts were compelled to rely upon the truth of the matter recited in the indictment by the pleader, and accept his conclusions as true, the habeas corpus proceedings would be a mere matter of form, and amount to no more than the exercise of a ministerial act.

Under such practice any old indictment, although it might amount to no more than a scrap of paper, would be accepted as prima facie evidence, on an application for removal to any court in which the indictment was returned, regardless of its distance away from the home of the defendant. Thanks to the courts that such is not the practice. They have declared repeatedly that such proceedings contemplate the exercise of a high judicial function on the part of the court, wherein evidence may be heard to aid the court in determining the questions raised by the pleadings so that justice may be dealt out the same as in other cases.

We now come to the consideration of No. 6 of the specific ways and means attempted to be charged in the indictment which recites "that divers other means and methods not specifically determined upon by the defendants" were agreed upon for the purpose of carrying into effect the supposed conspiracy. This would not only be a very uncommon thing to do, but when supplemented by the words "to be decided upon by them as occasion might arise" justifies us in concluding that the grand jury had before it no evidence on which to base this charge.

The grand jury was unable to learn any of the names of the unknown means and methods, not determined upon by the defendants, but it did learn that the defendants were to decide upon these unknown "means and methods" * * * "as occasion might arise," and that all of them were "calculated in furtherance of and to effectuate the object of the supposed conspiracy."

It is difficult to say how the grand jury were able to say upon their oath that there were unknown "divers other means and methods not specifically determined upon," and that they were to be decided upon at some unknown time and under some unknown circumstances, and that they were all "calculated" to consummate the "object of said conspiracy." As a rule such a statement in an indictment is worthless, but in this indictment it is very valuable, for it indicates a total want of information on the part of the pleader, and discloses a mechanical effect on his part to construct the indictment without evidence, and at the same time to conceal from the court and the defendants the real conditions under which he labored. Were it perfect in every other respect the use of the word "calculated" would destroy it as an element of pleading, for the courts have often condemned the use of such words and styled them as conclusions of the pleader. In the case of United States *v.* Patten (187 Fed., 664); same (U. S., 226, 525), this word was used in an indictment for conspiracy and was condemned as a mere conclusion of the pleader, and when considered with the other parts of the sentence it is evident that the pleader could not possibly have arrived at any intelligent conclusion.

I pass the concluding paragraph of the indictment for the reason that if the charging part fails to charge an offense against the United States it can not draw any aid or support from the closing part.

To sum up the important defects in this indictment is now the object of counsel. What are the defects which cause it to sink below the level of prima facie evidence of probable cause? When stripped of the recitals and conclusions of the pleader, we have left the charging part only, which, after setting out the names of the defendants, the time and the place, continue as follows:

Unlawfully did knowingly and willfully engage in a conspiracy to restrain the aforesaid foreign trade and commerce.

Is this language sufficient to charge a conspiracy under the Sherman Act? If not, then the defendants should be discharged. Let us put it to the test of the decision of the Supreme Court in the case of United States against Cruikshank, in 92 United States, page 542. We have seen that Cruikshank and others were indicted for a conspiracy to prevent negro citizens from the free exercise and enjoyment of "ever, each, all and singular, the rights granted them by the Federal Constitution," without specifying any particular right. In passing upon the question as to whether the indictment contained any charge for such conspiracy, Chief Justice Waite, in delivering the opinion of the court, said that the charge—

Is too vague and general to charge an offense under the act of May 31, 1870, section 6, making criminal the banding or conspiring together with the intent to hinder or prevent the enjoyment or exercise of a right or privilege secured or granted by the Federal Constitution or laws.

The failure of the Cruikshank indictment to charge an offense against the Federal statute was its failure to charge the specific right against which the conspiracy was directed. The names of the parties, to wit, the negroes who were entitled to the specific right, were properly set out, but the Chief Justice held the indictment void and discharged the defendants because it failed to set forth the specific right necessary to constitute the offense.

But the indictment now before the court is doubly defective, because it fails to set out in proper terms the names of the parties and the specific right they were entitled to under the law.

In other words, it is a general rule that the name of the thing against which the conspiracy is directed must be set out specifically and accurately in the charging part of the indictment. This is not done in this indictment.

The specific location of the munition plants and the names of the owners thereof, the specific commerce, with the names of the specific owners and the names of the specific transportation lines used in facilitating such commerce, and the names of the specific companies owning or operating the same are entirely absent from the indictment, which reveals a total failure to charge the offense of a conspiracy under the Sherman law.

Recalling the case of United States against McAndrews & Forbes Co., supra, which lays down the doctrine that—

The Sherman Act is not directed against an abstraction. * * * Its prohibition is not directed against a state of mind, but against a state of facts. * * * An indictment for conspiracy should describe something that amounts to a conspiracy, conformable to the rules of pleading at common law.

A doctrine uniformly adhered to by both the Federal and Supreme Courts of the United States in passing upon indictments for conspiracy in habeas corpus proceedings. Measured by this rule the indictment before us sinks far below the level of prima facie evidence of probable cause.

In support of this doctrine we also cite the following cases:

In re Neagel, 135 U. S., 1 supra; Pettibone *v.* United States, 148 U. S., 202, supra; Tillinghast *v.* Richards, 225 Fed., 234, supra.

The indictments in the above cases were much less defective in substance than the present indictment, and yet the defendants were discharged by the courts in habeas corpus proceedings.

The statute of Illinois, section 659, provides that "any two or more persons who shall conspire or agree falsely and maliciously to charge or indict, or cause to procure to be indicted, any person for a criminal offense shall be fined not exceeding $1,000 and confined in the county jail not exceeding one year."

Who would contend that the offense of such conspiracy was charged in an indictment which alleges that A and B, on a day certain, at a time certain, unlawfully and willfully conspired to falsely and maliciously charge a person of a criminal offense without stating the specific name of the party against whom the conspiracy was directed and the character of the crime said to be charged against him?

Under the United States Criminal Code, section 37, formerly section 5440, the Joplin Mercantile Co. et al. were indicted for conspiracy substantially as follows:

The defendants (naming them) did unlawfully conspire together to commit an offense against the United States of America, to wit, to unlawfully, knowingly, and feloniously to introduce, and attempt to introduce, malt, vinous, spirituous, and other intoxicating liquor into the Indian country, which was formerly the Indian country and now is included in a portion of the State of Oklahoma, and into the city of Tulsa, Tulsa County, Okla., which was formerly within and now a part of what is known as the Indian country and into other parts and portions of that part of Oklahoma which lies within the Indian country.

Then followed the allegation of overt acts of delivering intoxicating liquor to the express company at Joplin, Mo., to be shipped to Tulsa, Okla.

Justice Pitney, in this case—226 United States, page 535—in delivering the opinion of the court said:

The clause of the indictment which sets forth the conspiracy does not in terms allege, as a part of it, that the liquor was to be brought from without the State of Oklahoma, nor does this clause refer, for light upon its meaning, to the clause that sets forth the overt act; we do not

think the latter clause can be resorted to in aid of the averments of the former * * * for this reason, among others, it seems to us, as here, the averment respecting the formation of the conspiracy refers to no other clause for certainty of its meaning—it should be interpreted as it stands. We therefore think the court of appeals properly treated this indictment as not charging that the liquor was to be introduced from without the State and correctly assumed in favor of the accused that the design attributed to them looked only to intrastate commerce in intoxicants.

Citing Britton *v.* United States (108 U. S., 199), in which latter case the court held that the indictment did not charge any offense.

There were two Federal statutes prohibiting the shipment of intoxicating liquor into the Indian country, one of which prohibits the shipments from points within the State of Oklahoma into the Indian country, while the other prohibited the shipment of such liquor from without the State of Oklahoma and into the Indian country. Now had there been but one statute on this subject, to wit, the statute prohibiting the shipment of intoxicating liquor without the State of Oklahoma into the Indian country, this indictment would not have charged any offense against the defendants for the reason that it omitted one of the essential elements to constitute the offense, to wit, a charge of the shipment of intoxicating liquor named in the indictment from without the State of Oklahoma into the said State and into the Indian country.

The defendants in an indictment for a conspiracy to restrain interstate or foreign commerce can be convicted only for a conspiracy to restrain such business of the party or parties specifically named in the indictment. And if the indictment charges a generic conspiracy to restrain such commerce without setting out specifically the names of the person or persons owning and conducting such commerce, it fails to charge a conspiracy and is therefore void.

The above proposition is well supported by the authorities. In the Cash Register case, Patterson against United States, 26 Federal Reporter, page 616, 30 defendants, owners and directors of the National Cash Register Co., were indicted in three counts, one of which was for a conspiracy to restrain the interstate commerce in cash registers of 32 cash register companies specifically set out in the indictment by the names and location of each of said companies. The indictment specifically set out 11 separate paragraphs of distinct and unlawful ways and means by which the conspiracy was to be carried into effect. Judge Cochran, in the United States Circuit Court of Appeals for the Sixth Circuit, March 13, 1915, in passing upon the sufficiency of the conspiracy count in the indictment, said:

> As we have seen, the charge of the count is of a conspiracy against the competitors who are named and is limited thereto, its underlying thought is that there was a generic conspiracy against all competitors and that this conspiracy took specific direction against the competitors named as they came into existence, and continued against them as long as they remained in existence. In the second item of the introductory statement, where those competitors are named, it is alleged that they are all the competitors known to the grand jurors, which as much as says that if the others had been known they would have been named also. This could only have been on the basis that there was a generic conspiracy against all competitors. The effect of this consideration is merely to relieve the court of any claim of duplicity. It is the tie that binds. It did not render the defendants subject to conviction on the generic conspiracy so presupposed. In spite of it, they were only subject to conviction for the conspiracy against the competitors named.

The indictment must set out definitely the names of the party or parties against whose business the conspiracy is directed, otherwise it is void.

Patterson against United States, 222 Federal Reporter, page 623, says:

> When, however, we turn to the first count we do not find any of the competitors named therein as having carried on business during the three years preceding the indictment * * * the competitor, then, whose business it is alleged the defendants secured by the use of these means are incapable of identification. It is not those who in fact carried on the business during the three years, but those which the first count mentioned as then carrying on the business, and it does not mention which of them so did. We see no escaping from the conclusion that the count on this ground is void for uncertainty.

Where an indictment mentions several whose business has been restrained, but fails to single out those whose business was restrained during the three years next prior to the finding of the indictment it is bad.

Ibid., 624, says:

> The first count no more mentions which of them carried on business before the three years than it does those which did so during the three years. On this ground the count is bad.

THE WAYS AND MEANS CHARGED IN THE INDICTMENT ARE NONCULPABLE AND SANCTIONED BY LAW.

So far we have considered the indictment as to its sufficiency from a standpoint of pleading, and we have discussed its weakness with reference to the material allegations necessary to constitute a charge of an offense against the statute. Now we come to the consideration of its sufficiency from an entirely different standpoint.

CLAYTON ACT.

On October 15, 1914, what is known as the Clayton Act became a Federal law, section 6 of which declared—

> That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof, nor shall such organizations, or members thereof, be held or be construed to be illegal combination or conspiracies in restraint of trade, under the antitrust laws.

For all intents and purposes this is an amendment to sections 1 and 2 of the Sherman law, and acts as an exemption of farmer and labor organizations and the members thereof from its operations. If such exemptions had appeared in the original Sherman Act, there is no doubt but what this indictment would be fatally defective on account of its failure to set up such exceptions. It will be noted that the indictment failed to reveal the special business or organization to which all these defendants belonged, to wit, Labor's National Peace Council. Had it done so, as it should in fairness to the defendants, it would have enabled the court to see from the face of the indictment that the defendants were exempt under the provisions of section 6 of the Clayton Act.

The effect of section 6 of the Clayton Act is to define the Sherman law as applied to farm and labor organizations. This being true, the jurisdiction of the court for the southern district of New York is raised as completely by the pleading in this case as though the Clayton Act had repealed the Sherman law in toto. However, it may be claimed by some that this part of the Clayton Act is unconstitutional in the light of the case of Connolly *v.* Union Sewer Pipe Co. (184 U. S., 540), which declared unconstitutional an antitrust act of the State of Illinois. This statute sought to exempt all farm products, including live stock, in the hands of the producers from the operation of its provisions. It also provided for the repudiation of contracts in violation of its terms. The suit arose over the collection of a note claimed to have been executed in violation of the terms of the act. The Supreme Court held the Illinois statute unconstitutional for the main reason that it violated section 1 of the fourteenth amendment to the Constitution, which provides that—

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

It will be remembered that the State of Illinois in passing this act was hedged about by the above constitutional limitations, which, if exceeded, would subject the law to be dealt with by the courts in harmony with such constitutional provision.

It will also be remembered that the income-tax law of 1894 was declared unconstitutional by the Supreme Court because it violated paragraph 4, section 9, of Article I of the Constitution, which requires that—

> No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken.

But after the passage of the sixteenth amendment, giving Congress unlimited power to levy an income tax, the Underwood law of 1913 imposed a graded income system, which made discriminations clearly and unmistakably, leaving all incomes of $3,000 of unmarried people and all incomes of $4,000 of the heads of families free and exempt from such taxation, yet the Supreme Court in a recent decision upheld its constitutionality.

Now, when we examine the constitutional power which gives Congress the right "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes," we find that it is without limitation, which distinguishes the Clayton Act entirely from the antitrust law of Illinois in that the one, the Clayton law, is a Federal act passed by Congress under a constitutional power without limitation, while the Illinois act was passed by the Legislature of Illinois under a constitutional limitation.

Who will say that in exempting labor, agricultural and horticultural organizations from the operation of the antitrust laws, including the Sherman law, is any greater discrimination than the new income-tax law exempting all incomes below a certain amount from any taxation whatever? Both of these laws were passed by Congress under constitutional powers similar, to wit, without limitation.

In the case of Loewe *v.* Lawler (208 U. S., 224) Chief Justice Fuller, in delivering the opinion of the court, said, among other things:

> Records of Congress show that several efforts were made to exempt by legislation organizations of farmers and laborers from the operation of the act, and that all these efforts failed, so that the act remained as we have it before us.

It seems reasonable that a fair construction of this language of the Chief Justice indicates that Congress might, by appropriate act, exempt such organizations from the operation of the Sherman law, without violence to any constitutional provision. However this may be, it remains that section 6 of the Clayton Act is the law of the land until it has been repealed by either an act of Congress or by a decision of the Supreme Court in a direct proceeding to test the question of its constitutionality, and the courts of the land in the discharge of their official duties will take judicial notice of such law.

By a further examination of the Clayton Act we find that the last paragraph of section 20 directly sanctions all the ways and means enumerated in this indictment. That paragraph reads as follows:

> And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relations of employment, or from ceasing to perform any work or labor, or from commending, advising, or persuading others by peaceful means to do so; or from attending any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any person to work or abstain from work, or from ceasing to patronize or employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do. Or from paying or giving to, or withholding from any person engaged in such dispute, any strike benefits or other moneys or things of value, or from peaceably assembling in a lawful manner and for lawful purposes, or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law in the United States.

This list of exceptions include every ways and means recited in the indictment and charged to have been agreed upon by the defendants to aid them in carrying into effect the supposed conspiracy, and the last clause of this paragraph declares emphatically that the doing of all the acts and things enumerated in the indictment shall not be held to be violations of any of the laws of the United States.

This provision of the Clayton Act is universal in its application, and makes no exemption whatever, dealing with all alike and giving all like and equal opportunities under its provisions, and it can not be held to come within that class of laws which are passed under constitutional limitations and which make exemptions contrary to such limitations. Such as are dealt with by the Supreme Court in the Connolly case, supra, and the decision of the Supreme Court holding the old income-tax law of 1894 unconstitutional.

Applying the doctrine that courts will take judicial notice of all Federal statutes, it is to be presumed that in passing upon these questions the courts will not only take into consideration the provision above referred to in the Clayton Act, but that they will also take into consideration the doctrine laid down in the case of In re Neagle (135 U. S., 1) supra, wherein it was decided in construing section 761 of the Federal statute dealing with writs for habeas corpus, that—

> This, of course, means that if he (meaning the defendant) is held in custody in violation of the Constitution or of a law of the United States, or for any act done or omitted in pursuance of the law of the United States, he must be discharged.

After a careful examination of the different parts of this indictment we are driven to the conclusion that its author undertook to set up a wholly imaginary case. The entire absence of the names of those corporations who are engaged in the manufacturing and transportation of munitions of war for foreign belligerent countries emphasize this idea to the point of certainty. This entire trade is confined to a very few giant concerns under the control of J. P. Morgan & Co. as the agent of such foreign traffic, which can be enumerated on the fingers of one hand, to wit, the United States Steel Corporation, the Armor Trust, the Bethlehem Steel Co., the Du Pont Powder Trust, the Remington Arms Co., now owned by the Midvale Steel Co., and the transportation is controlled by the Joint Traffic Association—official classification committee—and the Ocean Steamship Pool.

If the business of any of these companies had been threatened or interfered with by the defendants, it would have been very easy for the pleader to have presented such evidence to the grand jury, as the chief offices of all these corporations are located in the city of New York, within gunshot distance of the United States attorney's office. If he was unable to secure such evidence, so vital to the validity of the indictment, how was it possible for him to secure any real evidence of the alleged conspiracy to restrain either the manufacture or transportation of the products of these great concerns?

Labor's National Peace Council was in touch with 6,000,000 men, yet it will be remembered that not one single overt act is charged in the indictment as a means to effect the supposed conspiracy. It is reasonable to conclude that if such acts had been known to the pleader he would have inserted them in the indictment. We must therefore conclude that the grand jury was unable to learn of any such acts during the entire four months of its sitting. We are driven to the further conclusion that the conspiracy must have been a very weak and harmless one if, during the entire eight months it was alleged to have been in operation, it was unable to do any single overt act to accomplish its supposed purpose. As we have already clearly shown that the ways and means enumerated in the indictment are wholly nonculpable in character and expressly sanctioned by the highest law of the land, how can anyone doubt that these defendants and their organization, Labor's National Peace Council, as its name indicates, was anything but a lawful and peaceable educational propaganda to aid in keeping this country out of war?

The fact that a charge of impeachment had been made in Congress against the United States attorney two weeks before this indictment was returned must have acted as a high incentive to prompt him to extraordinary efforts for revenge; and as the former United States district attorney, Henry A. Wise, of the southern district of New York, has recently testified that the grand jury of this district is nothing but a "rubber stamp" in the hand of the United States district attorney, it was all the more easy for him to secure the return of this fraudulent indictment without evidence.

All citizens of the United States have a right to oppose any act, deed, trade, profession, or business illegal in character or affecting the public morals, especially if they menace the general welfare of the country. If foreign commerce in munitions was being conducted in violation of the Federal statutes or international law, such as shipping high explosives on vessels carrying passengers, or lending money by the Government to belligerent countries to be used against any country or countries with which we are at peace, in order to promote such foreign commerce, then the American people, either singly or collective, had a right to protest against such business by any and all of the ways and means set up in this indictment.

If the substance of the speeches and writings recited in the indictment had been disclosed by the pleader, as was done in the Cash Register case, supra, it would have revealed that they were directed to the various branches of the executive department and to Congress in the interest of preserving "a friendly and impartial neutrality," to keep this country out of war, and to prevent the violation of Federal statutes and international law, and that in all cases in which they were used with labor and farmer organizations that each was done as an appeal for assistance in this peace propaganda in which Labor's National Peace Council was interested.

To extend the operation of the Sherman Act to the activities of such organizations as are enumerated in the indictment would be to establish a rule so universal and dangerous in its operation that it would destroy the collective energies of all benevolent and educational organizations which are directed against vicious and immoral habits and customs. Churches, temperance unions, and other moral organizations have been making for more than a half century an active campaign against the use of intoxicating liquor as a beverage, and no one will contend but what they have been successful and have materially restrained both the manufacture and interstate and foreign commerce of such liquors. In many instances their use has been entirely blotted out.

Yet, it would be a crime against civilization were such organizations even checked in their operations in the interest of humanity. An effort to extend the operations of the Sherman law for this purpose would meet with the universal condemnation of the public, and justly so, because it is well known that the excessive use of intoxicating liquor materially affects the general welfare of the Republic. What is true with reference to the activities of temperance organizations in the interest of man is true with reference to many other organizations which seek to elevate the standing of public morals.

This leads us back to the doctrine which has been universally adhered to by the courts, that the restraint of the interstate or foreign commerce must be direct and not indirect. There is scarcely any business, trade, or occupation which, if checked or stopped, would not in a measure lessen the production of either the crude or finished product and indirectly affect the interstate or foreign commerce flowing therefrom. The refusal of the farmer to produce farm products or lessen the acreage in any commodity, or the failure of any workman on the farm to execute, in a skillful way, the cultivation of the crop or crops, would, in a measure, affect the quantity of the farm products, and thereby lessen the interstate and foreign commerce in such products. We can readily see that the framers of the Sherman Act had in mind one great object, and that was to enact a law to prevent the direct restraint of interstate and foreign commerce and not to impede the activities of the citizen

in his daily work or the activities of organizations in the interest of mankind.

The following is the indictment:

DISTRICT COURT OF THE UNITED STATES OF AMERICA FOR THE SOUTHERN DISTRICT OF NEW YORK.

"At a stated term of the district court of the United States of America for the Southern District of New York, begun and held in the city and county of New York within and for the district aforesaid, on the first Tuesday of September, in the year of our Lord 1915, and continued by orders of the said court dated, respectively, the 2d day of October, 1915, the 28th day of October and the 1st day of December, 1915, and by adjournment to and including the 28th day of December, 1915.

"SOUTHERN DISTRICT OF NEW YORK, *ss:*

"The grand jurors of the United States of America within and for the district aforesaid, on their oath present that heretofore, to wit, during the year 1915, and for some time prior thereto, and up to and including the date of the filing of this indictment, a large number of individuals, copartnerships, and corporations, hereinafter called 'manufacturers' were engaged in various States in the United States in the producing and manufacture of munitions of war, and of military and naval stores, and of rifles, cannon, and other weapons of war and parts thereof and appliances used in connection therewith; shells, cartridges, projectiles, gunpowder, and other explosives and other ammunition, parts thereof, materials used in the manufacture of and appliances used in connection therewith; locomotives, cars, automobiles, aeroplanes, and other vehicles of transportation, parts thereof, and appliances used in connection therewith; building and railroad materials and other articles of many kinds, all of which were of a character adapted for use in war on land or at sea; that the said manufacturers so produced and manufactured said articles for the sole purpose of immediate sale and shipment in trade and commerce with Great Britain, France, Russia, Italy, and other foreign nations; that the said manufacturers were engaged in the business of delivering and shipping said articles to persons, partnerships, corporations, and organized bodies of men from the State in which they were so produced or manufactured to and through the port of New York and other ports of the United States and thence to said foreign countries; and that divers persons, partnerships, corporations, and organized bodies of men other than said manufacturers were also engaged in so delivering, shipping, and transporting such articles from States of the United States to said foreign countries; that the said manufacturers and other persons, partnerships, corporations, and organized bodies of men so engaged in foreign trade and commerce, as aforesaid, employed large numbers of men both in the producing and manufacture of said articles and in the selling, shipping, and transporting of them in the aforesaid foreign trade and commerce and said articles were continuously moved in said foreign trade and commerce; that the said articles, when it was necessary or convenient so to do in order to bring them to a suitable port for shipment, were continuously moved from one State of the United States to other States; that all of the names and localities of said manufacturers and said other parties so engaged in foreign trade and commerce, as aforesaid, and the times, amounts, and routes of such shipments and transportations are not known to the grand jurors aforesaid and are so numerous as to preclude their enumeration in this indictment.

"And the grand jurors aforesaid, upon their oath aforesaid, do further present that on the 1st day of May, in the year 1915, and continuously thereafter, until and including the date of the filing of this indictment, Franz Rintelen, alias Fred Hansen, alias Miller, alias Muller, alias Edward V. Gasche, alias Edward V. Gates; David Lamar, alias Lanauer, alias David H. Lewis; Frank Buchanan; Jacob C. Taylor; H. Robert Fowler; Frank S. Monnett; Herman Schulteis; and Henry B. Martin, hereinafter called the 'defendants,' and divers others persons, whose names are to the grand jurors unknown, each of whom well knew the facts as to said foreign commerce hereinbefore stated and alleged, at and within the said southern district of New York and within the jurisdiction of this court, unlawfully did knowingly and willfully engage in a conspiracy to restrain the aforesaid foreign trade and commerce and to restrain, hinder, and prevent the transportation of said articles in said foreign trade and commerce so far as, and at such times, places, and as to such of said articles and in such ways as they might thereafter be able so to do, and to restrain, prevent, and hinder the producing or manufacture of said articles for the sole purpose of restraining, preventing, and hindering the shipment and transporting in foreign trade and commerce of such of said articles and in such ways and at such times and places as they might be able so to do; that the purpose and object of said conspiracy was not confined to any particular articles, times, places, ways, and means, but the said defendants conspired and intended, at any time or place, and by any ways or means (some of which were not definitely determined upon by said defendants) to restrain, prevent, and hinder such shipments in foreign trade and commerce; and the particular articles, times, places, ways, and means determined upon by said defendants are not known to the grand jurors aforesaid; that among the divers means and methods by which the objects of said conspiracy were intended by the defendants to be accomplished were the following:

"1. Instigating and causing strikes and walkouts among the workmen employed at the plants and factories of the aforesaid manufacturers, so as to prevent and hinder the aforesaid manufacture, and thereby to restrain the shipping and transportation of said articles in said foreign trade and commerce.

"2. Instigating and causing strikes and walkouts among workmen and employees of said persons, partnerships, corporations, and organized bodies of men other than said manufacturers engaged in foreign trade and commerce as aforesaid employed in the shipping and transporting of said articles, so as to restrain the said shipping and transporting thereof in said foreign trade and commerce.

"3. Inducing by solicitation, persuasion, and exhortation, and by the preparation, sending, mailing, and distribution of circulars, pamphlets, letters, telegrams, newspaper articles, and other printed and written matter the aforesaid workmen to quit the employment of the aforesaid manufacturers, and thereby to restrain, hinder, and prevent in whole or in part the operation of said plants for the purpose of restraining the shipment and transportation of said articles in said foreign trade and commerce.

"4. Inducing by solicitation, persuasion, and exhortation, and by preparation, sending, mailing, and distribution of circulars, pamphlets, letters, telegrams, newspaper articles, and other printed and written matter the aforesaid workmen to leave the employ of the aforesaid persons, partnerships, corporations, and organized bodies of men other than said manufacturers engaged in said foreign trade and commerce as aforesaid for the purpose of restraining, hindering, and preventing in whole or in part the shipping and transporting of said articles in the aforesaid foreign trade and commerce.

"5. Bribing and distributing money among divers officers and persons in charge and control of various labor organizations to induce the said officers and persons in charge and control of said labor organizations to cause the members of said organizations who were or might be employed by the said manufacturers or by the said other persons, partnerships, corporations, and organized bodies of men engaged in foreign trade and commerce as aforesaid to leave their employment and to bring about strikes and walkouts among the said members of the said labor organizations, and thereby to restrain, prevent, and hinder, in whole or in part, the producing and manufacture and the expected shipment and transportation in said foreign trade and commerce of said articles.

"6. By divers other means and methods not specifically determined upon by said defendants, but to be decided upon by them as occasion might arise, all calculated in furtherance of and to effectuate the object of said conspiracy.

"And so the grand jurors aforesaid, upon their oath aforesaid, do say and present that the said defendants, Franz Rintelen, alias Fred Hansen, alias Miller, alias Muller, alias Edward V. Gasche, alias Edward V. Gates; David Lamar, alias Lanauer, alias David H. Lewis; Frank Buchanan; Jacob C. Taylor; H. Robert Fowler; Frank S. Monnett; Herman Schulteis; and Henry B. Martin, and said divers other persons whose names are to the grand jurors unknown, on the said 1st day of May, in the year 1915, and continuously thereafter to and including the date of the filing of this indictment, at and within the southern district of New York and within the jurisdiction of this court, in the manner and form aforesaid set forth, unlawfully did knowingly and willfully engage in a conspiracy in restraint of the aforesaid trade and commerce with the aforesaid foreign nations, against the peace of the United States and their dignity, and contrary to the form of the statute of the United States in such case made and provided. (Act of July 2, 1890, 26 Stat., 209.)

"H. SNOWDEN MARSHALL,
"*United States Attorney.*"

(Indorsed:) 8-295. United States district court. The United States *v.* Franz Rintelen, alias Fred Hansen, alias Miller, alias Muller, alias Edward V. Gasche, alias Edward V. Gates; David Lamar, alias Lanauer, alias David H. Lewis; Frank Buchanan; Jacob C. Taylor; H. Robert Fowler; Frank S. Monnett; Herman

Schulteis; and Henry B. Martin. Indictment. Conspiracy in restraint of foreign commerce. Act of July 2, 1890 (26 Stat., 209). H. Snowden Marshall, United States attorney. A true bill, Albert J. Daly, foreman. United States District Court for the Southern District of New York. Filed December 28, 1915.

December 29, 1915, David Lamar pleads not guilty; bail, $5,000.

December 29, 1915, Jacob C. Taylor pleads not guilty; bail, $5,000.

December 29, 1915, Frank S. Monnett pleads not guilty; bail, $5,000. Fourteen days to withdraw.

January 4, 1916, Buchanan pleads not guilty; bail, $5,000. January 20 to withdraw.

January 11, 1916, filed motion to make more definite and certain, etc. Quash as to Monnett.

January 12, 1916, filed demurrer of Lamar. Plea of not guilty withdrawn.

Mr. TAGUE. Mr. Chairman, I should like to ask the chairman of the committee or some member of the committee whether I understood him correctly when he said that the laborers in the street department of this city are paid on an average less than $1.50 a day or $1.50 a day.

Mr. HOWARD. The minimum wage scale is $1.50 a day. That is one grade. Then there is a grade of $1.75 a day, and a certain portion of these laborers are paid as high as $2 a day. I will say to the gentleman that this conforms favorably to the salaries paid all over the United States in the street-cleaning departments by the different municipalities. Hardly any cities pay any higher wage than that.

Mr. TAGUE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TAGUE: At the end of line 10, on page 33, insert the following:

"*Provided*, That the pay of laborers in the street department shall be not less than $2 per day of eight hours."

Mr. HOWARD. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The gentleman from Georgia makes a point of order.

Mr. HOWARD. I will reserve it if the gentleman from Massachusetts desires to be heard.

Mr. TAGUE. Mr. Chairman, I was rather surprised when I learned that the city of Washington was paying to the men in its street department $1.50 per day, a rate of wage that, to my mind, is not at all in keeping with the standards of living of this day. Mr. Chairman, in every city that I have had anything to do with, and in my own State, the street laborers are paid more than $2 per day for eight hours' labor, and especially the city I have the honor in part to represent, we pay our street laborers not less than $2.50 a day for eight hours' work, give them Saturday afternoon holiday and a vacation during the summer time. When I hear on this floor that men in this city are compelled to work for $1.50 a day, with wet days taken out of their wage, making their wage a great deal less, I think it is time for this Congress to make some provision for a fair wage for these men in order that they and their families may live. I do not believe that $1.50 a day is a living wage. I do not believe that we have any right as legislators in this Congress to ask men to work on highways for such a wage or to work for wages that will not permit them to bring up their families in a proper manner and give them sustenance and a livelihood. With that idea I have offered this amendment. I am sorry the point of order is raised here, because, when sustained, the men will not get the benefit of my amendment. Before the bill is passed I am going to put in an amendment somewhere in this bill that will bring about a fair rate of wage for these workingmen in the employ of the Government of the United States. I believe it is an indictment against the United States to think that a man would be asked to work for the meager wage of $1.50 a day; that does not permit him to provide in a proper manner a living for himself and his family.

Mr. REAVIS. Mr. Chairman, I sincerely trust that the point of order against the amendment offered by the gentleman from Massachusetts will not be insisted upon. The statement made by the chairman of the committee that these laborers upon the streets were paid in accordance with the average wage which prevails in other cities scarcely meets the situation, to my mind. It is not a question of whether other cities pay a like wage, but it is a question as to whether or not we pay a living wage. It seems to me that in the city of Washington an intermittent employment—not an everyday employment, because there are days when by reason of the inclemency of the weather they can not work—an employment at $1.50 a day is not a fair compensation to a sober and industrious man. It seems to me, in this day and age, if this Congress is going to act in harmony with humanitarian principles, principles of fair play that are obtaining more and more throughout the world, it at least ought to be willing and able to pay these men enough for their labor to keep them and their families in comparative comfort. I have just as much regard for the Treasury of the United States as any other Member on the floor, but I have too much regard for this Congress and this country to be willing to pay a man a wage which is insufficient to support his family and educate his children. That can not be done on $1.50 a day in this city.

I think the time has come when those who by accident of birth or by environment have a little the best of it in life's battle ought to be willing to assume a little of the burden and help in some measure to care for the more unfortunate of their brothers. It seems to me that this Government can not afford to be so niggardly with its money, can not afford to guard the Treasury of the United States to an extent that will deprive sober and industrious laborers of the opportunity to labor at a wage that will support their families in some sort of decency and comfort. I sincerely hope that the point of order will be withdrawn.

Mr. DENISON. Mr. Chairman, I will state that an investigation of the time that these men actually work on the streets and reported to the Committee on Labor shows that they make an average through the year of just 98 cents a day for the time they are working. Investigation further shows that the men who work on the streets, many of them, have to partly depend for a living on the labor of their wives, who go out and perform other classes of labor to help the family. Many of them have to depend on charity to help get clothes for their families. That evidence has been submitted to the committee at this session. I think that the gentleman from Georgia, who usually claims to be a friend of the laboring men, ought not to make the point of order. The committee could not do a better thing than to accept the amendment offered by the gentleman from Massachusetts.

Mr. HOWARD. Mr. Chairman, before renewing the point of order I want to say that the policy of the committee is to make these bills as economical as we can in view of the circumstances. There is one phase of this case that I want to state before renewing my point of order. I reiterate that the salaries paid to the street-cleaning force of the city of Washington is as high as the salary paid for the same manner of work in all of the large cities of the United States.

Mr. MADDEN. I beg the gentleman's pardon, but that is not true of Chicago, where the wages are $2.25 and the highest is $2.75.

Mr. JOHNSON of Kentucky. And the highest here is $4.

Mr. MADDEN. But that is not for laborers.

Mr. HOWARD. The wage scale is stated by the commissioners to run from $4 down to $1.50 a day. Now, let us see what class of laborers are getting $1.50 a day. There is not a Member on the floor of this House that has not noticed these old fellows around town, men 65 to 75 years of age, hobbling around the streets picking up paper, or with a little broom pushing a little cart.

The Government of the United States, through the commissioners, give preference to these old fellows that are liable to become chargeable to the District, at $1.50 a day. The higher class of workmen get $2 a day, 86 of them, and 312 of them get $1.75 a day. I can show you an old man at the foot of the Capitol, an old Confederate soldier, 75 years of age, on the pay roll of the District, and he could not make 50 cents a day in any place on earth.

Now, the arms of the Government have been opened, and these old men have been taken in and given a position that pays $1.50 a day and keeps them out of the poorhouse. If you increase the wages what will be the result? There will be 150 or 200 strong bucks that will come in here and jostle these old fellows out of their jobs. They can not retain the positions at those wages. I am in favor of as high a wage scale as the gentleman from Nebraska or the gentleman from Illinois or anybody else. But the taxpayers of the District of Columbia must be taken into consideration. The Government of the United States does not contribute all of this money, and we must look upon this District government here as at least a quasi municipality.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HOWARD. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 33, line 10, at the end of the paragraph insert the following:

"*Provided*, That no part of this appropriation shall be paid to any laborer engaged in street-cleaning work at less than $2 a day for not more than eight hours work."

Mr. PAGE of North Carolina. Mr. Chairman, I make the point of order against that.

Mr. STAFFORD. Mr. Chairman, it is well known that in the consideration of appropriation bills limitations on appropriations are always in order, and it is always within the authority of the House to restrict and limit the scope of an appropriation. Otherwise Congress would not have that control over appropriations which is its right. The amendment proposed is a pure limitation upon the expenditure of this appropriation, namely, that the executive officials are not authorized to expend any of this fund for this designated character of work——

Mr. PAGE of North Carolina. Mr. Chairman, will the gentleman allow me to make a suggestion to him and to the Chair? Under the guise of a limitation you can not change the law any more than you can in any other way under the rules of the House.

Mr. STAFFORD. But there is no law to-day limiting the scale of wages to be paid to these men.

Mr. PAGE of North Carolina. No; but there is a lump-sum appropriation——

Mr. STAFFORD. Ah, the gentleman admits away his case. If there had been a law limiting the wages to be paid to these men, then there might be some basis for the gentleman's contention, but he admits that there is no law except this lump-sum appropriation. I go back to my original premise and state that Congress has the right to determine how this fund shall be utilized. We can say that it shall not be utilized in the payment of the laborer unless he receives $2 for not more than eight hours' work.

Mr. PAGE of North Carolina. Mr. Chairman, I beg to submit that this is not a limitation within the rules of the House. It is a direction and not a limitation, and it does not decrease the appropriation and therefore can not come within the rules of the House as a limitation upon an appropriation bill. So far as I am concerned, I am ready to have the Chair rule.

The CHAIRMAN. The Chair is ready to rule. In order to come within the Holman rule, the Chair thinks that it would have to show upon its face a reduction, and the Chair thinks it does not do that.

Mr. STAFFORD. But, if the Chair will permit me, it is not the purpose to bring this within the Holman rule. Long before that rule was established the rule of limiting an appropriation was well recognized. There is precedent after precedent recognizing the right of the House to put a limitation upon an appropriation.

Mr. MEEKER. Would it be a limitation the way that is stated—to pay not less than $2 for more than eight hours' work?

Mr. MADDEN. That would be the condition under which they are allowed to expend the money.

The CHAIRMAN. The Chair thinks this is a proposition creating a new law and a new scale of wages, not permissible on an appropriation bill, and the Chair therefore sustains the point of order.

Mr. STAFFORD. Mr. Chairman, I move to increase the amount carried in the bill from $290,000 to $310,000, and I ask to be recognized on that proposition.

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

The Clerk read as follows:

Page 33, line 8, strike out "$290,000" and insert "$310,000."

Mr. STAFFORD. Mr. Chairman, in the last year's appropriation act we appropriated in this item $280,000. The commissioners recommended an increase of $42,000 for the sole purpose of increasing the wages of these poorly paid street laborers from $1.50 to $1.75 and of those receiving $1.75 to $2 a day. What has the committee done toward carrying out that beneficent and humanitarian recommendation? It has brought in here a meager recommendation of $10,000, which will permit of no increase substantially in the wages of these laborers. What kind of a government are we going to have in the District when the members of the legislating committee decline to consider the recommendations of the commissioners that have this matter in hand, who recognize the need of increasing the wages of these men? It is no wonder that we have the Committee on Labor coming in here with an omnibus bill seeking to increase the salaries of all employees to a minimum of $3 per day. I say that anyone who wishes to see a fair living wage paid will vote for this amendment, though I think you can hardly consider that a living wage when you provide for an increase of wages of street laborers from $1.50 to $1.75 and from $1.75 to $2. I challenge the statement of the gentleman from Georgia [Mr. HOWARD] when he says that in other cities of like size the minimum wage is the same as is paid in this city. I can not speak for other municipalities, but we have heard here instances cited by the gentleman from Massachusetts [Mr. TAGUE] where, in Boston, the wage is $2.50 a day; by the gentleman from Illinois [Mr. MADDEN], where the minimum wage in Chicago is $2.25 and runs up to $2.75. In my home city the minimum wage, according to an ordinance passed some years ago, is $2. Why should we be niggardly toward these men? It was the policy of the subcommittee in the preparation of the legislative, executive, and judicial appropriation bill to raise the pay of most of those who receive $600, $700, $800, and $900 so that they could provide adequately for their families. I am not rising here to make any demagogic appeal, but I think we should, regardless of the recommendations of the committee, provide funds whereby the commissioners can carry out what everybody must admit is only a fair proposal of increase, namely, to increase the wages of those receiving $1.50 a day to $1.75 a day and those receiving $1.75 to $2 a day.

Mr. HOWARD. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. HOWARD. Does the gentleman insist that the minimum wage here of the class of people I have specified as employed under this provision is not adequate pay?

Mr. STAFFORD. Yes; the commissioner himself, in testifying before your committee, stated that he wants to increase these men from $1.50 to $1.75.

Mr. HOWARD. I just want to ask the gentleman this question: If the gentleman believes that, and he has always believed it, and kept on believing it, why, in the name of common sense, did the gentleman and the gentlemen on that side want to heap all of these increases on Democratic appropriation bills when you had 16 years in which you did nothing in this regard?

Mr. STAFFORD. In answer to that statement I want to say to the gentleman that, so far as my conduct has been concerned on the legislative committee, I was not in favor of increasing salaries if they were above $1,200 a year, and I voted consistently here in the House to sustain the chairman of the committee against those increases, but on those below $1,200, where the salaries were not sufficient to provide for a man to support a home, I voted consistently to raise those salaries. My position is entirely consistent.

Mr. TAGUE. Mr. Chairman, I hope the amendment of the gentleman [Mr. STAFFORD], who has just spoken, will pass. Mr. Chairman, we sit here as Members of this Congress and say we are appropriating a sum sufficient to keep life and limb together of the poor old laborer who works around the Capital. In this great country of ours we read in the papers daily of our great wealth and how rich we are, and yet we are telling these men——

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. TAGUE. In just a minute—we are telling these men, faithful servants, veterans of the Army, who it has been said are unfit to earn more than 50 cents a day, that that is all they can have. Why, Mr. Chairman, at this time and in this Congress, I believe, it is the duty of every Member of Congress to see to it that some provision is made to provide for these men. I said in my city we give $2.50 for eight hours' labor. We give them Saturday afternoons. We give them two weeks' vacation in the summer, and when they get old and are unable to perform their duties my city pensions them at a dollar a day. [Applause.]

Mr. BUCHANAN of Illinois. Will the gentleman yield right there?

Mr. TAGUE. I will.

Mr. BUCHANAN of Illinois. Our friend from Georgia [Mr. HOWARD], who has always been in sympathy with the laboring people, opposes this on the ground that there are some old men working. That does not apply about other cities. I know in the city of Chicago, where the wages of the common laborer are $2.25 to $2.75, there are old men there who perform work, efficiently able men, just the same as there are here, so that is no argument against giving a living wage scale.

Mr. HOWARD. If the gentleman will permit, what I wanted to convey by that statement was this, that those who get this minimum wage scale are a class of people, old men, who can not readily find employment on account of some decrepitude or age, who come in contact with the high class of laborer who gets $2 a day.

Mr. BUCHANAN of Illinois. The idea I want to convey is that the same thing applies to the other cities where they pay more for the common labor, $2.50 a minimum wage for the same kind of labor the gentleman speaks of.

Mr. TAGUE. Mr. Chairman, I realize the gentleman from Georgia and all of the Members of this House want to give the men in the employ of the city a fair compensation for their labor, and here is our opportunity. Let us raise this appropriation; let us give them something that is fair. One dollar and fifty cents a day! No man can live on that at this time and take care of himself and family. It is all right to say they perform no labor; but they do, and they must live. They must live as well as any of us. I believe $2 a day is little enough and too little to supply the wants of life for these men. I said at the beginning I was surprised to think that such a condition could prevail in this country and in this city, and if it is the condition, then the sooner this Congress and the Nation can get down to the question and take care of them in their old age by appropriating money that will provide for them, the sooner this country will be better off. If we are going to have good citizens, we must give men a living wage. If they are going to bring up families to amount to anything in the future, we must provide them with a wage sufficiently large to enable them to secure the necessities of life. One dollar and fifty cents a day, or, as one Member said, 98 cents a day, paid to some men in this department, is not sufficient. I believe, Mr. Chairman, it is a disgrace and a blot upon the good name of this country, and I for one, as a Member of this House, want to see this rectified. I hope the chairman of this committee will accept this amendment and let the men in the street department in the city of Washington, whether it is governed and controlled by two distinct factions or satisfies the wishes of two distinct factions, so that it will become the law and give these men what they should get and rightfully deserve. [Applause.]

Mr. MEEKER. Some one has well said:

> Methods are many; principles are few.
> Methods often vary; principles never do.

We are discussing here a method of paying men who are employed to do a certain line of work at a reasonable, decent wage. Because of storm and rain there are many days when these men can not work, and we "take it out" on them. We want men to do this work and we offer them the munificent (?) salary of $1.50 a day on nice days, but when it rains they are losers and not Uncle Sam.

I really think I have never felt so ashamed of the policy of our Government as when I had my attention called a few months ago, out in my home city, to the fact that men and women out there were working for this Government at the rate of less than 98 cents a day. And yet we are passing laws to force corporations and employers of labor into all sorts of terms. The old-age pension system and the compensation laws that we are passing are forced upon employers of labor, but as to ourselves, when we come to where we can do as we please as employers of labor in the name of the Government, we dodge the responsibility. I do not see how any man could oppose a wage scale of $2 a day, when the weather permits employment, when we make the laborers stand the loss when it rains. I think a principle is involved here, and it is simply this: Can we look the men of this country squarely in the face when we say that we are giving $1.50 a day if it does not rain. Back in Indiana on the farm I knew a man, who was a sort of a skinflint, who used to say to his boys, "It is too wet to work on the farm to-day and so we will grease the harness." Uncle Sam says here in the District of Columbia, "It is too wet to work on the streets and you will go without your pay."

Now, gentlemen, let us be ordinarily, decently fair. If these men are old men, if they have people dependent upon them so that they can not work elsewhere at odd jobs, so much the more should we manifest some generosity, but I can not be persuaded that $2 a day is a generous wage when a man stands the loss because of bad weather. We have voted millions away here this year, and the men who voted them away will have to do more explaining than those who voted against doing so. When we get down to the man on the street we become "economical."

I hope this amendment will pass.

Mr. PAGE of North Carolina. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that at the expiration of 10 minutes all debate on all amendments to this paragraph be closed. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, this reminds me of the many other times during my service here when this subject, or a similar one, has been before the House. I say now, substantially, what I have said on other occasions, that it is altogether wrong for the United States Government, the richest Government in the world to-day, the richest Government the world has ever seen, to force people who work for it to indulge in cutthroat competition in order to get a job. Of course it has the power to say, "You work for 98 cents a day or for $1.50 a day or we will get somebody else to work for us." And the poor man takes the starvation wage. But the Government ought not to use such a power. One dollar and fifty cents a day in Washington in these times of extraordinarily high prices does not enable a man to pay running expenses, clothe himself and his family, feed them, keep them warm in winter, and pay the doctor.

It is the duty of the United States Government to say "We will pay to every man who works for this Government a living wage. We can afford to do it, and in honor we ought to do it." That is the attitude the United States Government should take. Any other attitude is wholly unbecoming. It would be unbecoming for a very rich private corporation or a very rich employer to say to a poor man applying for work, "We can get somebody else to work for 90 cents a day," and then on the man replying "I have a wife and children to support; I must take that or starve, and I will work for 85 cents a day, though it will hardly keep body and soul together," for the corporation or other employer to say, "All right; you get the job." As the gentleman from Missouri [Mr. MEEKER] suggested, the Government says, "We will give you 98 cents a day while it is pleasant weather." Last year it rained in southeastern Wisconsin practically all of the time for six or seven weeks. It was the longest rainy season that I remember. If some such downpour as that should occur where these miserably paid, fair-weather men with families to support are employed by the Government it would leave them to starve.

The United States Government ought to be a model employer. It ought to pay a living wage. It can afford to pay, and is in honor bound always to pay, a living wage.

Mr. PAGE of North Carolina. Mr. Chairman, I am not opposing this amendment as one who is opposed to paying a living wage for the rendering of a service. I know that I agree with my colleague on the committee [Mr. HOWARD] in the statement he made earlier in this discussion, that a great many of these people who are employed in the street-cleaning department of the city of Washington, for which they receive a compensation of $1.50 a day, would not likely receive this employment if the wage were made higher. They are not vigorous, able-bodied men, able to go out in the competitive labor market of this city or any other and make a living for themselves. They are given an opportunity by the governing board of this city to earn $1.50 a day at light, easy work, with short hours of labor, and have the satisfaction of knowing that they are sustaining themselves, without placing themselves upon the charity of this city. Now, these gentlemen who want to put this wage at $2 a day, or at some other price higher than the present wage, if they succeed in voting this amendment onto this bill, will in all probability put half of those old men who are now employed, largely as charity, rendering some service, light as it is, upon the cold charity of this city, without possibly ample opportunity to take care of them by the appropriations made and the facilities afforded.

I am not going to be placed in the position of opposing the man who is a wage earner. I was once a wage earner myself. I started as a boy working for a wage, and I know what the man who has to work for a living has to endure. But I stand and maintain here that it is infinitely better for a large class of these people to be given an opportunity to retain their self-respect by their own labor to make their own living, than to be thrown upon charity. Many of them would have their hearts broken if they were thrown upon the charity of this city or upon any other charity. I am not here saying that every man should not receive all the wages he deserves. I am not opposed to any man receiving all the wage he can get, provided he gives in return for that wage an equivalent in work. But I believe in this instance, instead of helping the wage earner who is employed in the street-cleaning department of this city, if you vote this amendment in the bill, in all probability, as I honestly believe, instead of rendering him a service, you will do him a hurt.

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

Mr. PAGE of North Carolina. Yes.

Mr. DENISON. Can the gentleman state when there has been an advance in the District here in the wages of the men who clean the streets?

Mr. PAGE of North Carolina. I can not answer that. I am not pretending to say.

Mr. DENISON. Can the gentleman state when he has been in favor or when he ever will be in favor of increasing the wages of these people?

Mr. PAGE of North Carolina. If the gentleman will put it on the basis of an able-bodied man doing the work of an able-

bodied man, I would do it now. But I am not willing to throw out of employment a large number of men of the particular class who, by my own observation and experience, I know happen to be employed in the service.

Mr. DENISON. Mr. Chairman, will the gentleman yield further?

Mr. PAGE of North Carolina. Yes.

Mr. DENISON. If the reason the gentleman has given is good for not increasing the wages of these people now, is that a good reason for not ever increasing their wages?

Mr. PAGE of North Carolina. Yes.

Mr. DENISON. What is the reason?

Mr. PAGE of North Carolina. I will say now that this city has not made sufficient provision for taking care of that class of people that live in it, and I am one of those who believe that it ought to make provision for taking care of its old and feeble and sick and decrepit. I hope the day will come very soon when it will do that.

Mr. BAILEY. Mr. Chairman, will the gentleman yield for a question?

Mr. PAGE of North Carolina. Yes.

Mr. BAILEY. Are these particular laborers themselves asking for an increase?

Mr. PAGE of North Carolina. I can not answer as to that. I have no information on that.

Mr. DENISON. I will answer that question, if the gentleman will permit. Some of these men have been before the Committee on Labor, and they have told pitiful stories of the small wages they are receiving.

Mr. PAGE of North Carolina. I can not mention anybody who is receiving a salary, from the humblest laborer up to the gentleman who is receiving on this floor $7,500, who does not want that amount increased. Mr. Chairman, I call for a vote.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. REAVIS. Mr. Chairman, did the gentleman from Wisconsin [Mr. STAFFORD] consume all of his time?

The CHAIRMAN. The gentleman from Wisconsin and the gentleman from North Carolina [Mr. PAGE] consumed 10 minutes.

Mr. REAVIS. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. REAVIS. Mr. Chairman, I do not know the character of the men who are employed on this street work at $1.50 a day. I do not know whether they are old, crippled, sick, and objects of charity or not. But I do know this, that this Government can not afford to take the labor of any man at a price that will not permit him to keep soul and body together. [Applause.] I do know this——

Mr. PAGE of North Carolina. Mr. Chairman——

Mr. REAVIS. I can not yield; I have but three minutes.

Mr. PAGE of North Carolina. I gave time to the gentleman because I refrained from objecting to his request for unanimous consent.

Mr. REAVIS. I yield to the gentleman.

Mr. PAGE of North Carolina. I wanted to ask the gentleman if he knew anybody whose soul and body had parted because of this wage?

Mr. REAVIS. I do know this, and the chairman of the committee knows it, that there is no man at this day and age and under existing circumstances who can support himself and his family in the city of Washington by intermittent labor at $1.50 a day; and this Government can not afford, I care not how old its employees may be, to hold them down to a wage that will not permit them to support their families.

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

Mr. REAVIS. Yes.

Mr. GARRETT. What has the gentleman to say with reference to the suggestion made by the gentleman from North Carolina [Mr. PAGE] and the gentleman from Georgia [Mr. HOWARD], to the effect that if these wages are increased, many of these men who are now working will be thrown out of employment, and therefore it would be an unkindness to them rather than a kindness to increase the wage?

Mr. REAVIS. Whether or not these men are thrown out of employment is dependent entirely upon the sense of justice of the commissioners who employ them, and the commissioners who are charitable enough to give employment to these old men surely would not be brutal enough to throw them out of employment when their wage was increased to a living wage. I do not believe that that condition would obtain. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the chairman announced that the "noes" appeared to have it.

Mr. STAFFORD. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 26, noes 27.

Mr. STAFFORD. Tellers, Mr. Chairman.

Tellers were ordered; and the chairman appointed Mr. PAGE of North Carolina and Mr. STAFFORD to act as tellers.

The committee again divided; and the tellers reported—ayes 33, noes 25.

So the amendment was agreed to.

Mr. EVANS. Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. TAGUE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts [Mr. TAGUE] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Disposal of city refuse: For collection and disposal of garbage and dead animals; miscellaneous refuse and ashes from private residences in the city of Washington and the more densely populated suburbs; collection and disposal of night soil in the District of Columbia; payment of necessary inspection, allowance to inspectors for maintenance of horses and vehicles or motor vehicles used in the performance of official duties, not to exceed $20 per month for each inspector for horse-drawn vehicles, $25 per month for automobiles, and $12 per month for motor cycles; fencing of public and private property designated by the commissioners as public dumps, and incidental expenses, $179,945.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming, a member of the committee, offers an amendment, which the Clerk will report.

Mr. MONDELL. I offer an amendment as a separate paragraph.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: On page 33, insert at the end of line 25 the following as a separate paragraph:

"Garbage reduction plant: The commissioners are authorized to acquire by purchase or condemnation a site or sites, and to use any land belonging to the District of Columbia which is suitable, in the discretion of the said commissioners, to enter into contracts for the construction of the necessary buildings thereon, to purchase the necessary machinery, tools, equipment, including motor and other vehicles, horses, supplies, personal services, and incidentals, required for municipal collection and disposal of city refuse, in general accordance with plans and specifications prepared under the authority contained in the District appropriation act for the fiscal year 1915, all of which shall be ready for operation on or before July 1, 1918, at a total cost not to exceed $885,900, of which $300,000 is appropriated and made immediately available.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against that amendment.

Mr. MONDELL. Will the gentleman withhold his point of order just a moment?

Mr. JOHNSON of Kentucky. Yes; I will withhold it.

Mr. MONDELL. Mr. Chairman, the Engineer commissioner of the District called attention to the importance of this item at this time in these words:

There is this reason for the initial appropriation at this time: If we do not get it this year we will have to look forward to a postponement of possibly three years, for the reason that our existing contract began on the 1st of July, 1915, and will expire on the 1st of July, 1918. Now, we deliberately made a three-year contract, because we knew it would require that time for the completion of this report and the construction of the municipal plant.

Municipal garbage plants are coming to be quite common in the country, and it seems to me that there are many arguments in favor of such a plant in the District of Columbia. It is true that no legislative provision has been made for such a plant as this, and in making the point of order I hope the chairman of the District Committee will promise us that very soon that commitee will bring in the necessary legislation.

Mr. JOHNSON of Kentucky. Mr. Chairman, I am not in the frame of mind now to make such a promise, and am entirely satisfied I will not be in that frame of mind later on, for the reason that I recently saw in a New York newspaper that that city now proposed to sell its garbage and make a profit out of it without handling it at all; and I have seen other articles

more recently, copied in the papers from other parts of the country, showing that this subject is now being investigated, and it is believed by many that municipally owned garbage plants will not be needed at all, that the soap manufacturers and the fertilizer manufacturers will buy all this stuff and pay a profit for it. Therefore, Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MADDEN. I move to strike out the last word. I should like to ask the gentleman from North Carolina a question. I notice that in this paragraph of the bill provision is made for payment for the removal of dead animals. In all large cities of the country they get paid for the privilege of removing dead animals. Why do we not do that way?

Mr. PAGE of North Carolina. I think the number of dead animals here is very small, and the subject has not been of enough importance for anyone to make a bid to take those dead animals away. I believe they are not removed by the same people who have charge of the city pound.

Mr. MADDEN. They get paid for doing it, however.

Mr. PAGE of North Carolina. Yes; they are paid for the service.

Mr. MADDEN. In all other large cities in the United States they pay the municipality for the privilege of doing it.

Mr. PAGE of North Carolina. I think so, and I think the time may come very soon when there will possibly be dead animals enough here to make it worth while.

Mr. MADDEN. Yes; to make soap and glue.

Mr. PAGE of North Carolina. I do not know of any soap or glue factory in this vicinity.

Mr. JOHNSON of Kentucky. I can not understand why this has not been done long ago. If I remember correctly, the Commissioners of the District of Columbia have been offered $3 apiece for dead horses, while they pay $2 apiece for having them hauled away.

Mr. MADDEN. The usual price paid for the privilege of removing a dead horse is $5 a head; and if the commissioners have been offered $3 a head, I see no reason why they should pay $2. Those who made the offer of $3 must have had some means of disposing of them at a profit or they would not have offered the $3.

Mr. JOHNSON of Kentucky. A good horse hide is worth $3 anywhere on the market.

Mr. MADDEN. Surely, Mr. Chairman, it seems to me there ought to be a provision made in this section of the bill requiring the commissioners to sell the privilege of removing dead animals, instead of paying some one for removing them. I just want to call attention to this.

Mr. CAMPBELL. May I inquire of the gentleman from North Carolina or the gentleman from Kentucky where the soap factory is that could take these animals?

Mr. PAGE of North Carolina. I said I did not know of any.

Mr. CAMPBELL. I was just wondering where these dead animals could be sold.

Mr. MADDEN. They can be made into glue.

Mr. CAMPBELL. Where is the glue factory?

Mr. MADDEN. They can soon fix one. It does not require much money.

Mr. CAMPBELL. The policy of the city of Washington is to prevent the establishment of soap factories and glue factories.

Mr. MADDEN. They could go across the river into Virginia or out here into Maryland. It does not take much capital to start one.

Mr. CAMPBELL. There are no soap factories here now.

Mr. JOHNSON of Kentucky. One will be built if we change this policy.

Mr. PAGE of North Carolina. Mr. Chairman, I want to say that my only personal experience with a dead animal was a dog that weighed possibly a pound and a half, and if I had paid 5 cents for each time that I used the telephone in an effort to have the dog carried off I would have paid $5 in getting him removed.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Bathing beach: Superintendent, $600; two watchmen at $480 each; temporary services, supplies, and maintenance, $2,250; for repairs to buildings, pools, and upkeep of grounds, $1,400 to be immediately available; in all, $5,210.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order as to the new office created—two watchmen for bathing beach, $480.

Mr. PAGE of North Carolina. It is clearly subject to a point of order. I do not know that I can induce the gentleman to withdraw it. He says I can not.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PAGE of North Carolina. I offer the following amendment.

The Clerk read as follows:

Amend, on page 34, line 6, by striking out the word "two" and inserting the word "one."

The amendment was agreed to.

Mr. PAGE of North Carolina. Now, Mr. Chairman, the word "watchmen" should be changed to "watchman," and the word "each," in line 7, be stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 6 change "watchmen" to "watchman," and in line 7 strike out the word "each."

The amendment was agreed to.

The Clerk read as follows:

For construction of two swimming pools, shower baths, appurtenances, and equipment on sites to be selected by the commissioners, $7,500.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The committee has done fairly well in the matter of the playgrounds and swimming pools considering the estimates of the commissioners, although the committee allowed $7,000 less than the estimates. My opinion is that the commissioners were themselves rather too modest and moderate in their estimates, and certainly everything they estimated for should have been allowed. This city needs more playgrounds; it needs better care of playgrounds; and above all things it needs more public swimming pools.

I have stated here a number of times that this city has less provision for swimming pools than any city in the United States of its size, and that is true. The Capital of the United States ought to set an example to the balance of the country in this regard. And yet we have practically nothing in the way of public swimming pools except a makeshift affair down here in Potomac Park, where the boys in the swimming time are thick as mosquitoes in Jersey. The numbers there are so great that it is impossible for them to enjoy the facilities as they should, and it is practically impossible for a boy to learn to swim for there is not room enough. The city is hot and uncomfortable in the summer time, and we ought to provide for bathing and swimming facilities in abundance. We have not even made provision along the Potomac for bathing facilities. There is not a point along the Potomac River anywhere within reachable distance of the city where a boy can go in and bathe without being arrested and carried off to the station house. Recently the officer in charge of public buildings and grounds has tried to provide for the boys by opening some pools up in Rock Creek Park. That is the best we have at this time.

Mr. FESS. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. FESS. Last year some of the playgrounds had to be closed because there were not facilities to keep them open.

Mr. MONDELL. That is true, we have been niggardly in the extreme in the appropriations for the care of playgrounds and for public bathing beaches and pools in the city.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Public convenience stations: For maintenance of public convenience stations, including compensation of necessary employees, $13,000.

Mr. MONDELL. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

New public convenience stations: F, G, and Ninth Streets NW., $20,000; Wisconsin Avenue and M Street NW., $18,000; Fifteenth Street and New York Avenue, $25,000.

Mr. PAGE of North Carolina. To that, Mr. Chairman, I make a point of order.

Mr. MONDELL. Will the gentleman reserve the point of order for just a moment?

Mr. PAGE of North Carolina. Well, since the gentleman from Wyoming has not said anything, I will reserve it.

Mr. MONDELL. Mr. Chairman, I want to ask my genial friend why he did not allow the estimates of the commissioners?

Mr. PAGE of North Carolina. I can explain it. One item which has been estimated for, also estimated for in former estimates, at Ninth and F Streets, is very seriously objected to, and if I had known that the gentleman was going to offer this amendment I would have brought the letter from the Secretary of the Interior opposing it. The fact is that that is a very crowded intersection of streets. The streets themselves are narrow and the Patent Office employees are immediately connected with the place that was sought to be used, and your committee does not believe that that is a proper place for a station. The same thing applies exactly to the proposed station at New York Avenue and Fifteenth Street. If the gentle-

man knows any more crowded district in the city of Washington than that, I would like to have him mention it. The Treasury Department protested just as vigorously against it as did the Secretary of the Interior against the other, and while there may be some need from a public standpoint of a station somewhere in these localities, certainly these are not the places, in the judgment of the committee.

Mr. MONDELL. The gentleman agrees with the commissioners that these are localities where stations are needed, and if the station should not be located just at the particular point suggested by the commissisoners it should be located somewhere in the immediate vicinity. It seems to me that we do not get anywhere by simply declining to make any appropriation for the stations because some one occupying a public building does not feel disposed to approve of it. The stations are needed somewhere in these locations.

Mr. PAGE of North Carolina. Let me remind the gentleman that there was a location made two or three years ago for the establishment of a station at Ninth and F, and we repealed it because it was not a practical place for it there, in the judgment of Congress itself.

I think there is a solution of this problem, and I have personally talked this over with the engineer commissioner. In the narrow streets and the crowded intersections like these proposed it seems to me it would be impossible to place these stations underground even, without seriously interfering with the traffic. I think a plan can be worked out and will be worked out to take care of the situation.

Mr. MONDELL. I am simply calling attention to these matters in the hope that a plan will be worked out. We have been agitating them for years. The necessity for them is apparent to all, and we should not delay forever because there is some slight disagreement as between the commissioners and those in the departments.

Mr. PAGE of North Carolina. I agree with the gentleman, and I think it will be worked out.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

ELECTRICAL DEPARTMENT.

Electrical engineer, $3,000; assistant electrical engineer, $2,000; inspectors—1 $1,000, 4 at $900 each; electrician, $1,200; 2 draftsmen, at $1,000 each; 3 telegraph operators, at $1,000 each; repairmen—expert $1,200, 3 at $900 each; telephone operators—3 at $720 each, 5 at $540 each, 1 $450; electrical inspectors—1 $2,000, 1 $1,800, 1 $1,350, 4 at $1,200 each; cable splicer, $1,200; clerks—1 $1,400, 1 $1,200, 2 at $1,125 each, 1 $1,050, 1 $750; assistant repairmen—2 at $620 each, 2 at $540 each; laborers—1 $630, 3 at $600 each, 2 at $540 each; storekeeper, $875; in all, $49,515.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the increase in the salary in line 24, page 38, where the salary is increased from $2,500 to $3,000.

Mr. PAGE of North Carolina. Mr. Chairman, it is clearly subject to the point of order. If he will withhold it for a moment——

Mr. JOHNSON of Kentucky. I withhold the point of order.

Mr. PAGE of North Carolina. We had quite a discussion a while ago in reference to the wages paid to these more or less infirm and old and decrepit men who work on the streets of the city of Washington. The subcommittee having this bill in charge does not believe that an electrical engineer competent to take charge of the electrical department of the municipality of the District of Columbia can be employed or one that is being employed in a position of like responsibility, requiring the skillfulness, anywhere else that I know of at a salary of $2,500. Believing that skilled men in this position should be paid this amount, the committee increased it from $2,500 to $3,000.

Mr. JOHNSON of Kentucky. My objection is that this particular individual is entirely too "skillful."

Mr. PAGE of North Carolina. If the gentleman will allow me. I want, in justice to the members of this committee and to myself and for the members of the subcommittee, to say that this subcommittee has not appropriated for any individual. I have not the slightest idea of the name of the man, or his age, or where he came from, or who he is. That has nothing to do with the increase in the appropriation.

Mr. JOHNSON of Kentucky. I have that information, Mr. Chairman. During the last Congress Senator SMITH of Maryland brought complaint to the House District Committee which at that time was investigating and inquiring into the official conduct of some of the officers of the District of Columbia, and a clear case was made out, where this gentleman had prepared some specifications so artistically that it became necessary to accept the highest bid instead of the lowest for the lamp posts now on Pennsylvania Avenue from the Peace Monument to the Treasury Building; and, because of that artfulness, he compelled the District of Columbia and the United States Government, upon the half-and-half plan, to pay, if I remember correctly, something like five or six dollars difference for every post that was purchased. I do not believe, in view of that kind of thing, that the salary of this individual ought to be increased.

Mr. PAGE of North Carolina. Mr. Chairman, I would like to ask the gentleman if he communicated this information to the Commissioners of the District of Columbia, who have charge of the employment of this man?

Mr. JOHNSON of Kentucky. I did, and I am sorry to say that they did not take any action concerning him that I now recall. They held up the contract pending the inquiry of the House District Committee, and they were fully conversant with the inquiry that was going on, and I can positively state that they know absolutely and certainly that this contract was drawn—that the bids were asked in such a "skillful" manner that the contract as they construed it was awarded to the highest bidder instead of the lowest.

Mr. DUPRÉ. Does the gentleman think that because certain Representatives may be delinquent in the discharge of their duties that the salaries for those particular districts should be abolished?

Mr. JOHNSON of Kentucky. Yes; I favor that proposition, and that is the law right now. I now make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 35, line 24, strike out "$3,000" and insert "$2,500."

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

The amendment was agreed to.

The Clerk read as follows:

Assistant directors of music, drawing, physical culture, domestic science, domestic art, kindergartens, and penmanship, seven, at $1,300 each: *Provided*, That the assistant director of penmanship, who shall be an instructor in the normal school and an assistant director in the grades, shall be placed at a basic salary of $1,300 per annum and shall be entitled to an increase of $50 per annum for five years.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 40, by inserting after line 10 the following as a new paragraph:

"Vacation schools and playgrounds. For the proper care, instruction, and supervision of children in the vacation schools and playgrounds, and directors, supervisors, teachers, and janitors of vacation schools and playgrounds may also be directors, supervisors, teachers, and janitors of day schools, $7,000."

Mr. HOWARD. Mr. Chairman, I make the point of order against that.

Mr. MONDELL. Mr. Chairman, the item is not subject to the point of order, as the gentleman very well knows. I hope that the committee will accept this item. I think the committee overlooked the item. The gentleman from North Carolina [Mr. PAGE] thought there was not any such item in the estimates.

Mr. HOWARD. It certainly would not be in order, if it was in order at all, at this particular point, because this is for the salary of school-teachers. The whole paragraph is devoted to that. If it be in order at all, it would be in order at the end of line 5 on page 41.

Mr. MONDELL. I would just as soon offer it at some other point.

Mr. HOWARD. I hope the gentleman will withdraw and offer it at some other point.

Mr. MONDELL. I do not know that it makes any difference if it is going into the bill, however.

Mr. HOWARD. It comes now right in the very middle of the classification of these teachers.

Mr. MONDELL. I am willing to withdraw it for the time being.

The CHAIRMAN. The gentleman withdraws the amendment, and the Clerk will read.

The Clerk read as follows:

Hereafter in assigning salaries to teachers of public schools in the District of Columbia no discrimination shall be made between male and female teachers employed in the same grade and performing a like class of duties; nor shall it be lawful to pay, or authorize or require to be paid, from any of the salaries of such teachers any portion or percentage thereof for the purpose of adding to salaries of higher or lower grades; and no such teacher shall be employed as, or required to discharge the duties of, a clerk or librarian.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. ABERCROMBIE. Mr. Chairman, I desire to offer an amendment.

Mr. HOWARD. Mr. Chairman, I would like for the Chair to dispose of the point of order.

Mr. STAFFORD. I wish to inquire what was the purpose of the committee in making this paragraph permanent legislation?

Mr. HOWARD. The purpose was to avoid repeating it year after year. It has been carried in the current bill for several years.

Mr. STAFFORD. I wish to inquire whether it is the established policy of the committee to have the same salaries paid to teachers here in the District of Columbia, regardless of sex, for performing the same grade of work?

Mr. HOWARD. That is the policy and that is the provision in this law.

Mr. STAFFORD. I know it is the provision. I assume that in some cities male teachers receive a higher salary than those paid to females, and I question whether sufficient consideration has been given to that phase of the subject so as to make it permanent law by the addition of the word "hereafter."

Mr. HOWARD. The gentleman is probably familiar with the classification of the different grades in which teachers are put here and the different processes through which they go in reaching certain grades and salaries, and in the grouping of the teachers the committee has put them in a certain classification, starting with the lowest and going to the highest. There is no distinction made between the salaries of male and female teachers. Female teachers of one grade get as much as a male teacher in the same grade.

Mr. STAFFORD. Was it the purpose of the committee in putting in this mandatory provision that there should not be any distinction in pay?

Mr. HOWARD. I can only say to the gentleman that that is the identical language that has been carried in current bills for the last 5 or 6 years—well, more than 10 years. I will state to the gentleman this is for the purpose of saving printer's ink and printing and repetition. We just simply put the language in and make it permanent law.

Mr. STAFFORD. There has been no question in the committee as to the wisdom of having the same salary paid to teachers regardless of sex? I will withdraw the point of order.

Mr. HOWARD. As far as I am concerned, I believe that a woman who is as capable a teacher as a man ought to get the same money; and the committee feels the same way.

Mr. STAFFORD. That is the general principle; but we all know that male teachers have families dependent upon them, and it is necessary to pay them a higher salary than is paid to females.

Mr. HOWARD. Salaries in this day and generation are not based on that proposition at all.

Mr. STAFFORD. That is the rule obtaining in private business establishments as well as in municipalities in the employment of teachers and in other grades of work.

Mr. Chairman, as this has been carried for 10 years, I will not press the point of order on the word "hereafter," and withdraw it.

Mr. HOWARD. I thank the gentleman.

The CHAIRMAN. The point of order is withdrawn.

Mr. ABERCROMBIE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 42, line 19, after the word "librarian," insert the following as a new paragraph:

"Interchange of teachers: That the superintendent of schools of the District of Columbia is authorized, with the approval of the board of education of said District, to provide for the interchange of efficient teachers with other school systems for periods not exceeding one year in each case: *Provided*, That not exceeding 20 teachers shall be on interchange service at one time: *And provided further*, That each teacher so interchanged shall be paid her regular salary by the school system in which she is teaching at the time the interchange is arranged: *And provided further*, That service of teachers of the public schools of the District of Columbia under this provision shall count as regular service in the District of Columbia."

Mr. HOWARD. Mr. Chairman, I reserve a point of order against the amendment.

[Mr. ABERCROMBIE addressed the committee. See Appendix.]

Mr. HOWARD. Mr. Chairman, in the temporary absence of the chairman of the subcommittee, I will be obliged to insist on the point of order.

The CHAIRMAN (Mr. FOSTER). The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

Miscellaneous: For rent of school buildings, repair shop, storage and stock rooms, $15,000.

Mr. MONDELL. Mr. Chairman, I offer the amendment which I withdrew a moment ago and which is at the Clerk's desk—an amendment for an appropriation for vacation schools.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: Page 47, after line 2, insert as a new paragraph the following:

"Vacation schools and playgrounds: For the proper care, instruction, and supervision of children in the vacation schools and playgrounds, and directors, supervisors, teachers, and janitors of vacation schools and playgrounds may also be directors, supervisors, teachers, and janitors of day schools, $7,000."

Mr. HOWARD. Mr. Chairman, I make a point of order against the amendment.

Mr. MONDELL. Mr. Chairman, the amendment is not subject to the point of order.

Mr. HOWARD. I will make this statement to the gentleman, that there is no provision of law for vacation schools. This creates new law.

Mr. MONDELL. There is no provision of law for any particular kind of schools. There is a provision of law for schools. Some of the schools are held in the daytime and some at night, and these particular schools happen to be held during the time when the other schools are in vacation. If the gentleman will withhold his point of order for just a moment——

Mr. HOWARD. I withhold the point of order.

Mr. MONDELL. I would like to explain this matter to him and the committee. It is a matter that we ought to have cared for long ago in the District. Some years ago those in charge of the District school system realized the necessity for summer or vacation schools for the purpose of helping those students who for one reason or another needed a little help in order to keep them in their grades. President Blair, of the school board, said, in regard to this matter, in the hearing before the subcommittee:

Mr. PAGE, that is to get away from the provisions that have to be made now of raising money to support that summer playground work through the contributions of outside people and to keep away from the provision of the law which prevented any improper use of the schools. The amount of that work is growing. We are now giving instruction in the summer time, so that children who are back in one, two, or even more subjects which prevents their promotion from one grade to another, but who ought to go on because of their age or ambition, can be given some special instruction in the summer time. We are taking care of that kind of children by looking after them, giving them instruction, and preparing them to go on in the fall on the certificate of these teachers, and then it is also playground work. Mr. Thurston, have you a detailed statement of that?

Mr. THURSTON. I have not here, but the sum we are asking for is approximately the sum spent last year from private contributions. There were between five and six thousand children accommodated on the different playgrounds, both for industrial work and study and for organized play.

Sometimes children are inevitably absent owing to their own illness or on account of illness in the family. Some children are slow in some one study or another. Those children need help in vacation time so that they may not lose the entire year.

We have been doing this work in years past by voluntary subscription. It so happens we have in our family four "hostages to fortune" who are attending the schools here. This is what occurred: In order to keep these vacation schools going—and all the teachers and many of the scholars are interested in them—they make all sorts and kinds of efforts to collect money through the children. My youngsters have been selling tickets to picture shows. They have been importuned and invited to bring contributions, to do various things, in order to make a little money to help raise this $7,000 for these vacation schools and for the care of the playgrounds.

The gentleman from Georgia [Mr. HOWARD] is going to say that what is now being done in this respect, in soliciting contributions in the schools, is contrary to law.

Mr. HOWARD. I was not going to say that.

Mr. MONDELL. He might have said that.

Mr. HOWARD. I did not have it back in my head, because I knew it was contrary to law.

Mr. MONDELL. It is contrary to law. I am not complaining of the teachers. My children have been glad to make their small contributions, but there are many children who are attending the public schools who can not afford to do it, just as it was stated here at the time we prohibited that sort of thing. We do not want to embarrass children who can not afford to contribute, and yet there is such value in these schools that people are anxious to contribute. Let me ask my friend whether or no he thinks that in this Capital City of the Nation we should go on asking the children of the public schools to collect pennies and earn dimes in one way or another in order to keep this very useful branch of the public-school service going?

Mr. HOWARD. Does not the gentleman think this, that if they would teach during the teaching period instead of on

Wednesday morning allowing all the children to go to the moving-picture shows and distracting their attention for the whole day from their studies, that there would be no necessity for these vacation schools, and that they could use that period for developing their physical condition?

Mr. MONDELL. The gentlemen could easily get a rise out of me on that question of improper dismissal and adjournment of public schools, but that is aside the mark. Say that they do sometimes dismiss the schools without sufficient reason.

Mr. HOWARD. They do it.

Mr. MONDELL. For insufficient and for very flimsy reasons and for no good reason at all. If that be so, the occasions are not frequent enough to make any particular difference in the scholarship of the pupil and his ability to keep up with his classes.

These vacation schools have come to be recognized as an important part of the school systems everywhere; not only here, but elsewhere, and they will be kept up. The question is whether they are to be kept up by penny contributions of the children and by all these various and sundry questionable devices that have been resorted to, or whether we shall appropriate for them.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MONDELL. There is a very important part of this work that my friend from Georgia [Mr. HOWARD] will appreciate. I think he thoroughly appreciates all the purposes of the vacation schools, but the part of these expenditures that is used for the purpose of promoting industrial education and industrial exhibits in the playgrounds in the summer time is especially important. In fact, nothing more important can be provided for under our school system. It is a small sum, and it is a sum that will be expended for a good and worthy purpose. We ought to provide for it instead of continuing, as we have done for years in this unjustifiable way, to compel the people of the District to support it more or less by voluntary contributions.

Mr. FESS. Mr. Chairman, would the gentleman from Georgia withhold his point of order?

Mr. HOWARD. Yes; with pleasure.

Mr. FESS. I think there is a feature in the vacation school that ought not to be lost sight of. Our exacting courses of study throughout all the school systems of the country, and especially here, require a certain standard in order to get into the high school, and then a certain standard is required in the freshman year to get into the sophomore year, and then in the junior year, and then in the senior year for graduation; and if because of some lapse, either in study or circumstances that can not be controlled a pupil falls out, there is danger that unless the pupil can make up on the work on which he fell short during the year he will not be able to go on and reach graduation.

I have realized that for years. A parent's chief desire is to keep his child in school rather than have him drop out in the early stage. If for any reason not under his control he drops out and finds no way to go on with his own class, he will almost certainly drop clear out. This common occurrence grows out of the exacting character of our courses of study, and none of us would change them, but frequently it is very hard upon the individual pupil. I do not refer to the indolent or constitutionally careless pupil, but to the delinquent, whose lapse may not be his fault. The vacation school would offer a splendid opportunity to cure that feature.

Then, it seems to me that every father and mother are up against the situation that for three months in the year the children have nothing to do, and those three months are the times of idleness—a situation bad enough for adults, but especially important to a child when considered in its possibilities, since somebody has said, "When one is idle there is work for the evil one"; and it seems to me that there ought to be some way by which those who are worthy and unable to remain in the school regularly ought to be able to find the time during vacation to do the work in which they are deficient. This is only one of the important items of the proposed amendment of the gentleman from Wyoming.

Mr. HOWARD. Mr. Chairman, will the gentleman yield right there?

Mr. FESS. Yes.

Mr. HOWARD. Of course, the gentleman is aware of the fact that the teachers of the District of Columbia are paid by the year and not by the term. Therefore, without the expenditure of any money, this situation could be met very easily by simply increasing the school term and requiring the teachers to remain here on their jobs and earn a year's pay by teaching the vacation schools. That would be one way to meet the situation, would it not?

Mr. FESS. That would be one way, but it would hardly be fair to the teacher to do that, and I would not favor putting the suggestion into operation.

Mr. HOWARD. It would be as fair for the teacher as for the child.

Mr. FESS. Of course, it is for the benefit of the child that we want to keep the school open at all.

Mr. HOWARD. It would be as much benefit to the child to continue at school during the vacation as it would be to let the child enjoy a vacation.

Mr. FESS. I believe that three months of idleness in any instance is not a desirable thing for the child. I hope that some time in our system of education we shall not have that waste of time.

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

Mr. FESS. Yes.

Mr. COX. The gentleman is a great educator, and I think he is the father of several children. I undertake to say that after the gentleman's children arrive at a reasonable age they do not know what a vacation is, and the gentleman finds some desirable employment for his children. Is not that true?

Mr. FESS. I will say to the gentleman that personally I know not what a vacation is. I have always been employed in some way during the summer season, and was never hurt by the necessity of such employment. As for children, the average family in our smaller as well as larger towns find it very hard to employ their children's time in the summer. It would be very much better could we have vacation schools. For myself I aim to see that my children are in the summer school. However, it is not so easy with the family not identified with educational work.

Mr. COX. Some people have told me that during vacations they have employed teachers to continue the instruction of their children.

Mr. FESS. That is the case in a very great number of instances.

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

Mr. DUPRÉ. Mr. Chairman, I would like to have the gentleman from Georgia [Mr. HOWARD] indicate in a word how many unauthorized items are appropriated in this bill?

Mr. HOWARD. I will refer the gentleman to the gentleman from North Carolina [Mr. PAGE] who is in charge of this bill.

Mr. DUPRÉ. Then I will ask the gentleman from North Carolina. Approximately how many unauthorized items are appropriated for in this bill?

Mr. PAGE of North Carolina. I could not answer that question offhand, but there are not a great many.

Mr. DUPRÉ. A hundred?

Mr. PAGE of North Carolina. I could not say.

Mr. DUPRÉ. Four or five hundred?

Mr. PAGE of North Carolina. I should say not more than a hundred.

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

Mr. HOWARD. Yes.

Mr. REILLY. Has there been any request from the educational authorities of the District for appropriations for vacational schools?

Mr. HOWARD. I do not recall. This was included in the estimates, but there was no insistence upon it on the part of the authorities when this provision was discussed in the hearing before the subcommittee.

Mr. REILLY. There are vacational schools now conducted in the city by means of contributions as outlined by the gentleman from Wyoming [Mr. MONDELL]?

Mr. HOWARD. Yes; and the teachers are being paid for those months out of public funds.

Mr. REILLY. The fact of the matter is the teachers everywhere have a certain school year, and you would not expect the teachers to give their time for the whole school year unless they were paid for it.

Mr. HOWARD. The uniform system is that the teachers are paid by the month, and when vacation comes they lose their salaries. I want to say this to the gentleman, that from my investigation of the schools in the District of Columbia the teachers in Washington are paid the best salaries in the specific grades of any teachers in the United States except in one city. The children in the District of Columbia are taught under the most favorable conditions that I know anything about. The cost

of constructing school buildings is $10,000 a room, and that is more, I know, than in any city in the country.

Mr. FESS. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. FESS. I think the whole country would commend the movement that made it possible here for teachers to be paid for the 12 months; there are not many places where that is done.

Mr. HOWARD. I have no objection to that. Now, in regard to the playgrounds proposition. I have some views about the playground situation here, and I think it is an opportune time to express them. I realize that children in the congested city centers should have some place to play, but I believe they have got more ground for play in the city of Washington to the square foot than any other city in the country. They have hundreds of acres in Rock Creek Park, the Mall, and all the squares for playgrounds. I believe the playground system costs the parents of these children $150,000 direct taxes, in doctors' bills, because if there ever was a source of spreading contagious diseases, like measles, scarlet fever, and diphtheria, and every other disease of childhood on earth, it is letting the children congregate around a little cement wash hole that has 10 gallons of water pouring into it a minute and 10 gallons running out, where they all jump into it and swim at one time. If one has the measles or scarlet fever they all get it.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. PAGE of North Carolina. Has the gentleman heard of the German invasion—that the German measles has actually broken out in the camp at Chevy Chase?

Mr. HOWARD. Yes; I heard it this afternoon, and that they were going to break up the sanitation camp. I could have broken it up long ago if I had had a peck of healthy mice and let them go out there about half past 7 in the evening. [Laughter.] But now, talking about these playgrounds. They are a magnificent depository for these gadabout mothers that associate with their children only when they are in bed. When they want to go off to spend the day, if they want to go to whist parties, they bundle up the kids and send them to the playgrounds, and there they find a stalwart matron, who will take care of them while their mammas go to the movies. [Laughter.] The result and the practical effect of it is that it is unwholesome.

Mr. CALDWELL. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. CALDWELL. Does not the gentleman think that the ladies have the hardest end of the game anyhow, no matter how you fix it up?

Mr. HOWARD. Well, I used to think so.

Mr. FESS. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. FESS. Does the gentleman think we had better stop the schools?

Mr. HOWARD. No; but I do think that the parental influence ought to be thrown around the children some time during the day. I make the point of order.

Mr. MONDELL. Mr. Chairman, I would like to be heard on the point of order. This committee is clearly authorized to appropriate for schools in the District. There is no law on the statute book fixing the hours or the terms of the school. The time of terms or sessions can be changed any time by the board of education. Under these items the board can provide that the school term shall begin earlier, or extend later, as they see fit. There is no law on the subject, and we are making no law on the subject. We are not changing existing law and not providing new law. If this appropriation is granted it would make it possible to continue the schools, some of them, for a month or so longer than they would otherwise be in session. It would also keep certain playgrounds open a few weeks longer than they are now kept open, and during that time they would make exhibits of the industrial work of the children.

This is an appropriation for a work in progress, a work under the supervision and jurisdiction of this committee. It is not a change of existing law, because there is no law on the subject as to the time when the schools shall be in session. It is not new legislation, because it does not definitely fix a time for session of the schools. Therefore it is in order.

Mr. PAGE of North Carolina. I was going to call attention to the fact that there is no authority of law for vacational schools, or schools of this character contemplated in the amendment.

The CHAIRMAN (Mr. FOSTER). The Chair is ready to rule. The Chair thinks there is no law now fixing what are called vacation schools. If that were the only provision it would be sufficient; but this also provides for playgrounds, and that, too, is subject to a point of order.

Mr. MONDELL. On what ground?

The CHAIRMAN. There is no law providing for playgrounds, as the Chair understands.

Mr. MONDELL. Oh, certainly; there is an appropriation for playgrounds in this very bill.

The CHAIRMAN. If there is any law, the Chair will be glad to have it shown to him.

Mr. MONDELL. The bill contains appropriations for playgrounds.

The CHAIRMAN. The Chair understands that, but there is no law, as the Chair understands it, providing for the establishment of playgrounds and the employment of these teachers.

Mr. JOHNSON of Kentucky. Mr. Chairman, I think I can throw a little light on this subject. For a great many years I made a point of order against the playgrounds, as I am sure my friend in the chair will remember. Finally a compromise was reached by which the playgrounds were to be paid for out of the District revenues, and during the past few years the matter has been allowed to drift along in that way, without any law whatever on the subject.

The CHAIRMAN. The Chair remembers that very distinctly, and for that reason he believes the amendment to be out of order. If there is any law authorizing it, the Chair will be glad to have it called to his attention.

Mr. MONDELL. Mr. Chairman, I offer an amendment in lieu of the amendment that I previously offered. I offer an amendment, "For maintenance of vacation schools, $7,000."

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 47, in line 2, by adding the following:
"For maintenance of vacation schools, $7,000."

Mr. PAGE of North Carolina. I make a point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For purchase of United States flags, $800.

Mr. MONDELL. Mr. Chairman, I desire to ask unanimous consent to offer at this point an item providing for the enforcement of the child-labor law.

The CHAIRMAN (Mr. FERRIS). What is the gentleman's request?

Mr. PAGE of North Carolina. The gentleman from Wyoming asks unanimous consent to offer the amendment at this place, and I do not object to his offering it.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: Amend, on page 49, line 3, by inserting the following as a new paragraph:
"Child-labor law: For the enforcement of the provisions of the act 'To regulate the employment of child labor in the District of Columbia,' approved May 28, 1908, namely, for two inspectors, at $1,200 each, $2,400: *Provided*, That the existing provision of law requiring the detail of two privates of the Metropolitan police force for the enforcement of said act is repealed."

Mr. PAGE of North Carolina. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from North Carolina reserves a point of order.

Mr. MONDELL. Mr. Chairman, I do not think the item is subject to a point of order.

Mr. PAGE of North Carolina. I am sure that the gentleman, with his excellent knowledge of parliamentary law, knows that it is subject to a point of order.

Mr. MONDELL. What is the point of order, Mr. Chairman?

Mr. PAGE of North Carolina. The point of order is that the gentleman's amendment creates an employment that is not provided by law—two inspectors. The law now expressly provides that two police officers shall fill these positions.

Mr. MONDELL. Mr. Chairman, the act of May 28, 1908, to regulate the employment of child labor in the District of Columbia provides that no child under 14 years of age shall be employed or permitted to work in the District of Columbia in any factory, workshop, mercantile establishment, and so forth, and goes into considerable detail in regard to the employment of children in the District of Columbia. I do not understand what further legislation than that would be required to make it in order for the Appropriation Committee to appropriate to carry out the law by providing the proper officers.

Mr. COX. Does that act require the detailing of two policemen to enforce it?

Mr. MONDELL. No; that act does not require the detailing of two policemen. If the point of order is with respect to the

detailing of two policemen, I will drop that part of my amendment.

Mr. PAGE of North Carolina. Not only the detailing of two policemen, but the gentleman's amendment carries a provision for new employments that are not authorized by law, because the law specifies these two policemen shall be detailed for this service.

Mr. MONDELL. Let me make this suggestion to my friend. I do not think the item is subject to the point of order, but I want to remind the gentleman that it was his impression that this item was in the bill.

Mr. PAGE of North Carolina. It was, and I was going to make that explanation.

Mr. MONDELL. He is in favor of it personally.

Mr. PAGE of North Carolina. I might be induced to be in favor of it. I want at this point to say what I said privately to the gentleman from Wyoming yesterday, when he offered this amendment. I assured him that the item was in the bill and that was my impression. The truth is, that a man's memory is a pretty good one that can lay a bill of this size, and with as many items, aside for two months before it is called up on the floor of the House after having been completed in subcommittee and trust his memory at all; but after having made that statement my attention was called to the fact and an examination showed that my memory was at fault. I hastened to say so to the gentleman from Wyoming. One of the things that made me think so was that at one time during the hearings I was personally favorably impressed, but the subcommittee did not include the item.

Mr. MONDELL. Mr. Chairman, the District Commissioners made a very strong plea for this item. They called attention to the fact that an ordinary policeman is not particularly qualified to perform this sort of duty. What they need is some one, preferably in civilian costume, to go about where children are or are likely to be employed, and keep track of matters of employment and enforce this statute.

As a matter of fact, the statute has not been properly enforced. These officers can not properly enforce the statute. The commissioners realize that. They need these two men on the force; they need them for other work; and, in addition to that, they need people to enforce this law who are specially trained for that sort of thing. Why agonize over a child-labor law, get all worked up with regard to the matter, take the time of the House to pass the bill, and have impassioned speeches made on both sides relative to the importance of legislation of this kind, call attention to the pitfalls and snares constantly before the youthful worker and to the infinite harm that is done physically and morally by the employment of young people, and then fail, decline, or refuse to provide reasonable means and forces for the enforcement of the law?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. PAGE of North Carolina. Mr. Chairman, I request time in order that I may ask the gentleman from Wyoming if he has any evidence that the child-labor law in the District of Columbia is not being enforced?

Mr. MONDELL. I think the statement made before the committee is very excellent evidence. The men who have been detailed to enforce the law have done the best they could. Attention was called to the fact that it was difficult, well-nigh impossible, for these men to properly enforce the law.

Mr. PAGE of North Carolina. Mr. Chairman, I think that if the gentleman would read carefully the hearings on this item he would discover that the chief incentive behind those making the recommendation was that they wanted these two policemen released from this employment in order that they might be assigned somewhere else. There certainly was no evidence before the committee that the law was not being enforced.

Mr. MONDELL. Mr. Chairman, if I had the time—and I have not—to read this statement by Commissioner Brownlow, I would do so; but I shall put it in the RECORD. I think it will show that the commissioner does not believe it is possible to properly enforce the law and properly safeguard the children with the help that they now have. He suggests the importance of putting this law on the same plane as the eight-hour law with respect to females.

Mr. PAGE of North Carolina. Mr. Chairman, I would suggest to the gentleman from Wyoming that the commissioner whose testimony he has quoted, and for whom I have the highest regard and closest friendship, is the one who is in charge of the detailing of the Metropolitan police. Naturally enough, he wants his policemen somewhere else and engaged otherwise than in enforcing the child-labor law, and I must insist on my point of order.

Mr. MONDELL. Mr. Chairman, the statement of Commissioner Brownlow in regard to the child-labor law, to which I have referred, is as follows:

CHILD-LABOR LAW.

Mr. PAGE. Mr. Brownlow, if these inspectors under the eight-hour law were to observe a violation of the child-labor law under present conditions, would they take cognizance of it, or do they confine themselves entirely to their own work?

Mr. BROWNLOW. I think they are looking after the women very largely, and in most of the places where they are operating there are not any such violations. The inspection as to the child-labor law, of course, is very rigid on the part of these two men, in conjunction with the people with whom they work at the board of education, who give out the permits to children. In connection with the child-labor law the law says that so far as theatrical employments are concerned any one commissioner can issue a permit. So that that law has been honored more in the breach than in the observance—I mean, so far as the spirit of the law is concerned—although the exceptions were perfectly legal and people who wanted permits for a child to appear in a theatrical performance simply came to one of the commissioners and got a permit, and sometimes those applications were for children as young as 2 or 3 years. We turned them down in cases like that, but it is a common thing to have applications for children 4 or 5 years old.

As long as the children who were performing here as actors only came to the vaudeville theaters or with an occasional play like the Blue Bird, or something like that, it did not amount to much. But of late, in the last eight or nine months, there have sprung up in these 5 and 10 cent moving-picture houses all over the District and in the outlying eastern and southern parts, especially, Friday night amateur nights and Charlie Chaplin contests and any number of things in which these children were given tickets. Sometimes they were paid by being given so many tickets so they could come back every night for the rest of the week. I heard of several cases of little children who were hanging around where some man who was the ticket agent was getting them to take part, or some fellow playing the piano at one of these places would make the request, and I heard a great many complaints, and it got so that these requests for these children under age which came to the commissioners, instead of being two or three a month, as it used to be when they came to the regular theaters, began coming in at the rate, especially on Fridays, of sometimes as high as 10 a day, and one day I believe I had nearly 20. The commissioners then passed a resolution of the board that after January 1, 1916, giving two months' notice, such permission would not be granted to any child under 14 years of age.

Mr. PAGE. In the general enforcement of the laws of the District by the members of the Metropolitan police force, is there any effort made by them when on duty to enforce this law?

Mr. BROWNLOW. The child-labor law?

Mr. PAGE. Yes.

Mr. BROWNLOW. The two officers who have this work have the cooperation of the police force, and Maj. Pullman has called the attention of the captains and lieutenants to it and urged them to aid in the work in every way. However, their work is outside. The policeman does not go inside of the establishments, as a rule, unless he is called in.

Mr. NEWMAN. That is, a policeman in uniform?

Mr. BROWNLOW. Yes; a patrolman is an outside man. He is going along the streets and it is not his business to do that; in fact, if he goes into a place and stays very long we discipline him for it.

Mr. PAGE. In the event this item you are asking for here were granted and sufficient inspectors were appointed to enforce this law, would they have the active cooperation of the Metropolitan police force?

Mr. BROWNLOW. They would, indeed, just as we give these female-labor law inspectors cooperation in every way they ask for it, by assistance in watching, and so forth, at such times as they can.

Mr. SLEMP. Are there any so-called sweatshops at all around the city of Washington?

Mr. BROWNLOW. Not in the generally accepted sense, to amount to anything.

Mr. SLEMP. I mean are there a lot of factories making shirts and clothing, and so forth?

Mr. BROWNLOW. Not in the sense of clothes making or artificial flower making, which are the things we usually talk about when we talk about sweatshops. There are some paper-box factories where wages are far below what any minimum wage law would fix, I have understood. I have not looked into that very closely.

Mr. SLEMP. They come under the general system of inspection?

Mr. BROWNLOW. Yes; and of course the eight-hour law is enforced and they do not employ children. The effect of this child-labor law has been largely to eliminate that trouble here. Of course, the school authorities have been quite liberal in granting permits to newsboys, which they can do. I mean, they have done it where the requirements were lived up to and the child was in school. But we believe that with sufficient inspectors who can go in and stay and who will not have other duties, they would be better than policemen. Of course, these policemen have no duties connected with the police force. They do all the clerical work and they do nothing but this work.

Mr. PAGE. Do they wear the regular uniform?

Mr. BROWNLOW. They do not wear any uniform and they have an office and do the clerical work and also this inspection work. They have no connection with the police force whatsoever, except they are paid through it, and they are members who can not be dismissed except by the trial board and have all of the advantages of policemen, but perform none of the duties of policemen.

Mr. SLEMP. I doubt if you have enough force to take care of this situation.

Mr. BROWNLOW. You mean with two inspectors?

Mr. SLEMP. Yes.

Mr. BROWNLOW. I think in a town of this kind, where the industries are not so very many and where they are easily spotted, I think two would be enough. They are doing good work, but I would prefer to have civilians, and frankly, I would prefer to have somebody who had a little different social point of view from that of a man who has come up from the police force; a man who would not only enforce the law, but would have a sympathetic understanding of what we are trying to do and would enforce the law and at the same time would take into consideration the interests of the children.

Mr. PAGE. Mr. Brownlow, this is a change of existing law and is one of those items we have gone into very fully because of the interest we take in it, but it will be subject to a point of order.

Mr. BROWNLOW. Yes.

The CHAIRMAN. The Chair thinks very clearly it is subject to the point of order for two causes: First, it creates a new position and new legislation, and, secondly, it seems to repeal existing law. Therefore the Chair sustains the point of order.

The Clerk read as follows:

Buildings and grounds: For an eight-room addition, including an assembly hall, to the Elizabeth V. Brown School (Chevy Chase), $80,000.

Mr. TILSON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, after line 14, insert:
"For an eight-room building on the site purchased for the purpose between Eighteenth and Twentieth Streets and Monroe and Newton Streets NE., said building to be so constructed as to make it easily possible to extend the same to a 16-room building, $90,000."

Mr. PAGE of North Carolina. Mr. Chairman, I reserve a point of order against the amendment.

Mr. TILSON. Mr. Chairman, as the father of a growing family, both in size and numbers, it is quite natural that I should feel a deep interest in the matter of sufficient school buildings. Every progressive city is careful to see that the growth of its school buildings keeps pace with the growth of the city or the number of children to be accommodated in its schools. Cities that have not done this have found themselves in the situation of not being able to take care of their children in the schools or of having to increase their indebtedness largely at one time in order to catch up with what they have lost by their failure to build as they went along.

Now, there has been some regular and systematic building in this city. Last year the amount appropriated for school buildings and grounds amounted to, as I remember, $766,000, and the estimates this year amount to almost that amount—$738,000, I believe—and yet only a little over $200,000 was brought in by this committee.

If we do not face the situation squarely and appropriate an adequate amount each year, we shall fail to keep up with the procession. We shall find ourselves a little later on in the position of having to authorize a great many school buildings at one time or be unable to take care of the children. It seems to me that we ought to build such a number of schoolhouses each year and acquire such a number of sites as will keep pace with the increasing needs of the city. I have proposed one additional building in the amendment I have offered. This particular building has been recommended by the commissioners and included in their estimate made to the Committee on Appropriations.

Mr. CHAIRMAN. Does the gentleman from North Carolina insist on his point of order?

Mr. PAGE of North Carolina. Mr. Chairman, since the gentleman has discussed this question in connection with this particular item, I will say that it was included in the estimate submitted by the school board, through the commissioners.

There is a question in my mind, and a very serious question in the minds of the subcommittee who visited this location, as they did every other proposed construction in the District of Columbia, so that at first hand we might have the information upon which to act intelligently. The site has been purchased on this location, and at some time, unquestionably, it will be necessary to construct a building somewhere in this suburb of the District of Columbia. At the present time your subcommittee did not think the need was sufficient, nor was there any danger of such a growth in the number of children in this locality as to make the committee do what my friend has suggested, get behind in the construction of these buildings. So far as I am personally concerned, rather than construct this building I would very much rather have made an appropriation for the construction of a new building, a wooden building, not very far removed from this, with about 100 pupils in it. I think that a very much more crying necessity than this. Your committee has tried, and I think that the bill for the current year and the bill for the preceding year, made up by practically this same subcommittee, will bear evidence of the fact that they have taken ample care of the expansion of the educational system in the construction of buildings in the District of Columbia.

It is not worth while, my friend, to spend the money to build a house to stand out in a section where—I can say to my friend not very far removed when this new school building shall be upon it; not so large as this—the population did not meet the expectation of those who appropriated for this building. This is in advance of the population of the section in which it is proposed to be built.

Mr. TILSON. The commissioners seem to think it was not in advance.

Mr. PAGE of North Carolina. I know the commissioners were particularly obsessed with this one particular building, because they have got a magnificent lot in area and they want to build on it; but the committee was not so impressed with the necessity at this time for the construction of this building.

Mr. TILSON. Will the gentleman yield to me a moment?

Mr. PAGE of North Carolina. I will.

Mr. TILSON. I have already introduced another amendment for the purchase of a site. I think we ought not to let that matter drop.

Mr. PAGE of North Carolina. We have a site.

Mr. TILSON. This was in the northwest, one that was recommended, between Tenth and Eleventh Streets; the purchase of a site somewhere in that locality.

Mr. PAGE of North Carolina. When we reach that I will take it up and discuss it with the gentleman.

Mr. TILSON. It is not in this bill. We can not take it up now.

Mr. PAGE of North Carolina. I insist on my point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

The total cost of the sites and of the several and respective buildings herein provided for, when completed upon plans and specifications to be previously made and approved, shall not exceed the several and respective sums of money herein respectively appropriated or authorized for such purposes.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

I desire to call attention to the fact that the committee has reduced the estimate of the commissioners for school buildings about $500,000. I shall not offer amendments covering the differences, or any part of it, because I am not altogether certain that all the buildings and grounds estimated for are needed. I am not thoroughly informed as to the relative necessity or urgency of the various projects. But this certainly can be said well within the truth, that the District Commissioners either fail to understand the District, over which they preside, and are woefully and criminally ignorant of its needs—they are criminally wasteful in their recommendations with reference to the people's money—or the District Committee has failed to do its duty in making appropriations.

I desire to say that I believe the commissioners do understand thoroughly the needs of the District. I believe they were careful and reasonable and conservative in their estimates. That being true, the District Committee certainly does not appear to have performed its duty to the District when it has reduced this item by about half a million dollars.

Mr. PAGE of North Carolina. Mr. Chairman, in reply to the gentleman's criticism, I want to call his attention to the fact that one of the largest items submitted was in connection with the new Eastern High School that is authorized in this bill and the reappropriation made of the unexpended balance for the purchase of the site. They estimated an appropriation of $150,000. After consultation with the commissioners it was perfectly apparent if we appropriated the money that they could not expend it for the fiscal year for which it was appropriated, and we merely reappropriated the unexpended balance of the last year for the purchase of the site, which amounts somewhere to between $30,000 and $40,000, and which will enable them to begin the work on the building.

Mr. MONDELL. How about the $350,000?

Mr. PAGE of North Carolina. There is this school building, carrying somewhere in the neighborhood of $100,000 to-day, in this section, where the subcommittee did not believe the time had come to construct a building. I do not recall the item, but there were some others, not for a building, I think, but for the purchase of grounds. These items omitted were for the purchase of grounds in connection with the buildings already constructed in the district where in the estimation of the commissioners there was not sufficient room around the school buildings, and those items make up a considerable amount. The only school building I recall is the one for which the gentleman offered an amendment a moment ago. That was the only one we omitted. The other was for grounds adjacent to the building, and the other for $150,000 not appropriated, as an additional appropriation.

Mr. MONDELL. Was there not an estimate for an additional amount for the Powell School?

Mr. PAGE of North Carolina. It was not estimated for. That is my recollection. It has already been done. We have appropriated, and that building is going up now. There was a defi-

ciency appropriation carried in one of the urgent deficiency bills.

Mr. MONDELL. Let me ask the gentleman a question. Does he think the commissioners were reckless in their estimates?

Mr. PAGE of North Carolina. Oh, no. I think they were mistaken, that is all, as to when they needed this money. They certainly did not need the $150,000 for the Eastern High School for the fiscal year to which this bill applied. Now, the only real question of difference between the estimates of the commissioners and this committee reporting the bill is the building out at Eighteenth and Monroe Streets in the northeast in the suburb covered by the amendment just offered by the gentleman from Connecticut, to which I made the point of order. The other is for ground and the items I have mentioned.

Mr. MONDELL. Of course, not subject to the point of order, but the gentleman made it.

Mr. PAGE of North Carolina. The gentleman has chided me, or rather complimented me, by referring to my knowledge of parliamentary law. I have always regarded the gentleman from Wyoming as being somewhat of a "parliamentary shark." I could cite the gentleman to numerous decisions of this House in which a building of any character is subject to a point of order unless it is authorized by law.

Mr. MONDELL. At any rate, the Chair ruled that way.

Mr. PAGE of North Carolina. He did, and he ruled properly.

The CHAIRMAN. The Clerk will read.

Mr. FESS. Mr. Chairman, I wish to inquire of the gentleman in charge of the bill, what is the status of the Central School building—the big high school?

Mr. PAGE of North Carolina. The final appropriation has been made, the building is practically completed, and it will be opened at the fall session in September.

Mr. FESS. Mr. Chairman, I would like to say a word of compliment for the manner in which the schools are cared for in this District.

Mr. PAGE of North Carolina. So far as it applies to me, I appreciate it.

Mr. FESS. It applies to this committee and those who are supporting the gentleman and his committee. I know that the schools of Washington are pointed to throughout all the country as of very high grade from every standpoint. So far as the rating of salaries is concerned, while I do not think it is as high as it ought to be, it is a very good rating in comparison with salaries in other places; and in regard to the manner of payment of those salaries, looking to an employment for a period of 12 months instead of 9 months, or, if preferred, the school period paid in 12 equal payments, it is an unusually wise and judicious arrangement.

Mr. PAGE of North Carolina. It is certainly liberal.

Mr. FESS. Yes; liberal, if you want to put it that way. However, the sum total for the year may not be much greater than if paid for the lesser period. In that respect it is not a case of liberality. It is wrong to have a system where any group of people are employed only nine months in a year, with three months of the year not occupied and subjecting the persons employed to an expense of such a character that it is usually greater when not employed than when employed. I want to compliment the committee on the schools, and particularly on that feature which eventually, I think, will be followed throughout the country. Then there are other features which do not seem to be popular here, but which, I think, are very valuable, such as the longevity method of paying the teachers. I think that is a well-recognized principle.

I wanted to say that much because it seems that much that has been said has been in opposition. I wanted to say this, the opposition that comes to many items which are at times strenuously contested may not be necessary, and at times seems unwarranted, but it is made because we want to get better results. Of the various buildings already erected and now building, many of them are such in character of architecture and equipment as befits this great Capital.

The organization of the school system is designed to secure the very best results. The entire divorcement of the system from party or municipal politics is the one crowning and commendable feature which distinguishes these schools from many in the country, and is a guaranty of a high degree of efficiency.

The hearty response of Congress to all the needs of the most modern features of the most modern school system, from the kindergarten to the normal school, including all the intermediary adjuncts, making provision for all the various demands of modern high-school education, properly places these schools on a high plane.

The provision for the night schools, which in a degree answers the call for the part-time vocational school, is another valuable step. The playground feature and the vacation school must be better cared for.

Mr. PAGE of North Carolina. I am very much obliged to the gentleman, and I hope the gentleman from Wyoming [Mr. MONDELL] will read those remarks in the RECORD, as the gentleman did not listen to them during their delivery.

Mr. FESS. If in the future the playgrounds are a little better cared for, I think the country will compliment those in authority who are responsible for them. I desire to repeat what I said earlier in the day, that this city must be so up-to-date in every line of achievement that the citizenry of the Nation, as it visits the Capital, can see here the best example of what ought to obtain in a city of any place in the world.

It is not the residents of the District that I have in mind, but the people of our Nation.

It ought to be so that any man or group of persons desiring to visit the most up-to-date modern school of the world would immediately think of Washington as the place to find it. This should be true in every phase of education.

It should be so in all expert work in every line of human endeavor, whether of architecture, of art, of science, of landscape gardening, of city beautifying, of administrative efficiency—here is the one place where the country has a right to turn for its model. This is why I am opposed most strenuously to the change this bill proposes. This is a national object and must be kept so and must not be saddled upon the District.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Appropriations in this act shall not be paid to any person employed under or in connection with the public schools of the District of Columbia who shall solicit or receive, or permit to be solicited or received, on any public-school premises, any subscription or donation of money or other thing of value from pupils enrolled in such public schools for presentation of testimonials or for any purposes other than for the promotion of school athletics, including school playgrounds, school gardens, school publications, and commencement exercises of high schools.

Mr. MONDELL. Mr. Chairman, I desire to amend, on line 23, after the word "playgrounds," by inserting the words "vacation schools."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Amend, on page 51, line 23, by inserting after the word "playgrounds" the words "vacation schools."

Mr. PAGE of North Carolina. Mr. Chairman, I reserve a point of order. I do not know that I shall make it, however.

Mr. MONDELL. Mr. Chairman, I submit this amendment in order that the school-teachers of the District shall not be compelled to continue to break the law. They do ask contributions for these vacation schools, and so long as the committee does not see proper to appropriate for the vacation schools we ought not to make them lawbreakers every time they do solicit subscriptions.

Mr. PAGE of North Carolina. Mr. Chairman, I shall not insist on the point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FIRE DEPARTMENT.

Chief engineer, $3,500; deputy chief engineer, $2,500; 4 battalion chief engineers, at $2,000 each; fire marshal, $2,000; deputy fire marshal, $1,400; 2 inspectors, at $1,080 each; chief clerk, $1,800; clerk, $1,200; 38 captains, at $1,400 each; 40 lieutenants, at $1,200 each; superintendent of machinery, $2,000; assistant superintendent of machinery, $1,200; 27 engineers, at $1,200 each; 27 assistant engineers, at $1,100 each; 2 pilots, at $1,150 each; 2 marine engineers, at $1,200 each; 2 assistant marine engineers, at $1,100 each; 2 marine firemen, at $720 each; 40 drivers, at $1,150 each; 40 assistant drivers, at $1,100 each; 223 privates of class 2, at $1,080 each; 44 privates of class 1, at $960 each; hostler, $600; laborer, $600; in all, $571,680.

Mr. CALDWELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. CALDWELL].

The Clerk read as follows:

Amendment by Mr. CALDWELL: On page 57, after line 16, insert as a new paragraph the following:

"*Provided*, That no member of the uniformed force of the fire department shall be required to remain on duty more than 14 hours in any one day, except in case of an emergency, and except upon one day in each two weeks when there shall be a shift of platoons."

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against that amendment.

Mr. CALDWELL. Will the gentleman withhold his point of order?

Mr. JOHNSON of Kentucky. I will say to the gentleman that there is a bill before the Committee on the District of

Columbia now that is likely to be reported out soon, covering this question.

Mr. CALDWELL. Will the gentleman withhold his point of order a moment?

Mr. JOHNSON of Kentucky. Yes; I will withhold it.

Mr. CALDWELL. Mr. Chairman, I have been looking into this question for some years. It is a very vital question in the city of New York, and we have had it under discussion many times. I do not care to take up the time of the committee at this time, but I would like to extend my remarks by putting in the RECORD an argument that I made upon this subject the last time it was presented in New York.

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

There was no objection.

Mr. DILL. Mr. Chairman, I did not know that this amendment was to be proposed, and I recognize that the point of order made by the gentleman from Kentucky [Mr. JOHNSON] will be sustained. However, I desire to take this opportunity to declare myself in favor of the double-platoon fire system for the firemen of the District of Columbia. I understand this question is now pending before the committee, and I most earnestly hope a bill providing for the double-platoon system will be favorably reported to the House. [Applause.]

Some of our western cities have tried this double-platoon system and it has worked well. It has made it possible for firemen to live like other men. It has enabled him to be at home with his family sufficiently long for his children to become acquainted with him. He finds himself a man among men, and not merely a part of a fire machine which is kept in a fire station practically all of the time.

In my home town of Spokane I had a part in establishing the system, and it worked well for one year, but in a wave of taxation retrenchment the people voted it down by a small majority. The net result is, though, that our firemen have days off more frequently than formerly; and I feel certain when the question is again voted upon by the people they will decide in favor of the double platoon. I shall not take further time of the committee now, but will have more to say when the bill for the change of system comes before the House. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For repairs to apparatus and motor vehicles and other motor-driven apparatus, and for new apparatus, new motor vehicles, new appliances, employment of mechanics, helpers, and laborers in the fire-department repair shop, and for the purchase of necessary supplies, materials, equipment, and tools: *Provided*, That hereafter the commissioners are authorized, in their discretion, to build or construct, in whole or in part, fire-fighting apparatus in the fire-department repair shop, $15,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve a point of order on the paragraph, for the purpose of getting an explanation of it. I am apprehensive that that is the beginning of a factory.

Mr. PAGE of North Carolina. Mr. Chairman, the evidence before the subcommittee preparing this bill was to the effect that with the constant addition of motor-driven fire-fighting apparatus there were necessarily a number of men employed to keep this apparatus in repair; that if these men were to be kept employed it would be necessary that this authority be enlarged to the extent that they might put together some of these appliances and to reconstruct apparatus that has been worn; that would hardly be covered by the word "repair." There is no increase of employment, and it is merely an effort to keep employed these men who must be kept there. I hope the gentleman will not make his point of order.

Mr. JOHNSON of Kentucky. I should like to ask the gentleman from North Carolina if he will agree to take out the word "hereafter" at the bottom of page 57?

Mr. PAGE of North Carolina. Mr. Chairman, that was put in, as the gentleman knows, for the reason that we do not care to carry these paragraphs in the bill every year. I see the gentleman's point, that if this does not meet expectations it might go out more easily if the word "hereafter" is stricken out. I am sure it will not do any harm, and I will agree to the amendment if the gentleman will withdraw his point of order.

I move to amend by striking out the word "hereafter" in line 24, page 57.

The CHAIRMAN. The gentleman from North Carolina moves to strike out the word "hereafter" in line 24, page 57.

The amendment was agreed to.

Mr. JOHNSON of Kentucky. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws his point of order, and the Clerk will read.

The Clerk read as follows:

Health officer, $4,000; assistant health officer, $2,500; chief clerk and deputy health officer, $2,500; clerks—1 $1,400; 5 at $1,200 each, 4 at $1,000 each, 1 $720; sanitary inspectors—chief, $1,800, 8 at $1,200 each, 2 at $1,000 each, 2 at $900 each; food inspectors—chief, $1,600, 5 at $1,200 each, 6 at $1,000 each, 5 at $900 each; chemist, $2,000; assistant chemist, $1,200; assistant bacteriologist, $1,200; skilled laborers—1 $720, 1 $600, messenger and janitor, $600; driver, $600; poundmaster, $1,400; laborers, at not exceeding $50 per month each, $2,400; in all, $65,140.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the increase of the salary for the poundmaster. He has a sinecure down there anyhow, and to pay him more than $1,200 is an imposition on the taxpayers of the District.

Mr. PAGE of North Carolina. Mr. Chairman, I concede that it is clearly subject to a point of order. We increased it because up to a few years ago the poundmaster was paid $1,500.

Mr. JOHNSON of Kentucky. In my judgment he ought not to be paid more than $600.

The CHAIRMAN. The point of order is sustained.

Mr. PAGE of North Carolina. Mr. Chairman, I offer an amendment to insert $1,200 in the place of the $1,400 stricken out.

The amendment was agreed to.

The Clerk read as follows:

Probation system: Probation officer, supreme court, $2,000; assistant probation officer, $1,200; stenographer and typewriter and assistant, $800; police court—probation officer, $1,500; assistant probation officer, $1,200; contingent expenses, $500; in all, $7,200.

Mr. COX. Mr. Chairman, I reserve a point of order on that paragraph. This is a new position, "assistant probation officer."

Mr. PAGE of North Carolina. There is one new one. It is an absolute necessity. The number of children that are turned loose on probation has reached a point where it needs an additional probation officer. If this is not agreed to, you might as well turn them loose without any supervision.

Mr. COX. How many probation officers are there?

Mr. PAGE of North Carolina. I understand there are about 50 children to one officer.

Mr. COX. How many probation officers are there?

Mr. PAGE of North Carolina. This is for the court, and not for the juvenile court. There is only one, and we give him an assistant.

Mr. JOHNSON of Kentucky. It developed in the juvenile-court bill that every child required about seven officers.

Mr. PAGE of North Carolina. That was in connection with the house of detention, and that statement would not bear examination.

Mr. JOHNSON of Kentucky. I think the statement was correct.

Mr. PAGE of North Carolina. I can produce evidence to the gentleman that it was not correct.

Mr. COX. Mr. Chairman, I think the gentleman from North Carolina has made out a good case, and I withdraw the point of order.

Mr. ABERCROMBIE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PAGE of North Carolina. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FERRIS, 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. 15774, the District of Columbia appropriation bill, and had come to no resolution thereon.

HOUR OF MEETING TO-MORROW.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

ADJOURNMENT.

Thereupon, on motion of Mr. PAGE of North Carolina (at 5 o'clock and 59 minutes p. m.), the House adjourned until to-morrow, Friday, May 26, 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

Acting Secretary of the Navy, reporting that the Navy Department has considered, ascertained, adjusted, and determined that the sum of $5 is due Maximiliano Trompez, of Macoris, Dominican Republic, for damages for which a vessel of the United States Navy was responsible (H. Doc. No. 1166); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TILLMAN, from the Committee on the Public Lands, to which was referred the bill (H. R. 15117) for the relief of John Steagall, reported the same with amendment, accompanied by a report (No. 766), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 1586) granting a pension to William L. Brown, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, resolutions were introduced and severally referred as follows:

By Mr. TAGUE: Resolution (H. Res. 247) authorizing the transportation of mails on naval vessels; to the Committee on Foreign Affairs.

By Mr. SHACKLEFORD: Resolution (H. Res. 248) providing for the consideration of H. R. 7617; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 15997) granting an increase of pension to Samuel M. Higgins; to the Committee on Pensions.

By Mr. CALDWELL: A bill (H. R. 15998) granting an increase of pension to Friederika Serini; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 15999)) to correct the military record of Asbury Scrivener; to the Committee on Military Affairs.

By Mr. COADY: A bill (H. R. 16000) granting an increase of pension to Charles B. Reed; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 16001) granting a pension to Orin Marshall; to the Committee on Pensions.

Also, a bill (H. R. 16002) granting an increase of pension to Jacob Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16003) for the relief of the heirs of David H. Fish, deceased; to the Committee on Claims.

By Mr. EAGAN: A bill (H. R. 16004) granting an increase of pension to Maria Murphy; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 16005) granting an increase of pension to John T. Wallin; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16006) granting an increase of pension to Annie Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16007) granting an increase of pension to Catharine Bupp; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 16008) to enroll Robert Underwood; to the Committee on Indian Affairs.

By Mr. NEELY: A bill (H. R. 16009) for the relief of Dr. Charles Lee Baker; to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 16010) for the relief of certain enlisted men of the United States Navy; to the Committee on Naval Affairs.

By Mr. PORTER: A bill (H. R. 16011) granting an increase of pension to Frank Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16012) granting an increase of pension to Eva E. Steele; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 16013) granting a pension to Louise Humphrey Thayer; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 16014) for the relief of Godfried Ziegler; to the Committee on War Claims.

By Mr. TAYLOR of Arkansas: A bill (H. R. 16015) granting a pension to Louisa Amanda Hays; 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 Mr. BAILEY: Petitions of V. G. Fullman, Miller Saw-Trimmer Co., William F. Blars, Gem Manufacturing Co., and Keystone Printing Co., all of Pittsburgh, Pa.; James M. Rea, Harry Brant, Kingsley Brant, J. F. Smith, and William Herdon, all of Savannah, Mo.; Standard Sanitary Manufacturing Co., Pittsburgh, Pa.; Frances M. Kane, Philadelphia, Pa.; B. B. & B. Trunk Co., Pittsburgh, Pa.; Charles F. Dole, Jamaica Plain, Mass.; C. F. Holdship, Pittsburgh, Pa.; Albert E. Jenkins, New York City; Alfred J. Walker and James J. Lyons, New Jersey; J. S. Manning, Elizabeth, N. J.; Graham McAdam, John Hartner, and Edward Green, all of New York City; Samuel Archer, J. W. Jansen, J. M. McCrawner, C. E. Beveridge, and Charles C. Ebert, all of Seattle, Wash.; E. D. Frohman, Pannier Bro. Stamp Co., Namsamn Bros. Co. (Max Namsamn, president), F. M. Namsamn, and American Steel Band Co., all of Pittsburgh, Pa.; Robertraw Manufacturing Co., Youngwood, Pa.; Vinnie MacLean, E. Albert Mass, John Carey, E. B. Goodrich, and Lulu Machschlemer, all of Los Angeles, Cal.; Calvin Tompkins, New York City; Earl H. Wells, B. J. Clark, George Cartwright, and Fred Schulder, all of Cleveland, Ohio; Horace Sague, Poughkeepsie, N. Y.; P. Duff & Sons, Raridan & East Brady Co., and W. B. Skelly Coal Co., all of Pittsburgh, Pa.; H. J. Graham, New York City; and C. E. A. Winslow, Connecticut, asking for the speedy passage of House bill 13281, which provides for amending the tariff so as to admit free the products of any American country which will admit our products free; to the Committee on Ways and Means.

By Mr. CANNON (by request): Petition of citizens of Cissna Park, Ill., in re migratory-bird law; to the Committee on Agriculture.

Also (by request), petition of citizens of Momence, Ill., favoring the Hulbert bill to make the Star Spangled Banner the national anthem of the United States; to the Committee on the Judiciary.

By Mr. CAREW: Memorial of Detroit Board of Commerce, opposing passage of the Tavenner bill; to the Committee on Labor.

By Mr. DALE of New York: Memorials of meeting of women of Cochise County and women voters of Greenlee County, Ariz.; the Uinta County Branch of the Congressional Union, at Evanston, Wyo.; the Massachusetts Branch of the Congressional Union for Woman Suffrage; and sundry citizens of New York, favoring the reporting out of the Susan B. Anthony suffrage amendment from the Judiciary Committee; to the Committee on the Judiciary.

Also, petition of William H. Morse, probation officer of Amsterdam, N. Y., and Arthur W. Tome, of Brooklyn, N. Y., indorsing the Owen-Hayden bill, Senate bill 1092 and House bill 42; to the Committee on the Judiciary.

By Mr. DILL: Petition of Mr. Conrad Bluhm and other residents of Spokane, Wash., urging the establishment of a Federal censorship of motion pictures in interstate commerce; to the Committee on Education.

Also, petition of Mr. Albert K. Arend and other residents of Spokane, Wash., urging passage of constitutional amendment forbidding all sectarian appropriations, also prohibition of same in Philippine and Porto Rico enabling acts; to the Committee on Insular Affairs.

By Mr. DYER: Memorial of 28 members of the United States House of Representatives, favoring action by the Committee on Foreign Affairs on House resolution 235; to the Committee on Foreign Affairs.

By Mr. EAGAN: Memorial of Board of Supervisors of Madera County, in re certain pending legislation; to the Committee on Military Affairs.

By Mr. FOCHT: Papers to accompany House bill 1463, for relief of David I. Hawk; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14551, for the relief of David H. Walker; to the Committee on Invalid Pensions.

By Mr. GARDNER: Petition of Pigeon Cove Woman's Club, of Pigeon Cove, Mass., favoring passage of a resolution by Congress designating the mountain laurel as the floral emblem of the United States; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany House bill 15408, for relief of John E. Opedyke; to the Committee on Invalid Pensions.

By Mr. HASTINGS: Petitions of Sunday School of Methodist Episcopal Church South, of Boynton, Okla., for passage of House joint resolutions 84 and 85, for national prohibition; to the Committee on the Judiciary.

By Mr. HILL: Memorials of the Bricklayers' Union, No. 8, of Stamford, Conn., in favor of House bill 6915, for the retire-

ment of superannuated post-office employees; to the Committee on the Post Office and Post Roads.

Also, memorial of Common Council of the city of Stamford, Conn., in favor of House bill 6915, to retire superannuated postal employees; to the Committee on the Post Office and Post Roads.

By Mr. HUDDLESTON: Petition of W. B. Harrell and others, of Birmingham, Ala., in re House bill 652; to the Committee on the District of Columbia.

Also, petition of Frank Harwell and others in re House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petitions of sundry citizens of Lake Linden, Mich., opposing the Madden rider, limiting the weight of parcel-post packages to 50 pounds; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Memorial of Maryland State and District of Columbia Federation of Labor, indorsing House bill 652, providing for the Sunday closing of barber shops in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LONDON: Petition of 175 citizens of Port Angeles, Wash., demanding that Congress vote against "military preparedness, conscription of men, and war of any kind"; to the Committee on Military Affairs.

By Mr. MATTHEWS: Papers to accompany House bill 15985, for relief of Charles Hoff; to the Committee on Invalid Pensions.

By Mr. OAKEY (by request): Petition of Young People's Society of Christian Endeavor, of Somers, Conn., for national prohibition; to the Committee on the Judiciary.

Also (by request), memorial of executive committee of the Society of the Chagres, composed of American canal employees who completed six years' service prior to January 1, 1915, favoring the passage of Senate bill 3457 and House bill 8828, and protesting against the discrimination between civilian employees and Army, Navy, and Marine Hospital employees on the Canal Zone; to the Committee on Insular Affairs.

By Mr. O'SHAUNESSY: Memorial of the Providence Chamber of Commerce, favoring House bill 651; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *May 26, 1916.*

(Legislative day of Thursday, May 18, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

CONCENTRATION AND MANEUVER CAMP IN WASHINGTON.

Mr. JONES. Mr. President, I have a resolution here calling for information—for copies of documents in the War Department. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution will be read.

The Secretary read the resolution (S. Res. 203), as follows:

Resolved, That the Secretary of War be directed to transmit to the Senate as soon as possible copies of the following reports and memoranda with reference to the American lake concentration and maneuver camp in the State of Washington, to wit:

Report of Gen. Funston for the year 1903.
Report of Capt. S. A. Cloman in 1907.
Report of Col. Woodbury in 1907, about April 4.
Report of Lieut. A. M. Ferguson of August 1, 1907.
Reports from the Secretary of the Interior and the Acting Commissioner of Indian Affairs under date of May 27, 1907.
Report of board of Army officers composed of Gen. Murray, Gen. Maus, and Capt. Craig, March 4, 1912.
Memoranda submitted by Gen. Duval! May 10, June 8, and September 26, 1907.
Report of Gen. Randall.

The VICE PRESIDENT. Is there objection to the resolution? The Chair hears none, and it is agreed to.

Mr. HOLLIS. Mr. President, I think the resolution ought to go over under the rule, so that the facts——

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Clarke, Ark.	Johnson, S. Dak.	Nelson
Bankhead	Culberson	Jones	Oliver
Brandegee	Dillingham	Kenyon	Overman
Broussard	Fletcher	La Follette	Pomerene
Catron	Gallinger	Lane	Ransdell
Chamberlain	Hardwick	Lea, Tenn.	Reed
Chilton	Hitchcock	Martin, Va.	Shafroth
Clapp	Hollis	Martine, N. J.	Sheppard
Clark, Wyo.	Husting	Myers	Simmons
Smith, Ariz.	Sutherland	Tillman	Warren
Smoot	Taggart	Townsend	Williams
Sterling	Thomas	Vardaman	
Stone	Thompson	Walsh	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. MARTINE of New Jersey. Mr. President——

The VICE PRESIDENT. There was unanimous consent given to the Senator from Washington [Mr. JONES] for the consideration of a resolution. The Senator from New Hampshire [Mr. HOLLIS] subsequently, after it had been read, objected to it.

Mr. SHAFROTH. What is the resolution? I should like to have it read.

The VICE PRESIDENT. It is a resolution calling on the Secretary of War for certain information in regard to the American lake concentration and maneuver camp in Washington.

Mr. SMOOT. Let the resolution be read.

The VICE PRESIDENT. It will be read again.

The Secretary again read the resolution.

The VICE PRESIDENT. There seems to be an objection on the part of the Senator from New Hampshire [Mr. HOLLIS]. He wanted to have the resolution go over for a day.

Mr. JONES. When will it come up again?

The VICE PRESIDENT. The Chair is trying to find out what the situation of the resolution is, if possible. The Chair understood that unanimous consent was given for the consideration of the resolution, and the Chair announced that it had been adopted. Then the Senator from New Hampshire asked that it should go over for a day. Is there objection to its going over?

Mr. JONES. I understood that the resolution was passed; but, of course, if the Senator from New Hampshire thinks it ought to go over, I would not insist on a different course.

The VICE PRESIDENT. The resolution, then, will go over for a day.

STEAMSHIP "REPUBLIC."

Mr. REED. Mr. President, out of order, I ask to be permitted to submit a report from the Committee on Commerce.

The VICE PRESIDENT. Without objection, the report will be received.

Mr. REED, from the Committee on Commerce, to which was referred the bill (S. 5985) authorizing the Commissioner of Navigation to cause the steamship *Republic* to be enrolled and licensed as a vessel of the United States, reported it without amendment and submitted a report (No. 482) thereon.

MEMORIAL TO FRANCIS ASBURY.

Mr. OVERMAN. I ask unanimous consent to introduce a joint resolution and that it be referred to the Committee on the Library.

The joint resolution (S. J. Res. 136) authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Francis Asbury, was read twice by its title, and, with the accompanying paper, referred to the Committee on the Library.

LIFE JACKETS AND LIFE BUOYS.

Mr. FLETCHER. I ask unanimous consent to submit a favorable report from the Committee on Commerce.

The VICE PRESIDENT. The Chair hears no objection and the report will be received.

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (H. R. 13112) to amend section 14 of the seamen's act of March 4, 1915, reported it without amendment and submitted a report (No. 483) thereon.

CENSORSHIP OF AMERICAN MAILS.

Mr. MARTINE of New Jersey. Mr. President, I have received a number of letters from constituents complaining of interference with their mails by the British authorities. I received one yesterday from a prominent gentleman in Newark, N. J., a man of large interests and large business, wherein he says:

> Within the past week I have received a number of letters from neutral countries. All of them had been opened by the English authorities and had been sealed by a label bearing the words "Passed by censor."

It seems to me that this is a manifest evil and injustice, and I am prompted to ask unanimous consent to submit the following resolution (S. Res. 204), which I will read with the permission of the Senate:

> Whereas the authorities of Great Britain have persistently rifled and violated the United States mail during the present war in Europe; Therefore be it
>
> *Resolved*, That the State Department of the United States be, and hereby is, requested to investigate this whole subject, with a view to putting a stop to this unlawful and outrageous practice.