Arthur H. Schneider, J. H. Moeller, Walter L. McCordle, John B. Allis, Alta Payne, Alfred J. Winzeler, Edward A. Street, Joseph W. Bussings, Richard Kiley, Pete Heitzman, John Jervis, Ernest Ferington, Cornelius Cross, John Birnoi, M. Smith, W. M. McPhillips, Alexander Pritchett, C. H. Bussin, L. Gastennel, A. H. Bunkwinkel, Louis Leechner, Joseph Klein, Charles Baff, Thomas Floyd, F. J. Schmitt, C. F. Grier, A. N. Gilead, Reuben Ruston, Benjamin Fleirlage, Clyde Bittoeff, Gus Kertzman, George Rice, Fred W. Habbe, Charles F. Doerr, R. F. Collins, George Hertweck, E. O. Hopkins, Henry Herndorn, I. A. Wernert, G. C. Jones, Jacob Dulez, E. R. Lett, Henry Desch, Charles R. Bussing, W. C. Lett, R. Quinn, L. J. Gabelman, W. H. Stallings, Otto Korn, T. Siorn, Edward Henke, Ernst Rahm, A. C. Ekerburch, S. Richarson, Ray Ahlering, Henry Buchwinkel, F. Mangold, Fred Hoehl, J. Schentrup, Tony Mathews, Edwin C. Ritt, Nick Lannert, Jacob Haller, Louis Trapp, Henry Johnson, August Schuch, Valentine Weber, P. Paul Schatz, F. Drote, Henry P. Fuchs, Phillip H. Fuchs, Frank Herman, John Kalser, Andrew Fisthmister, Bieford Wakins, John Hanz, Fred Werre, F. H. Kratz, F. X. Becker, John Bell, William Kureger, Oscar Tegtmeier, John Armstrong, C. L. Canturter, J. E. Stickelman, Joseph A. Kewer, Christ Wimduheh, W. Smith, F. J. Schlinter, U. G. Redman, Ernest J. Robertson, John D. Hillenbrand, J. McCaw, E. Rauchmeier, H. A. Kenn, jr., John Beol, George Scholen, W. D. Arnold, J. W. Irons, and Charles Rettinger, all of Evansville, Ind., protesting against the passage of Randall mail-exclusion bill, Bankhead mail-exclusion bill, Sheppard District of Columbia prohibition bill, Webb nation-wide prohibition bill, and Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of Townsend, Grace & Co., of Baltimore, Md., in reference to supply of peroxide of sodium; to the Committee on Foreign Affairs.

Also, memorials of sundry organizations of Baltimore, Md., opposing Steenerson amendment to Post Office appropriation bill affecting catalogues; to the Committee on the Post Office and Post Roads.

Also, petition of Baltimore Aerie, No. 5, Fraternal Order of Eagles, opposing increase in second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of the State of Maryland, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of John G. Murray & Co., Oswald Pfau, W. Scheffenacker, and others, of Baltimore, Md., against mail-exclusion bills; to the Committee on the Post Office and Post Roads.

Also, petitions of International Union of the United Brewery Workmen of America and Baltimore Photo Engravers' Union, against prohibition bills; to the Committee on the Judiciary.

Also, petitions of Baltimore Federation of Labor and the Albrecht Co., of Baltimore, Md., against passage of House bill 18986; to the Committee on the Post Office and Post Roads.

Also, petition of Young Women's Christian Association, favoring woman's department in the Department of Labor; to the Committee on Labor.

Also, petitions of sundry business concerns of the United States, favoring support of the water-diversion bill at Niagara Falls, N. Y.; to the Committee on Rivers and Harbors.

Also, petition of Charles W. Hess, of Baltimore, Md., favoring increase in pay of railway mail clerks; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry business men of Baltimore, Md., favoring appropriation for improvement of Chesapeake and Delaware Canal; to the Committee on Rivers and Harbors.

By Mr. MOORES of Indiana: Petition of 1,425 citizens of Indianapolis, Ind., protesting against House bill 18986, House joint resolution 84, and House bill 17850; to the Committee on the Post Office and Post Roads.

By Mr. MORIN: Petition of Miss Jeannette M. Eaton, principal of the Belmar School, of Pittsburgh, Pa., and signatures of 41 others, with reference to Federal suffrage amendment; to the Committee on the Judiciary.

By Mr. OAKEY: Memorial of sundry citizens of Farmington, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. OLNEY: Petition of citizens of Sharon, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Hornell Aerie, 701, Fraternal Order of Eagles, Hornell, N. Y.; Elmira Aerie, 941, Fraternal Order of Eagles, Elmira, N. Y.; and Ithaca Aerie, Fraternal Order of Eagles, Ithaca, N. Y., opposing section 10 of the Post Office appropriation bill, "unless first paragraph is amended to exclude from the operation of the bill fraternal magazines published by fraternal orders not for profit but solely for education and information"; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Petition of H. H. Clarkson, of Hillsdale, Mich., against zone rate in Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of A. R. Rodgers and 300 citizens of Kalamazoo, 275 citizens of Coldwater, 32 citizens of Hillsdale, and 299 citizens of Battle Creek, all in the State of Michigan, against Post Office appropriation bill increasing rate on fraternal magazines; to the Committee on the Post Office and Post Roads.

By Mr. SNELL: Memorial of Frank L. Baker, president, and Henry Larock, secretary, Local Union (Plattsburg, N. Y.) No. 1042, V. B. of C. and J. of A., protesting against the adoption of mail-exclusion bills; to the Committee on the Post Office and Post Roads.

By Mr. SNYDER: Petitions of sundry citizens of the thirty-third district of New York, favoring woman suffrage: to the Committee on the Judiciary.

Also, petition of Pesidents L. Hommedieu and Moy, of the Baptist and Methodist Episcopal Churches of Herkimer, and Men's Bible Class of Plymouth Church, Utica, N. Y., favoring prohibition; to the Committee on the Judiciary.

Also, memorial of Empire Society, Sons of American Revolution, of New York, and Schenectady Chapter, Daughters of the American Revolution, favoring national park on the site of the battle field of Oriskany; to the Committee on Military Affairs.

Also, petition of Utica (N. Y.) Order of Eagles, against increasing postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of Rhode Island Press Club, against changing the system and rate for carriage of second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of Warwick (R. I.) Aerie, No. 1313, Fraternal Order of Eagles, against changing system and rate for carriage of second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of the second Rhode Island district, against any prohibition bill; to the Committee on the Judiciary.

Also, papers to accompany House bill 19773, for relief of Thomas F. Jennison; to the Committee on Invalid Pensions.

By Mr. TREADWAY: Petition of sundry citizens of North Adams, Mass., favoring suffrage amendment; to the Committee on the Judiciary.

By Mr. WARD: Petition signed by 160 residents of Kingston, N. Y., protesting against the passage of House bill 18986, Randall mail-exclusion bill; Senate bill 4429, Bankhead mail-exclusion bill; Senate bill 1082, Sheppard District of Columbia prohibition bill; House joint resolution 84, Webb nation-wide prohibition bill; and House bill 17850, Howard bill, to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

By Mr. WILLIAMS of Ohio: Petition of members of the I. B. E. W., against prohibition bills; to the Committee on the Judiciary.

Also, petition of 135 citizens of Akron, Ohio, against prohibition bills; to the Committee on the Judiciary.

SENATE.

FRIDAY, *January 12, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee for the great gift of life, for the fuller and more abundant life Thou hast revealed to us in Thy Word. Thou hast given to us in our power of self-expression something of the Divine. We pray that our hearts may be so attuned to the Divine Nature as that their outward expressions may be Godlike. Give to us Thy grace that our lives may be conformed to Thy will, and that the acts of our lives may stand the test that Thou hast given to us, a test which brings in its train the blessings of civilization and all the higher blessings and comforts and happiness of life. Hear us in our prayer for the forgiveness of sins and for the Divine guidance. For Christ's sake. Amen.

The PRESIDENT pro tempore. The Secretary will read the Journal of the proceedings of the preceding day.

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

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Ashurst	Hitchcock	Oliver	Smith, S. C.
Bankhead	Hollis	Overman	Smoot
Beckham	Hughes	Page	Sterling
Brady	James	Poindexter	Thomas
Brandegee	Johnson, Me.	Pomerene	Thompson
Bryan	Johnson, S. Dak.	Ransdell	Tillman
Chamberlain	Jones	Robinson	Townsend
Clapp	Kenyon	Saulsbury	Vardaman
Clark	Kirby	Shafroth	Wadsworth
Culberson	Lea, Tenn.	Sheppard	Walsh
Curtis	Lodge	Sherman	Watson
Dillingham	McCumber	Simmons	Williams
Fernald	McLean	Smith, Ariz.	Works.
Fletcher	Martine, N. J.	Smith, Ga.	
Gallinger	Nelson	Smith, Md.	
Hardwick	Norris	Smith, Mich.	

Mr. LEA of Tennessee. I desire to state that the senior Senator from Indiana [Mr. KERN] is detained by illness from the Chamber. I will let this announcement stand for the day.

Mr. SMITH of Arizona. The Senator from Tennessee [Mr. SHIELDS] is absent from the Senate on account of illness. I ask that this announcement may stand for the day.

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from Oklahoma [Mr. GORE] owing to illness. I will let this announcement stand for the day.

Mr. CLARK. I desire to announce the unavoidable absence of my colleague [Mr. WARREN] from the city, and to have this announcement stand for the day.

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. There is quorum present. The Secretary will proceed with the reading of the Journal of the previous day.

The Journal of yesterday's proceedings was read and approved.

NOMINATION OF WINTHROP M. DANIELS—CORRECTION OF RECORD.

Mr. HUGHES. Mr. President, I rise to a correction of the RECORD. In the proceedings in executive session on the 10th the RECORD states that—

On motion of Mr. HUGHES the injunction of secrecy was removed from Miscellaneous Executive Document No. 2 and Miscellaneous Executive Document No. 3, and they were ordered to be printed as Senate documents and also in the RECORD.

I wish the RECORD to show that that action was taken by unanimous consent. Under the rule of the Senate it could not be done in any other way.

The PRESIDENT pro tempore. Without objection, the permanent RECORD will be changed to conform to the suggestion of the Senator from New Jersey.

WITHDRAWALS OF PUBLIC LANDS (S. DOC. NO. 677).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report on land withdrawals from settlement, location, sale, or entry under the act to authorize the President of the United States to make withdrawals of public lands in certain cases, which, with the accompanying paper, was referred to the Committee on Public Lands and ordered to be printed.

CHESAPEAKE & POTOMAC TELEPHONE CO. (H. DOC. NO. 1931).

The PRESIDENT pro tempore laid before the Senate the annual report of the Chesapeake & Potomac Telephone Co. for the year 1916, which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 7536. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the borough of Warren and township of Pleasant, Warren County, Pa.; and

S. 7538. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in Glade and Kinzua Townships, Warren County, Pa.

The message also announced that the House further disagrees to the amendments of the Senate to the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNETT, Mr. SABATH, and Mr. HAYES managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House has signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 6864. An act providing for the continuance of the Osage Indian School, Oklahoma, for a period of one year from January 1, 1917;

H. R. 1093. An act for the relief of James Anderson; and

H. R. 10007. An act for the relief of William H. Woods.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I present a petition of the Commercial Club, of East St. Louis, Ill., praying for the placing of an embargo on food products. I present this petition because it has been sent to me, and not because I have any sympathy with it. I will state that I am utterly opposed to an embargo on the exportation of food products.

The PRESIDENT pro tempore. The petition will be referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a petition of sundry citizens of Vienna, Ill., praying for the enactment of legislation to reduce the high cost of living, which was referred to the Committee on the Judiciary.

He also presented petitions of the Peoria and Champaign Branches of the National Letter Carriers' Association of Illinois, praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the City Council of Chicago, Ill., praying for the enactment of legislation to permit checking accounts in the Postal Savings Bank System, which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented petitions of sundry citizens of New Haven and Milford, in the State of Connecticut, praying for national prohibition, which were ordered to lie on the table.

Mr. POINDEXTER presented the memorial of Dr. J. V. Steele and sundry other citizens of Waitsburg, Wash., remonstrating against the creation of zones for postal rates on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of John L. Harris, of Kelso, Wash., praying for the establishment of peace in Europe and submitting a plan for the promotion thereof, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented a petition of the State of California National Society, United States Daughters of 1812, praying for the enactment of legislation to permit the publishing yearly of the work of that organization under the auspices of the Smithsonian Institution, which was referred to the Committee on Printing.

Mr. BRANDEGEE. I present a petition of the Chamber of Commerce of Hartford, Conn., praying that the railroads be relieved from State regulation. I ask that the petition be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the petition was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

Whereas the dual system of Federal and State control of the railways of the country has in some sections retarded railway development, with the result that the railways, because of conflicting regulations of various State commissions, and conflicting laws of such States, are hindered in caring for the business requirements of the country; and

Whereas the railways will be an important factor in the commercial development of the country and will either aid or hold back the manufacturers of the country who are planning to meet foreign competition in New World markets: Therefore be it

Resolved, That the Hartford Chamber of Commerce urge upon Congress the necessity of relieving the railways of the country of existing State regulations, by giving the Interstate Commerce Commission such powers as may be deemed necessary to unify regulations of all railway affairs which directly or indirectly affect interstate commerce.

Mr. BRANDEGEE. I present a petition of the Chamber of Commerce of Hartford, Conn., praying for universal compulsory military training. I ask that the petition be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the petition was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Whereas it appears that at the present time the United States is without any definite military policy for the training of its manhood to meet the possible military needs of the country; and

Whereas the volunteer system of recruiting as used can not be relied upon to furnish a sufficient number of trained men in an emergency: Be it

Resolved, That the members of this chamber of commerce believe that Congress should take immediate and effective steps to provide for the universal compulsory training of the young men of the country.

Mr. POINDEXTER. I present a telegram in the nature of a petition signed by the president of the Federal Employees' Union, of Tacoma, Wash., which I ask may be printed in the RECORD and referred to the Committee on Appropriations.

There being no objection, the telegram was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

TACOMA, WASH., *January 11, 1917.*

Senator MILES POINDEXTER,
Washington, D. C.:

We protest reported action Senate Democratic caucus in agreeing to defeat all increases pay for Government employees, including some passed by House. Leading corporations making substantial increases. Government employees' pay stationary many years. Constantly increasing cost of living makes increase pay necessary. We ask your support.

FEDERAL EMPLOYEES' UNION,
D. C. IMRIE, *President.*

Mr. POINDEXTER. I present a telegram in the nature of a memorial from Arthur Perrine, president of the Federal Employees' Union, of Spokane, Wash., favoring increases in the salaries of all Federal employees. I ask that the telegram may be printed in the RECORD and referred to the Committee on Appropriations.

There being no objection, the telegram was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

SPOKANE, WASH., *January 11, 1917.*

Senator MILES POINDEXTER,
Washington, D. C.:

Informed Democratic caucus has agreed to defeat increases of pay for Government employees. Urgently request that you use every means to secure increase commensurate with increased cost of living. Condition of custodian employees in this city is pitiable; salary, $55 per month.

ARTHUR PERRINE,
President Federal Employees' Union.

WHITE-PINE BLISTER RUST.

Mr. GALLINGER. Mr. President, some days ago I presented a proposed amendment, which was referred to the Committee on Agriculture and Forestry, proposing to increase the appropriation for the examination and suppression of white-pine blister rust. The American Forestry Association estimates that there is a great danger of the loss of $260,000,000 in the near future unless prompt and efficient steps are taken to arrest that disease. It will be remembered that the chestnut-tree blight was neglected and the chestnut trees of the country are practically destroyed at the present time.

I now rise, Mr. President, to present a paper from the American Forestry Association concerning this matter, which I ask to have printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the paper was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *January —, —.*

With the New England States as the bull's-eye of their attack, 300 delegates to the international forestry conference will meet here next Thursday and Friday (18 and 19) to consider ways and means of checking the spread of the white-pine blister disease which has gained such a strong foothold in the Northeastern States.

Every State in the group will have delegates, appointed by the governors, at the conferences. The committee for the suppression of the white-pine blister disease, of Boston, will have a delegation here headed by Harris S. Reynolds. To-day Gov. Milliken, of Maine, sent in his nominations as follows: L. A. Pierce, Houlton; James W. Sewall, Oldtown; Charles F. Eaton, Princeton; S. S. Scammon, Franklin; S. W. Philbrick, Skowhegan; Blaine S. Viles, Augusta; Elwyn K. Jordan, Alfred; Y. A. Thurston, Andover; Leslie Boynton, Jefferson; Everett E. Amey, Portland.

Lumber associations, too, are sending delegations, and there will be joint sessions of several forestry associations cooperating with the American Forestry Association. Canada will have a representation of 20 delegates.

Charles Lathrop Pack, president of the Forestry Association, announces a program which contains the names of many of the most widely known experts on this continent. P. S. Ridsdale, the secretary, has provided for a showing of 40 paintings of national forests to be shown the delegates at the New National Museum.

The western governors have all appointed delegates, for there is a particular effort on foot to keep the disease out of the sugar pines on the Pacific coast. The first of the delegates will begin arriving next Wednesday.

The two big questions to come before the conference will be State quarantine against the States now infected with the white-pine scourge and also nation-wide quarantine against the shipment of all seedlings and plants that bring these pests from other countries.

"The chestnut blight," said President Pack to-day, "we all know, and we also know what the boll weevil did. It is the failure to act in time that costs the country millions of dollars. The white-pine blister disease is a fungus that grows upon the leaves of the currant and gooseberry bushes. It goes from pine to bushes and back to the pine. It gets under the bark and bursts it. Thus far there has been nothing found that will save a tree thus attacked.

"The thing to do is to inaugurate a nation-wide campaign to arouse the people to do everything possible to check the spread and hold the disease where it is now the worst—New England. The Department of Agriculture has issued a warning which says there must be action at once, for if the disease gets from the home and farm area into the dense timber country there will be no stopping it. This is not belief or rumor; it is the words of the experts of the department as set forth in Bulletin 742, which anyone can have for the asking.

"I know men who have sacrificed valuable decorative trees on their estates and ordered all currant and gooseberry bushes cut down in an attempt to check the spread of this pest. It is only by the concerted action of the Federal Government and the States interlocked with an aroused public opinion that will save these trees for the country and posterity."

The conference will be called to order on Thursday morning at 10 o'clock, and after a short business session the main object of the conference will be taken up.

YOSEMITE NATIONAL PARK.

Mr. PITTMAN. Mr. President, I present a resolution adopted by the Reno Commercial Club with regard to the proposed extension of the Yosemite National Park, and also a short letter I have written in answer to it. I will not ask that they be read, but I ask unanimous consent that they be published in the RECORD.

Mr. SMOOT. I did not hear what the request was. There was so much confusion in the Chamber I could not hear what the Senator said.

Mr. PITTMAN. I have here a resolution from the Reno Commercial Club protesting against the enlargement of the Yosemite National Park. It is rather a long resolution, and I have asked unanimous consent to have it published without reading, together with the acknowledgment by me of its receipt.

Mr. SMOOT. The Senator asks to have them printed in the RECORD?

Mr. PITTMAN. Yes.

Mr. SMOOT. Very well.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

RENO COMMERCIAL CLUB,
Reno, Nev., December 23, 1916.

Hon. KEY PITTMAN,
United States Senate, Washington, D. C.

MY DEAR MR. PITTMAN:

Whereas it has come to the attention of the Reno Commercial Club that certain persons are endeavoring to stir up public sentiment against further development of hydroelectric power upon Rush and Levining Creeks, in the county of Mona, State of California; and

Whereas it is definitely stated by said certain persons that such development should not be permitted on account of the alleged destruction of the "beautiful scenery" connected with the waterfalls on said creeks; and

Whereas it has come to the attention of this commercial club that said certain persons are making an invidious effort to have the eastern boundary line of the Yosemite National Park extend to include the falls and hydroelectric development plant in question, thereby depriving the present power companies of their water supply; and

Whereas it appears that the hydroelectric development has been made by Pacific Power Corporation by virtue and under authority invested by certain permits granted by departments of the Federal Government having jurisdiction thereof, in due and regular form, as in such cases by law made and provided; and

Whereas it has been conclusively shown that the electrical energy now generated at the plants of said corporation are being used for the development of agriculture, operation of mines, industries, lighting of streets, homes, and other useful purposes of the many communities and towns in Nevada, including Fairview, Wonder, Tonopah, Goldfield, and Hawthorne; and

Whereas it appears that the service to be thus supplied by the Pacific Power Corporation and its associated and interconnected companies is absolutely essential to the complete development of important and growing districts of Nevada; and

Whereas it is the sense of the Reno Commercial Club, after a full investigation of all the facts in the matter, that it is unalterably opposed to any interference with the lawful undertakings of said corporation, and that it should be the policy of our State and Federal Government to foster and encourage in every proper manner the development of the latent resources of Nevada, to the end that its citizens may receive the full benefit and enjoyment of the conveniences thereby afforded and the taxable wealth of our State increased by the large investment required to bring such developments to fruition: Therefore be it

Resolved, That the Reno Commercial Club is opposed to any action being taken by the Federal authorities or others that would have the effect of hampering or preventing the lawful undertakings of said Pacific Power Corporation in the development of useful hydroelectric power, and respectfully requests the Secretary of the Interior and the California State Water Commission to take no action looking toward the revocation of the permits under which the said developments are made; and be it further

Resolved, That the secretary be instructed to spread this resolution upon the minutes of the Reno Commercial Club and mail a copy thereof to Hon. Franklin K. Lane, Secretary of the Interior, Washington, D. C.; secretary of the California State Water Commission, San Francisco, Cal.; Hon. KEY PITTMAN, United States Senator; Hon. FRANCIS G. NEWLANDS, United States Senator; Hon. E. E. ROBERTS, United States Congressman; and a copy to the office of the Pacific Power Corporation at Goldfield, Nev.

Yours, very truly,

RENO COMMERCIAL CLUB,
By G. A. RAYMER, *Secretary.*

UNITED STATES SENATE,
January 8, 1917.

Mr. G. A. RAYMER,
Secretary Reno Commercial Club, Reno, Nev.

MY DEAR MR. RAYMER: The receipt of the resolution of your club under date of December 23, relative to an effort being made to extend the boundaries of Yosemite National Park so as to include certain hydroelectric-power development that will supply power in the State of Nevada, has already been acknowledged. I now take this occasion to communicate personally with your club with regard to my position in the matter.

I am heartily in favor of establishing national parks for the preservation of objects of peculiar beauty and national interest. I believe

that under national-park control these parks can better be made to serve the use of the entire public. However, in no case should these parks be established when their creation would retard the physical development of the natural resources of the sections in their vicinity. In other words, our natural desire to preserve the beautiful and interesting and to provide parks for the recreation of all of our people must give way to the higher use of providing the necessities of life at reduced cost.

Our State, unfortunately, is not possessed of oil, coal, gas, or extensive forests of timber and we must depend upon hydroelectric power to a very large extent for our motive power. The highest development of our State depends upon the extensive development of such power. I therefor will not consent to the passage of any legislation for any purpose whatever that will reduce or restrict the opportunities for such development.

I have already taken this matter up in person with Mr. Mather, assistant to the Secretary of the Interior, and I will immediately present the subject to the Secretary of the Interior.

You would aid me materially in this matter if your body would provide for a thorough investigation of this subject and furnish me with the necessary data.

Very sincerely, yours, KEY PITTMAN.

IMPORTATION OF SISAL AND MANILA HEMP.

Mr. SMITH of Michigan. Mr. President, the Farm Implement News of December 28, a paper very largely circulated among the agricultural people of the country, contains the following:

Has the American farmer no friends in Congress? Is there not one Senator with sufficient courage to defy tradition if necessary and demand that the committee which investigated the Sisal Trust submit a report forthwith?

Is there no Member of Congress who dares to demand that the authorities take such steps as they may to rescue the farmer from the clutches of this predatory combination?

Is there not one Senator or one Representative who is big and brave enough to demand that the Government put an end to extortion in the sale of binder-twine material?

I have read this quotation from the Farm Implement News because it challenges the courage of Senators and Representatives, and I desire to meet this challenge in the name of my colleagues and to demand to know what has become of this investigation. If I can get an answer from some member of the committee I shall be very glad.

Mr. RANSDELL. As the chairman of the subcommittee authorized to investigate the sisal-hemp situation, I shall be very glad to answer any question the Senator may desire to propound, but I did not hear distinctly the question which he has just put.

Mr. SMITH of Michigan. The Farm Implement News, a very worthy agricultural publication, makes the charge that no Senator has sufficient courage to ascertain the present status of the investigation; and I rose, on behalf of a number of my colleagues who are interested equally with myself in seeing that the subject does receive thorough and fair treatment, to demand to know the present condition of that investigation—whether it has been concluded.

Mr. RANSDELL. Mr. President, the investigation was concluded some time ago; but for reasons which the committee thought entirely good and satisfactory the report was not submitted to the Senate until yesterday. It is now in the hands of the printing clerk to be printed. I presume it will be in the hands of every Senator this afternoon, or certainly not later than to-morrow morning.

Mr. SMITH of Michigan. Has the committee reached a unanimous conclusion about it?

Mr. RANSDELL. It has.

Mr. SMITH of Michigan. Has the Senator any objection to saying about what they have concluded?

Mr. RANSDELL. I will read our final recommendations, which will give our conclusions perhaps better than if I should attempt to put them into my own words. The following are the recommendations of the subcommittee:

1. It urges the Department of Justice to examine carefully the record in this investigation and to take such action as the law and the facts may warrant. The committee hopes that some means of checking the power of this monopoly may be found.

"This monopoly" refers to the Comision Reguladora, which we found to be a monopoly that was very oppressive to the American people, costing them at the present time something like $26,000,000 per annum.

To aid in this, it directs that a copy of all hearings held before it, all briefs filed by the various parties, and this report be sent to the Attorney General.

2. The committee feels that the facts set forth herein demonstrate that the American people are being forced to pay for one of the necessities of life many millions more than the fair value thereof, and it therefore refers this report to the State Department, with the suggestion that the matter be taken up through diplomatic channels to see if some measure of relief can no be obtained.

Our reason for making this recommendation is that the monopoly seems to have been created in the State of Yucatan, one of the States of Mexico. It was conceived and carried out there under a law passed by the legislature of that country. It has agents in this country, who are located in the city of New York, who sell the sisal. It therefore seemed to us that this was a matter in which the diplomatic agencies of our Government could probably be successfully invoked; at least, we hope so, because we are not certain that the Comision Reguladora can be reached by our antitrust laws. The acts of the agents of the comision in this country may, however, come within the purview of our laws; and hence we referred the matter to the Department of Justice.

3. The committee urges the farmers of the country to make every effort to find a suitable substitute for sisal which can be grown within the United States at reasonable cost, in order that they may no longer be in the power of a foreign monopoly for so essential a product as binder twine.

Mr. GALLINGER. Mr. President——

Mr. RANSDELL. I shall yield to the Senator from New Hampshire in just one moment, when I finish reading the recommendations of the committee:

This report is referred to the Department of Agriculture with the recommendation that it make special investigations toward this end.

Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I observe that this Yucatan monopoly has agents in this country representing it.

Mr. RANSDELL. Yes, sir.

Mr. GALLINGER. Did the investigation develop the fact as to whether there is much American capital invested in the enterprise in Yucatan, or is it wholly a Mexican affair?

Mr. RANSDELL. From all the evidence before us, as I recall it—I will ask my colleagues on the committee to correct me if I make a mistake—the business is conducted by the Yucatan planters. The plantations are owned by Yucatecans and the labor is performed by the peons. So far as I recall there is no American capital invested in the business in Yucatan.

Mr. GALLINGER. If I reach the correct conclusion from the discussion that has already taken place, the price of this necessary article has about doubled since this investigation began. Am I correct in that statement?

Mr. RANSDELL. Yes; the price has practically doubled since we closed our investigation. The price was quoted on the market at 7⅞ cents at that time and it is now 14½ cents; the price has increased practically 100 per cent.

Mr. SMITH of Michigan. I presume that the report will become the subject of further consideration. Does the Senator propose to offer any bill or resolution upon the subject?

Mr. RANSDELL. I will say to the Senator that my two associates on the committee and myself have not fully considered that question. We thought we were certainly doing the very best we could for the benefit of the American people and that the practical recommendations we made could best be taken up by the three departments named without the aid of any legislation. If the Department of Justice finds that there is no law under which relief can be afforded and can recommend to us the passage of additional laws which well permit it to reach this monopoly, that, of course, would be considered. We should be very glad to have the advice of the department in that respect; but your subcommittee did not care to recommend at this time any special legislation.

Mr. SMITH of Michigan. Mr. President, I think that the statement of the Senator from Louisiana answers the question which was propounded to me by an honored constituent. While the outcome of the investigation may not have justified all their hopes, still if it has been thorough and painstaking and recommendations have been made in accordance with the power of our Government and its duty, I do not see what further can be done. I am greatly obliged to the Senator from Louisiana for his answer to this interrogatory.

Mr. RANSDELL. Mr. President, in further answer to the Senator, especially with regard to the thoroughness and fairness of the investigation, I would like to say that the committee spent nearly three months making the investigation. The testimony taken covers two large volumes of considerably over 2,000 pages. We heard everybody on both sides of the case who desired to be heard; we notified all the people interested in the growth of sisal to come and testify before us if they so desired; we notified the men in this country who are handling the raw product and selling it to the manufacturers; and all the manufacturers of sisal, not only those who produce binder twine, which was the product in which we were especially interested, but also the manufacturers of rope, some sisal being used for this purpose; in fact, I may say, we opened the doors just as widely as possible and went into the subject as thoroughly as we knew how.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator if he found it possible to ascertain the question of the wage scale of the people employed in the industry in Yucatan?

Mr. RANSDELL. A great deal of testimony was taken in regard to that. It was difficult to find the exact wage scale, but we did take very considerable testimony to ascertain the cost of sisal in Yucatan; and that is very fully set out in our report.

Mr. SMITH of Michigan. As a matter of fact, is not the labor largely semipeon labor—low-priced labor?

Mr. RANSDELL. It is; but the price of labor has gone up somewhat in recent years.

Mr. SMITH of Michigan. The price of labor has gone up even there?

Mr. RANSDELL. Yes, sir; it has gone up, but is still comparatively low priced. We had very full testimony in regard to the cost of sisal, and our report goes rather fully into that testimony, so that the Senator will not have to read the evidence, but he can get from our report what we think was the fair cost of making sisal.

Mr. McCUMBER. Mr. President, I desire to ask the Senator if the increase in the price of nearly 100 per cent refers to the increase in the price of sisal in Yucatan or the increase in the cost of the twine here?

Mr. RANSDELL. I will say to the Senator that that increase of 100 per cent applies to the price at which the raw product, the sisal, is now sold to the American consumer as compared to its price when our hearings closed last April. It is very difficult to state the actual cost of producing sisal in Yucatan. The Yucatecans figure out that it was costing in the neighborhood of 6 cents per pound.

Mr. McCUMBER. That is, to produce it?

Mr. RANSDELL. To produce it. Then, of course, the cost of transportation to this country was rather high, owing to the war and the shortage of ships. Many witnesses, however, testified that it did not cost as much as 6 cents per pound to produce sisal. All of that is fully set out in our report. However, it was being sold at the time we closed our hearings at 7⅞ cents, which seemed to allow——

Mr. McCUMBER. In Yucatan?

Mr. RANSDELL. No; in New York—which seemed to allow a very fair profit to the growers of sisal. Now it is quoted in New York at 14½ cents.

Mr. McCUMBER. To what extent has the price of the twine itself increased since the subcommittee began its investigation?

Mr. RANSDELL. We have had no report on that point; at least, I do not recall any report on the increase in the price of the twine itself. I will say to the Senator that the manufacturers of sisal twine, particularly the International Harvester Co., which is the largest manufacturer, the Plymouth Cordage Co., the next largest, and penitentiaries in the big wheat growing States, nearly all of which have binder-twine factories, make their contracts at the beginning of the season and deliver the twine throughout the season at the contract price agreed upon in advance. They make their contracts for twine for the season closed only a short while ago on the prices of last spring and early summer. I do not know just what the price would be now. I will ask my colleague on the committee [Mr. GRONNA] if he can answer that question.

Mr. GRONNA. I will say to the chairman of the subcommittee that the prices have not yet been made by the manufacturers.

Mr. McCUMBER. But, as I understand, it has been indicated what the prices will be.

Mr. GRONNA. No indication has been given. They have been unable to make the prices because the Reguladora, which controls all the sisal, the raw material, has been increasing the price of sisal from time to time. The statement made by the Senator from Louisiana, that it has increased 100 per cent, has reference only to the raw material, the sisal.

Mr. McCUMBER. Of course, that would not justify an increase of 100 per cent in the price of twine?

Mr. GRONNA. No; it would not.

Mr. McCUMBER. Can the Senator tell us about what would be a reasonable advance in the price of twine on the supposition that the increase in the price of the material in Yucatan is about 100 per cent?

Mr. THOMAS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. THOMAS. Is the discussion now going on in order as a part of the morning business?

The PRESIDENT pro tempore. If any Senator should make a point of order to that effect, the Chair would probably have to sustain it.

Mr. THOMAS. I do not want to do that if the matter will not take much longer, but I have some morning business which I desire to present.

Mr. RANSDELL. I hope the Senator from Colorado will defer his point of order for just a moment, as this is a very interesting question.

Mr. THOMAS. I did not make a point of order, and I assure the Senator I have no intention of making a point of order, but I wanted to discover what was going on and whether it was a part of the regular morning business.

Mr. SMITH of Michigan. It is a part of the regular morning business, and arises because of a memorial which I have here and which I have read to the Senate.

Mr. GRONNA. If I may be permitted to answer the question of my colleague, I can only say that it would be almost impossible for the committee to arrive at any conclusion as to what the increase should be in twine manufactured from sisal, because the manufacturers hold some of the sisal at 7⅞, some of the sisal at 7⅞, some of it at 10½, some of it at 13½, and now they have to pay 14½ for it in New York.

Mr. CURTIS. Mr. President, I should like to ask a question in regard to this matter. Did not the evidence show that this corporation was financed largely by bankers in New Orelans and other bankers in the State of Louisiana?

Mr. RANSDELL. It did. That is brought out fully in our report.

Mr. CURTIS. Did not the evidence also show that but for this financial assistance from the United States this business could hardly be carried on?

Mr. RANSDELL. We state very emphatically in our report that this American corporation, known as the Pan-American Co., gave existence, gave absolute life, to the Yucatan Co., and that but for the financial aid given to the Yucatan monopoly by the Pan-American Banking Co. it could not have done business successfully. We show that the Comision Reguladora was created in 1912 and practically had no life until some time in 1915, when it made its negotiations with the Pan-American Co., and thereafter proceeded to do business along good old-fashioned trust lines, and handled the whole business from that time on. That is all brought out in our report.

Mr. CURTIS. What is the recommendation of the committee to the Attorney General?

Mr. RANSDELL. We refer the whole matter to him. We say it is such an intricate and complicated legal question that we do not pretend to determine what are the rights of the matter, but we refer the whole thing to him and ask him to take such action as the law and facts warrant.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator if his committee did not find that the American market was practically the only market that the Yucatan producers had for this product?

Mr. RANSDELL. It did.

Mr. SMITH of Michigan. And it produces about a million bales a year?

Mr. RANSDELL. In the neighborhood of a million bales; each bale weighing 375 pounds.

Mr. SMITH of Michigan. And most of that is taken by one American corporation?

Mr. RANSDELL. A good per cent by one corporation. The International Harvester Co. takes a rather large per cent; but there is also a great deal taken by the Plymouth Cordage Co., and also by the factories in penitentiaries.

Mr. SMITH of Michigan. Mr. President, I only desire to add that I am greatly obliged to the Senator from Louisiana for the information he has given us, and I hope that something will come of the recommendations which the committee have made, either in the Attorney General's Office, through the State Department, or in some other way, so that this matter may be at least given the attention which its importance deserves.

The PRESIDENT pro tempore. Reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which was referred the bill (S. 6750) to provide for the appointment of the register of wills of the District of Columbia by the justices of the Supreme Court of said District, reported it without amendment and submitted a report (No. 922) thereon.

He also, from the same committee, to which was referred the bill (H. R. 11288) for the relief of S. S. Yoder, reported it without amendment and submitted a report (No. 920) thereon.

He also, from the same committee, to which was referred the amendment submitted by himself on December 19, 1916, relative to damages and payment for ground owned by Thomas W. and

Alice N. Keller on account of condemnation proceedings, etc., intended to be proposed by him to the District of Columbia appropriation bill, reported it with an amendment, submitted a report (No. 921) thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 286 to authorize the Sergeant at Arms of the Senate to appoint a superintendent of the folding room, reported it without amendment.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. LEA of Tennessee. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably Senate resolution 310. I call the attention of the Senator from Ohio [Mr. POMERENE] to the report.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read Senate resolution 310, submitted by Mr. POMERENE on the 9th instant, as follows:

Resolved, That the Committee on Civil Service and Retrenchment be, and it is hereby, authorized to employ an additional clerk at the rate of $100 per month, to be paid out of the contingent fund of the Senate, for a period of two months.

Mr. POMERENE. I ask unanimous consent for the present consideration of the resolution.

Mr. THOMAS. Mr. President, is that resolution from the Committee on Retrenchment?

The PRESIDENT pro tempore. The Chair is informed that the resolution is reported from the Committee to Audit and Control the Contingent Expenses of the Senate, and provides an additional clerk for the Committee on Civil Service and Retrenchment.

Mr. THOMAS. I suppose, then, that they offered it from the civil-service side, and not from the retrenchment side.

Mr. OVERMAN. Mr. President, I will ask the Senator from Ohio if he desires a continuation of this employment over this session, or is it just for the session?

Mr. POMERENE. I ask for the services of an additional clerk for two months. I am obliged to have this clerical assistance in my office. I want to say to the Senate with perfect frankness that it is not so much due to the work of the committee as it is to the general correspondence, the work that I have with the departments, and the work of the office generally.

Mr. OVERMAN. I have no objection, if the Senator desires it; but I thought perhaps he needed the assistance only during the session.

Mr. POMERENE. It can be limited in that way if the Senator desires. I have been obliged to have an extra clerk all this time at my own expense.

Mr. OVERMAN. I have no objection to the resolution if the Senator will make it during the session of this Congress.

Mr. POMERENE. It may be so limited if desired.

Mr. THOMAS. Mr. President, I shall not object to the resolution, but I should like to inquire of the Senator whether the amount of compensation is sufficient upon which an appointee can subsist? We are told now that without a general horizontal increase the welfare of Government employees will suffer.

Mr. POMERENE. I think the clerk will be entirely content with the amount specified.

Mr. THOMAS. The chances are that he will be back asking for an increase.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. McCUMBER. What is the question, Mr. President?

The PRESIDENT pro tempore. The Senator from Ohio asks for the present consideration of a resolution reported from the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. McCUMBER. I have no objection if the Senator from Florida [Mr. BRYAN] has none.

The PRESIDENT pro tempore. The Chair hears no objection. The resolution is before the Senate and open to amendment.

Mr. BRYAN. Mr. President, I believe I will not object to the resolution. I think that committee stands on a little different basis from the Committee on Transportation Routes to the Seaboard or the Committee on Revolutionary Claims. As I understand, the Committee on Civil Service and Retrenchment is now engaged upon a bill to provide a retirement plan for Government employees. If the Committee on Transportation Routes to the Seaboard is engaged in any work so important as that, I should not object to it having an additional clerk during the session.

The PRESIDENT pro tempore. The Chair will inquire of the Senator from Ohio if he has offered an amendment to the resolution? Amendments to the resolution are now in order.

Mr. POMERENE. The resolution, as submitted, provides for the employment of an additional clerk for two months. I have had this extra clerk in the office ever since the first of this session, and the resolution was purposely drawn in this way to provide two months' salary to this clerk. If there is any objection to it, I do not want it passed.

The resolution was agreed to.

BILLS INTRODUCED.

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

By Mr. CHAMBERLAIN:

A bill (S. 7825) to provide for the erection of a public building at Astoria, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. HARDWICK:

A bill (S. 7826) to authorize the President of the United States to advance officers on the retired list who were wounded in battle in the service of the United States; to the Committee on Military Affairs.

By Mr. WALSH:

A bill (S. 7827) authorizing the sale of certain lands at or near Yellowstone, Mont., for hotel purposes (with accompanying paper); to the Committee on Public Lands.

By Mr. OVERMAN:

A bill (S. 7829) to create two additional associate justices of the Supreme Court of the District of Columbia; to the Committee on the Judiciary.

By Mr. SHEPPARD:

A bill (S. 7830) designating October 27 of each year as National Fraternal Day, to be devoted to conserving the home, fraternalism, and happiness; to the Committee on the Judiciary.

By Mr. SAULSBURY:

A bill (S. 7831) to provide retirement in certain cases for judges of United States district courts in the Territories (with accompanying papers); to the Committee on the Judiciary.

By Mr. MYERS:

A bill (S. 7832) granting a pension to Fred M. Armstrong; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 7833) authorizing the Chippewa Indians in the State of Minnesota to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. STONE:

A bill (S. 7834) granting a pension to Adolphus Lesperance (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 7835) granting an increase of pension to William C. Hoffman; to the Committee on Pensions.

By Mr. LEA of Tennessee:

A bill (S. 7836) for the relief of Barneybass Eastridge; to the Committee on Military Affairs.

A bill (S. 7837) granting a pension to Herman L. Harrell; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 7838) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

STANDARD TIME.

Mr. GALLINGER. Mr. President, I introduce a bill for reference to the Committee on Interstate Commerce.

The bill (S. 7828) to provide standard time for the United States was read twice by its title.

Mr. GALLINGER. I will say that this is a duplicate of the bill introduced in the House of Representatives by Mr. BORLAND, of Missouri. I have a brief letter from Mr. A. B. Jenks, president of the New Hampshire Board of Trade, which I will ask to have read and referred to the Committee on Interstate Commerce.

The PRESIDENT pro tempore. Without objection, the Secretary will read the letter.

The Secretary read the letter, as follows:

NEW HAMPSHIRE BOARD OF TRADE,
January 10, 1917.

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.

DEAR SIR: There has been introduced in the House of Representatives bill 19431 by Mr. BORLAND, of Missouri, to provide standard time for the United States.

I am writing you particularly about that part of the bill which reads as follows:

"During the summer months, i. e., during a period starting at 2 o'clock a. m. on the last Sunday in April and ending at 2 a. m. on the first Sunday in September, the standard time for each of the zones

would be advanced one hour from the mean astronomical time of the controlling time meridian."

This bill was referred to the House Committee on Interstate and Foreign Commerce.

I am especially interested in the passage of this bill or any amendment to it that will not affect the clause referred to.

Last summer, as president of the Manchester Publicity Association and Chamber of Commerce, I inaugurated a movement better known as the movement for setting the clocks ahead one hour and saving one hour of daylight here in New Hampshire. Without exception, every manufacturing concern of any importance in Manchester, of which you know there are some sizeable ones, including the Amoskeag Manufacturing Co., W. H. McElwain Co., and our own company, the F. M. Hoyt Shoe Co., were heartily in favor of the movement. I tried to get in touch with other boards of trade and chambers of commerce throughout the State, and did to some extent with a favorable reply.

At that time the New Hampshire Board of Trade took favorable action on the movement, but owing to the lateness in the season and the complications that we felt might arise from putting the same into effect as an independent State, it seemed to be wise to abandon the project until such time as there was some kind of national legislation.

I can assure you that the sentiment in New Hampshire is overwhelmingly favorable to this daylight-saving plan.

Since that time I have been elected president of the New Hampshire Board of Trade, and it is in my official capacity that I ask you to not only vote for this bill but to do everything you can to secure its passage, believing it to be for the best interest of every class and condition of people in our State.

Sincerely, yours, A. B. JENKS, *President.*

Mr. GALLINGER. I ask that the bill be referred to the Committee on Interstate Commerce, and I trust the committee will take it up and act upon it.

The PRESIDENT pro tempore. It will be so referred.

SUFFRAGE FOR THE DISTRICT OF COLUMBIA.

Mr. CHAMBERLAIN. Mr. President, I introduce a joint resolution and ask that it be read.

The joint resolution (S. J. Res. 196) proposing an amendment to the Constitution of the United States giving to Congress the power to extend the right of suffrage to residents of the District of Columbia was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the following amendment to the Constitution of the United States be proposed for ratification by the legislatures of the several States, which, when ratified by the legislatures of three-fourths of the States, shall be valid as a part of said Constitution, namely, insert at the end of section 3, Article IV, the following words:

"The Congress shall have power to admit to the status of citizens of a State the residents of the District constituting the seat of the Government of the United States created by Article I, section 8, for the purpose of representation in the Congress and among the electors of President and Vice President and for the purpose of suing and being sued in the courts of the United States under the provisions of Article III, section 2.

"When the Congress shall exercise this power the residents of such District shall be entitled to elect one or two Senators, as determined by the Congress, Representatives in the House according to their numbers as determined by the decennial enumeration, and presidential electors equal in number to their aggregate representation in the House and Senate.

"The Congress shall provide by law the qualifications of voters and the time and manner of choosing the Senator or Senators, the Representative or Representatives, and the electors herein authorized.

"The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing power."

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on the District of Columbia.

Mr. SMITH of Georgia. Mr. President, should that joint resolution go to the Committee on the District of Columbia or to the Committee on the Judiciary?

The PRESIDENT pro tempore. It depends on the desire of the Senator who introduced the resolution.

Mr. CHAMBERLAIN. I rather think, Mr. President, that the Judiciary Committee would be the proper committee to consider that joint resolution, although the general subject has been heretofore considered by the Committee on the District of Columbia. I suggest that it go to the Judiciary Committee.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on the Judiciary.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. BORAH submitted an amendment proposing to appropriate $500,000 for the construction, operation, maintenance, and incidental operations at the Black Canyon extension, Boise project, Idaho, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. GRONNA submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

NAVAL OIL SUPPLY.

Mr. THOMAS. Mr. President, on last Tuesday morning I called the attention of the Senate to an editorial regarding what is popularly known as the Phelan leasing bill, at which time I made this statement:

Now, let me say, Mr. President, that this entire subject is within the jurisdiction of the Department of the Interior. The Department of the Interior is satisfied, not entirely so but as a compromise is satisfied, with the amendments which the Committee on Public Lands considered and which were recently reported by the Senator from California [Mr. PHELAN].

I made that statement, Mr. President, because the amendments which the Senator from California presented were discussed in the presence of a representative of the Interior Department, and, as I understood, they met with his approbation. I am in receipt this morning of a letter from the Secretary of the Interior informing me that I misapprehended to some degree the attitude of the Interior Department, and I ask, therefore, that his letter to me and the memorandum accompanying it be published in the RECORD. I will not detain the Senate by asking to have it read.

Mr. JONES. Mr. President, I should like to hear it read.

Mr. THOMAS. I have no objection.

The PRESIDENT pro tempore. The Secretary will read the letter, in the absence of objection.

The Secretary proceeded to read the letter. During the reading,

Mr. JONES. Mr. President, I thought this letter referred to amendments in the water-power bill, and, so far as I am concerned, I do not care for the further reading of it.

Mr. POINDEXTER. I should like to have it read, Mr. President.

The PRESIDENT pro tempore. The Secretary will continue the reading of the letter.

The Secretary resumed and concluded the reading of the letter, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, January 10, 1917.

Hon. CHARLES S. THOMAS,
United States Senate.

MY DEAR SENATOR: In looking over the CONGRESSIONAL RECORD this morning I note a statement by you to the effect that—

"The Department of the Interior is satisfied, not entirely so but as a compromise is satisfied, with the amendments which the Committee on Public Lands considered and which were recently reported by the Senator from California."

This refers to the oil-leasing bill. This statement, or something similar, was made last summer in one of the newspapers, and at that time I sent out the inclosed notice which stated then and states now my position with relation to the so-called Phelan amendment. Perhaps that is not the amendment to which you refer as having been "recently reported," for I know that an effort has been made lately to reach a compromise agreement with the Navy Department through the Public Lands Committees of both Houses. My position as to the oil situation is expressed in my annual report of 1915 on pages 13, 14, and 15.

Cordially, yours, FRANKLIN K. LANE.

MEMORANDUM FOR THE PRESS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
July 3, 1916.

A statement has been brought to my attention that I am in favor of the so-called Phelan amendment to the oil leasing bill. Where the warrant comes for such a statement I do not know. The only time that anything like it was ever presented to me was when Lieut. Gov. Eshleman, of California, brought a similar proposal to me, and I told him that I would not stand for it. The Phelan amendment has never been referred to me by Congress, nor does any person who ever talked with me labor under the delusion that I favor it. I am in favor of passing an oil leasing bill, however, along the lines of the one passed by the House twice in the last two years, known as the Ferris bill. The difference between the Phelan amendment and the provisions of the Ferris bill is one of liberality in treatment of claimants.

My position is a matter of record and can be found by examining my reports upon the measure before Congress and my annual reports. In my last annual report I expressly stated that I would not "assume to say what policy should be followed as to the naval reserve lands." There is no danger of the Navy being short of oil, for there are nearly 3,000,000 acres of public oil lands now withdrawn. Included therein are two special naval reserves which are practically free from adverse claims. These contain approximately 130,000,000 barrels of oil, and more of this area can be withdrawn for the Navy at any time by the President whenever he desires to do so.

I have tried to deal with these propositions without regard to politics, and have had the support of such eminent conservationists as Mr. LENROOT and Mr. KENT, whose view has always been the same as mine, that to keep 3,000,000 acres of oil lands locked up indefinitely, while gasoline is climbing higher, is not good sense and plays right into the hands of monopoly. If Congress can at this time of great pressure deal with the matter of leasing legislation, I have no doubt sane and conservative legislation will result that will help every real developer and consumer interested in oil and gasoline and which will prevent waste and monopoly.

FRANKLIN K. LANE.

Mr. SMOOT. Mr. President, I am rather surprised by the contents of the letter, for I understood the source of the amendment was the same as the Senator from Colorado stated.

As a member of the committee, I wish to say that when the amendment was handed to me I was told that it had been prepared in the office of the Secretary of the Interior by a law

clerk of the Interior Department, and that it was satisfactory to the department. It is true that the party so stating did not say to me that it was satisfactory to the Secretary of the Interior, but he did say that it was satisfactory to the department. That being the case, I then offered the proposed amendment, prepared, or supposed to be prepared, by the Interior Department, as a substitute for the House bill, and the committee rejected my offer by a divided vote.

I think that the Senator from Colorado had good grounds for the statement he made, because he was in the room at the same time the statement was made to me, and I have no doubt the statement was made to the Senator from Colorado in exactly the same way that it was made to me.

Mr. WORKS. Mr. President, I want to add to what has been said by the Senator from Utah that that statement was publicly made to the Public Lands Committee in session.

THE MILITIA.

Mr. CHAMBERLAIN. Mr. President, I desire to offer a memorandum sent me by the Secretary of War bearing directly and indirectly upon the militia, and also a discussion from the records of Congress, the Federalist, and other sources bearing upon the constitutional provisions referring to the organization of the militia. I ask to have the matter referred to the Committee on Printing, and I hope that committee at an early day will report favorably for the printing of the document.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Oregon will be complied with.

REPUBLIC OF CUBA V. STATE OF NORTH CAROLINA.

Mr. OVERMAN. Mr. President, I ask unanimous consent to have printed in the RECORD the argument made by the governor of North Carolina on the question of the jurisdiction of a foreign Government to sue a State of the Union. I think it will be very interesting to all Senators, and I ask permission to have it printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the request of the Senator from North Carolina is granted.

The matter referred to is as follows:

MR. BICKETT'S ARGUMENT.

May it please the court, since notice of the motion in behalf of the Republic of Cuba for leave to bring suit against the State of North Carolina has been served upon our State, we have been diligent in the investigation of the authorities bearing upon the question before the court, and all that we have been able to find are set forth in the brief submitted in behalf of the State of North Carolina, and we trust that these authorities may prove helpful to the court in its deliberations.

In the oral argument, I shall not attempt any detailed analysis of these authorities but shall submit briefly several definite propositions, any one of which, if sound, is fatal to this motion, and all of which I believe find substantial support in the main current of the decision of this court, in the public thought and known jurisprudence of the period in which our Constitution was devised, and in that sweet reasonableness which is the breath of equity.

I.

My first proposition is that in this motion the Republic of Cuba is asking this court to recognize between that Republic and the State of North Carolina a relationship obnoxious to section 10 of the first article of the Constitution.

When the men who conceived and constructed the framework of this Government came to consider the subject of controversies between the States and foreign powers, they had a vivid appreciation of the menace to the peace and safety of the Nation such controversies would involve. Therefore, in the very first article of the Constitution, they took steps to exclude, so far as human foresight could exclude, the possibility of such controversies arising. Hence, it is written that under no circumstances *may a State* enter into any alliance or treaty with a foreign power, and that no State may make any compact or agreement with a foreign power without the consent of Congress. The reasoning was that if the States were not permitted to bargain, contract, deal, or dicker with foreign Governments, the most prolific source of controversies would be entirely eliminated. This reasoning finds its jurisdiction in the fact that 127 years have elapsed since this inhibition was made a part of our organic law, and now for the first time a foreign Government knocks at the door of this court and alleges that a controversy has arisen between it and a State of this Union.

This court has never given a comprehensive and conclusive definition of the words "compact" and "agreement" found in the section under consideration. There has been no occasion for doing so, as the court decides cases and not academic questions. In Holmes *v.* Jennison (14 Pet., 540) Mr. Chief Justice Taney, speaking for the court, says:

"But the question does not rest upon the prohibition to enter into a treaty. In the very next clause of the Constitution the States are forbidden to enter into any 'agreement' or 'compact' with a foreign nation; and as these words could not have been idly or superfluously used by the framers of the Constitution, they can not be construed to mean the same thing with the word treaty. They evidently mean something more, and were designed to make the prohibition more comprehensive. A few extracts from an eminent writer on the laws of nations showing the manner in which these different words have been used and the different meaning sometimes attached to them, will, perhaps, contribute to explain the reason for using them all in the Constitution, and will prove that the most comprehensive terms were employed in prohibiting to the States all intercourse with foreign nations (quoting from Vattel). After reading these extracts we can be at no loss to comprehend the intention of the framers of the Constitution in using all these words—'treaty,' 'compact,' 'agreement.' The word 'agreement' does not necessarily import any direct and express stipulation; nor is it necessary that it should be in writing. If there is a verbal understanding to which both parties have assented and upon which both are acting, it is an 'agreement'; and the use of all these terms—'treaty,' 'agreement,' and 'compact'—show that it was the intention of the framers of the Constitution to use the broadest and most comprehensive terms, and that they anxiously desired to cut off all connection or communication between a State and a foreign power; and we shall fail to execute that evident intention unless we give to the word 'agreement' its most extended signification and so apply it as to prohibit every agreement, written or verbal, formal or informal, positive or implied, by the mutual understanding of the parties."

This case was decided in 1840. In a later case, Virginia *v.* Tennessee (148 U. S., 503), the opinion of the court leans to a more restricted meaning of the words "compact" and "agreement," and, applying the doctrine noscitur a sociis, gives to the words a meaning akin to the words "treaty" and "alliance" used in another part of the same section. In that case Mr. Justice Fields, speaking for the court, says:

"Looking at the clause in which the terms 'compact' or 'agreement' appear, it is evident that the prohibition is directed to the formation of any combination tending to the increase of political power in the States which may encroach upon or interfere with the just supremacy of the United States. Story, in his Commentaries (sec. 1403), referring to a previous part of the same section of the Constitution in which the clause in question appears, observes that its language 'may be more plausibly interpreted from the terms used, "treaty, alliance, or confederation," and upon the ground that the sense of each is best known by its association (noscitur a sociis) to apply to treaties of a political character, such as treaties of alliance for purposes of peace and war, and treaties of confederation, in which the parties are leagued for mutual government, political cooperation, and the exercise of political sovereignty, or conferring internal political jurisdiction or external political dependence, or general commercial privileges, and that 'the latter clause, "compacts and agreements" might then very properly apply to such as regarded what might be deemed mere private rights of sovereignty, such as questions of boundary, interest in land situate in the territory of each other, and other internal regulations for the mutual comfort and convenience of States bordering on each other,' and he adds:

"'In such cases the consent of Congress may be properly required in order to check any infringement of the rights of the National Government, and at the same time a total prohibition to enter into any compact or agreement might be attended with permanent inconvenience or public mischief.'"

It is interesting to note that in the case of Virginia *v.* Tennessee the earlier case of Holmes *v.* Jennison is not mentioned in the opinion of the court. Undoubtedly there is conflict between the opinions written in the two cases, but between the decisions reached there is perfect harmony. In Virginia *v.* Tennessee the court had before it an agreement between two States with respect to their bounday lines. This agreement grew naturally and necessarily out of the physical contact of the two States. The court was impressed that the section of the Constitution under consideration was designed to prevent controversies between the States, and the nature of the agreement before the court was calculated to serve the purpose of the Constitution in the prevention of controversies between the States, and the court felt that the words of the Constitution should be given, as to the subject matter before it, such a restricted meaning as not to interfere with the manifest purpose of the section.

On the other hand, the subject matter before the court in Holmes *v.* Jennison was a contract with a foreign power, not arising out of the natural and necessary relations of the State to such foreign power, and in that case the court concluded that the main purpose of the Constitution, to wit, the prevention of controversies, would be served by giving to the words "compact" and "agreement" the most extended signification.

Now, applying to these words the elementary rule of construction, that a law should be so interpreted as to suppress the mischief at which it is directed, the conclusion forces that the relationship that Cuba is here seeking to establish between herself and a State of this Union is pregnant with the very mischief the Constitution was designed to prevent.

At the close of the Civil War the whole South was in a condition of public and private bankruptcy. Bill Arp, the Barlow philosopher of Georgia, said that when the Confederate soldier returned home "he had nothing, nothing to get nothing with, and nothing to put it in." The treasury of North Carolina was empty. The State was unable to meet the interest on its admitted obligations, and this condition was universal from the Potomac to the Rio Grande.

Now, suppose while the States were in this helpless and well-nigh hopeless condition a European power had proposed to these States to advance to them unlimited funds with which to rebuild their waste places and take the bonds of such States payable to this foreign power for the money so advanced. Is it debatable that such an arrangement would have been invalid without the consent of Congress, and is it conceivable that Congress would have given its consent? The borrower wears the yoke of the lender. In public as well as in private life it often happens that the first step toward subserviency is the acceptance of a loan. Such an arrangement would have given to a foreign power an interest and an influence in this country that the General Government would not for one moment have tolerated.

Well, if a foreign power can not deal directly with a State, and buy her bonds without the consent of Congress, but may take an assignment of these bonds from an individual, and thereby create the very relationship the Constitution forbids, then the wisdom of the statesmen is canceled by the artifice of the speculator, and a wholesome restraint of the Constitution becomes a rope of sand.

II.

My second proposition is that if a foreign power can maintain at all an action founded on contract against a State of this Union, still such foreign power comes to this court by grace and not by right.

Our Constitution is a compact between the States that agreed to it, and that have since been created under it. No foreign Government has any rights guaranteed to it under the Constitution of the United States. No foreign power was a party to that great compact. To-day no foreign Government recognizes the obligations of the Constitution of this Union, and they are not, as a matter of right, entitled to any of its benefits. Whether or not the Constitution reaches as far as the flag has been the subject of high debate. No one has maintained that it goes any farther. So that when Cuba comes to this court she comes not as a member of the family made one by the Constitution, but she comes as the guest of the Nation by courtesy and not by right, and coming by grace she must come gracefully. She must bring to this court a real cause, and not a naked claim. She must submit to this tribunal a case based not on the technicalities of the commercial law,

but one that appeals by virtue of its inherent righteousness to the conscience of the court.

The famous dictum of Lord Camden, in Smith *v.* Clay (3 Brown, ch. 639) "that nothing can call this court into activity but conscience, good faith, and reasonable diligence," applies with peculiar emphasis to this petition. The Republic of Cuba falls pitifully short of this requirement for admittance to a court of equity.

The facts in regard to the bonds, upon which she bases her declarations, appear in the public statutes and in the Constitution of North Carolina, in the opinions of this court, and in the public reports of the Federal Government. These public documents show that these bonds were conceived in sin and brought forth in iniquity; that they were repudiated by the very legislature that attempted to authorize them, and to-day the State of North Carolina has a declaration in its organic law that not one of them shall ever be paid without a vote of the people of the State. The reasons that justify this repudiaion and made it inevitable appear in a report made to the Senate of the United States by a committee appointed by that body to investigate alleged outrages in the Southern States in 1871, and published in Report No. 1, Forty-second Congress, first session, March, 1871. In a minority or, rather, supplemental report made by Senator Blair, of Missouri, and Senator Bayard, of Delaware, it is said: "These, then, were the methods taken to array the negroes in one compact body against the white people of the State in the election of 1868 under the reconstruction acts of Congress. The election was supervised by Gen. Canby, in command of that military division. Its result is well known. The enfranchised negroes, under the lead of Gov. Holden and his carpetbag allies, backed by the military power of the Government, accomplished an easy victory over the disfranchised white people. But to make it complete Gen. Canby gave orders to exclude a certain number of the Conservatives elected to the legislature. Judge Reade, who administered the oath to the members elect, testifies that he was instructed by Gen. Canby to tell certain persons to whom particular disqualifications attached to stand aside, and he then proceeded to administer the oath of office to the remainder. (See testimony of Judge Reade, p. 412.) Thus was the reconstruction of North Carolina accomplished upon a loyal basis—a basis composed of ignorant negroes and unprincipled carpetbaggers, cemented and sustained by military power. The result might have been foreseen.

The legislature, moved by a "ring" of unprincipled adventurers, went to work to squander the money of the people. They issued twenty-five or thirty millions in the bonds of the State to certain railroad companies; the bonds were issued by Holden to these adventurers without exacting compliance with the law, the bonds were sold, and the money went into carpetbags and flitted away from the State. Ten millions of this issue were subsequently declared unconstitutional by the courts of the State, and of the balance not one million of the entire sum was ever applied to the construction of railroads, the value of the bonds sank in the market to 22 cents on the dollar. These transactions appear from the testimony of nearly all the witnesses examined; men of all shades of political sentiment testify to this shameless plunder of the State, and all unite in denouncing the outrage and deploring the ruin and bankruptcy that has been brought upon the State. The majority of this committee allude to this matter as showing the latitude allowed in examination, and are seemingly unconscious of its significance. They do not appear to be aware of the fact that Congress, by establishing a government wholly irresponsible to the people of the State, composed of ignorant negroes without a dollar of property, and controlled by designing men in search of pillage made the plunder of the State inevitable. The same result has followed the same measures in every one of the reconstructed States. All have been plundered and by the same means.

This report is sustained by every historian who has written with any adequate knowledge of the subject and the period. Mr. James Ford Rhodes, in his remarkable history of the United States from 1850 to 1877, says: "During his (Holden's) administration an era of corruption set in, which was an entire novelty in the Old North State that previously had not on record a case of malversation in a member of the general assembly. The voting of the bonds of the State to aid in building railroads was the most fruitful source of corruption, and no doubt can exist that a large number of the members of Holden's legislature took bribes for their support of these various enterprises. It appeared to an observer, who had the opportunity of seeing different sorts of men in North Carolina, that the dishonesty was unblushing, and that a decent hypocrisy to cover the plundering of the State was entirely absent. The negroes were, of course, apt pupils in the practice of corruption; and Zebulon V. Vance tells a story which, whether exact or not, illustrates a natural attitude of an inferior race raised suddenly from a low to a high estate. A negro member of the legislature was visited one night in his room and found seated at a table 'laboriously counting a pile of money by the dim light of a tallow dip' and chuckling to himself. 'Why, what amuses you so, Uncle Cuffy?' was asked. 'Well, boss,' he replied, grinning from ear to ear, 'I's been sold in my life 'leven times an' fo' de Lord dis is the first time I eber got de money.'"

Senator HENRY CABOT LODGE, in his history of the United States, says: "In North Carolina the chief sin of the reconstructionist was the wholesale squander of public funds. The legislature authorized the issuance of $25,000,000 in bonds for railroad construction, $14,000,000 were actually issued, and not a mile of railroad was built." The compass of this work will not allow a detailed account of the saturnalia of misrule, extravagance, and plunder which afflicted the Southern States during the negro and carpetbag régime.

The conditions in North Carolina were not dissimilar to those in the other Southern States. From the Potomac to the Rio Grande "sufferance was the badge of all our tribe." So that Cuba brings here bonds stamped with dishonor and seamed with infamy. They are not the legitimate issue of a sovereign State, but the unseemly offspring of a band of cunning adventurers and irresponsible blacks, who descended upon a bleeding, poverty-stricken people, seized the sacred school fund of the State, bartered the children's hopes for a midnight debauch, stole everything in sight, and then attempted to sell all our generations into bondage. And yet Cuba brings these papers into this court and gravely heads her petition "In equity."

I prefer not to question the integrity of that Republic. On land and sea North Carolina poured out precious blood that Cuba might take her place in the constellation of free Republics. It is a natural law that we love those for whom we suffer, and I prefer to believe that Cuba has been imposed upon and knows not what she does; but the fact remains, as sad as it is certain, that though her heart may be of purest gold, she stands before this court on feet that are of the commonest kind of clay.

May it please your honors, from the time I was old enough to have any intelligent comprehension of the framework of this Government I have associated the approaches to this tribunal with the celestial inquiry, "Who shall ascend into the hill of the Lord, or who shall dwell in His holy place?" And the answer bars and bans forever this petition, for it is written, "He that hath clean hands and a pure heart."

At a later period the convention referred all of its proceedings to the committee on detail, and that committee made a report back to the convention in which it elaborated the clause with respect to the judiciary that had been referred to it. This report of the committee on detail, after some slight amendments, was adopted by the convention, and became the second clause of the judiciary article, which is as follows: "The judicial power shall extend to all cases, in lay and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming land under grants of different States; and between a State or a citizen thereof and foreign States, citizens, or subjects."

Now, it clearly appears that the principle agreed upon in the very beginning and adhered to throughout was that the jurisdiction of the Federal courts should extend to all cases arising under the national laws and all other questions affecting the national peace and harmony. This principle was indorsed by the committee of the whole and by the convention itself. The report of the committee on detail is simply an elaboration of this principle. In other words, the convention declared that the jurisdiction should extend to all cases arising under the national laws and to all questions affecting the national peace and harmony; this is to say, the questions enumerated in the report of the committee on detail. So that when a foreign Government brings to this court a case against a State of this Union the court is, by virtue of the history of the judiciary article, justified in inquiring whether or not the case is one that affects the national peace and harmony.

The view that in any event the court ought not to entertain this petition unless it discloses a real grievance on the part of Cuba finds support in the genesis of the article declaring the extent of the judicial power. The subject of the jurisdiction of the judiciary was first considered by the committee of the whole, and that committee reported the following clause: "The jurisdiction of the national judiciary shall extend to all cases with respect the collection of the national revenue, impeachment of any national officers, and questions which involve the national peace and harmony."

When this report came to be considered by the convention there was some objection, and Mr. Madison offered a substitute for the report, which was adopted without opposition. The substitute is as follows: "The jurisdiction of the national judiciary shall extend to all cases arising under the national laws, and to such other questions as may involve the national peace and harmony."

The court is justified in giving to the case a consideration not unlike that which would be given it by the Department of State were it presented to that department for settlement by diplomatic negotiations. In the absence of the jurisdiction of this court diplomatic negotiations would be the only avenue through which the claim for the payment of the bonds could be made, and the instant and conclusive answer of the Department of State would undoubtedly be that North Carolina had done nothing to the injury of Cuba, and if that Republic was in any danger of losing any money, it was because of her officious, if not pernicious, interference with a situation that in no way concerned her.

III.

My third proposition is that, without reference to the eleventh amendment, the original clause in the Constitution, extending the judicial power of the Federal Government to controversies between the States of the Union and foreign powers, did not contemplate that a foreign Government could maintain an action in court against a State of this Union, to enforce the payment of a bond floated by such State, without the consent of the State.

This proposition is supported by the following considerations:

1. When this clause was written no such action was known to judicial power. The whole world of jurisprudence conceded and asserted that the King—the Government—was immune from the processes of the courts at the instance of subjects or aliens. The wayfaring man understood that if he loaned money to the Government his sole security was the good faith of that Government. A suit in court by an individual against a government, without its consent, to enforce the payment of a debt was unheard of; a suit in court by one sovereign power against another to enforce the payment of a debt was undreamed of. No European power was more jealous of its sovereignty than were the States of this Union at the time the Constitution was written. No more startling proposition could have been submitted to the fathers assembled at Philadelphia than one to clothe a foreign power with the right to sue a State for debt without its consent. The whole history of the Colonies and of the States shows that such a proposition would have been refuted instantly and with indignation. Every light and shade in the history of the Commonwealth of Massachusetts, the temper of her great leaders, the whole course and color of her civilization show with mathematical certainty that if the proposition now urged had then been presented, Massachusetts would have thrown it overboard as promptly as she dumped tea that she did not like into Boston Harbor.

It is inconceivable to a mind acquainted with the elementary facts of history that the framers of the Constitution intended to clothe, not to say conceal, an innovation so radical in the few simple words of the Constitution. Hamilton could not conceive it. Impressed as he was with the necessity for a strong central Government, he could not understand how anyone could think the Constitution was capable of the construction that a sovereign State could be sued for debt without its consent. He voiced this conviction in his speech before the New York convention when he then said. "It has been suggested that an assignment of the public securities of one State to the citizens of another would enable them to prosecute that State in the Federal courts for the amount of those securities—a suggestion which the folowing considerations prove to be without foundation: It is inherent in the nature of sovereignty not to be amenable to the suit of an individual without its consent. This is the general sense and the general practice of mankind; and the exemption, as one of the attributes of sovereignty, is now enjoyed by the government of every

State in the Union. Unless, therefore, there is a surrender of this immunity in the plan of the convention it will remain with the States, and the danger intimated must be merely ideal. The circumstances which are necessary to produce an alienation of State sovereignty were discussed in considering the article on taxation, and need not be repeated here. A recurrence to the principles there established will satisfy us that there is no color to pretend that the State governments would, by the adoption of that plan, be divested of the privilege of paying their own debts in their own way, free from every constraint but that which flows from the obligations of good faith. The contracts between a nation and individuals are only binding on the conscience of the sovereign, and have no pretension to a compulsive force. They confer no right of action independent of the sovereign will. To what purpose would it be to authorize suits against States for the debts they owe? How could recoveries be enforced? It is evident it could not be done without waging war against the contracting State; and to ascribe to the Federal courts by mere implication, and in distraction of a preexisting right of State government, a power which would involve such a consequence would be altogether forced and unwarrantable.

These were the views of Hamilton when he was urging the people to accept the work of the Philadelphia convention. Later, in 1795, when he was Washington's Secretary of the Treasury, he reiterated these convictions. In his annual report for that year he said: "Public debt can scarcely in legal phrase be defined either as property in possession or in action. It is evidently not the first until it is reduced to possession by payment. To be the second would suppose a legal power to compel payment by suit. Does such a power exist? The true definition is, such a property subsisting in the faith of the Government. Its essence is promise. Its definite value depends upon the reliance that the promise shall be definitely fulfilled."

Precisely the same views were expressed by Madison and Marshall in the Virginia convention in answer to the criticisms of Patrick Henry and George Mason. Mr. Madison said: "I do not conceive that any controversy can ever be decided in these courts between an American State and a foreign State without the consent of the parties." If they consent, provision is here made. The dispute ought to be tried by the national tribunal. This is consonant to the law of nations." (In 3 Elliott's Debates, p. 533.)

In the same convention Mr. Marshall said: "I hope that no gentleman will think that a State will be called at the bar of the Federal court. Is there no such case at present? Are there not many cases in which the Legislature of Virginia is a party and yet the State is not sued? It is not rational to suppose that the sovereign power should be dragged before a court." (In 3 Elliott's Debates, pp. 555, 556.) At page 557 Mr. Marshall said: "If a foreign State brought a suit against the Commonwealth of Virginia, would she not be barred from the claim if the Federal judiciary thought it unjust? The previous consent of the parties is necessary; and, as the Federal judiciary will decide, each party will acquiesce. It will be the means of preventing disputes with foreign nations."

These views of Hamilton, Madison, and Marshall are in precise accord with the opinion given by Daniel Webster to Baring Bros. in 1839. In that celebrated opinion Mr. Webster said: "The security for State loans is the plighted faith of the State as a political community. It rests on the same basis as other contracts with established governments, the same basis, for example, as loans made by the United States under the authority of Congress; that is to say, the good faith of the Government making the loan and its ability to fulfill its engagements."

This short paragraph sums up the law and the philosophy of the subject. It is a statement clear as day of what was understood to be the law at the time the Constitution was written by all men, from the judge on the bench to the huckster on the streets. These authorities justify the conclusion reached by Thorpe in his constitutional history of the United States: "That the Constitution was adopted with the understanding that a sovereign State could not be sued in a Federal court can not be doubted if the complete evidence is duly weighed." (Vol. 2, p. 270.)

And departure from this interpretation will inevitably produce a brood no man can number of the very controversies the designers of the Constitution endeavored to prevent.

This interpretation placed upon the Constitution by Madison and Hamilton, two of its ablest champions, and by Marshall, its first great interpreter, has been acquiesced in by the whole world by a century and a quarter of inaction. It is a wise and salutary principle that when an alleged power under a statute has never been invoked through a long period of years, a presumption arises that no such power was ever conferred, and this rule is intensified in this case by the fact that Hamilton, Marshall and Madison from the beginning unequivocally denied the existence of any such power.

The proposition that a foreign State can not sue a State of the Union without its consent finds support in the consideration that a binding jurisdiction ought to be binding on both parties to the controversy. No one will say that this court is clothed with any power to call the Republic of Cuba before it. It is equally without power to enforce any judgment of any sort against the Republic of Cuba. As to Cuba, this court must at every stage of the case act only as a court of arbitration, without power to enforce its judgment. Such a status forces the conclusion that Madison, Marshall, and Hamilton were correct in declaring that only when the State consents to it can it be sued by a foreign power.

It is elementary and axiomatic that neither the law nor the Gospel ought to be interpreted in disjointed sections, but that every part should be studied in the light of the whole. Now, if we take Article I, section 10, and Article III, section 2, of the Constitution and read them together and in the order in which they are written in the Constitution, we will have this: "No State shall enter into any treaty or alliance with any foreign power, and no State without the consent of Congress shall make any agreement or compact with any foreign State, and the judicial power shall extend to controversies between a State and a foreign State." Clearly the first clause modifies the second, and it is plain that it was not intended for the judicial power to extend to controversies growing out of relations forbidden by the first clause. The controversies must not be made, they must be born. They can neither be bought nor borrowed, but they must be original controversies growing out of the necessary relations of a State and a foreign Government, while each is in the exercise of its sovereign power, or out of agreements entered into by and with the consent of Congress. Read and interpreted in this way the judicial power is given its full scope, and at the same time the inhibition of the Constitution against all bargains and agreements between a State and a foreign Government is fully observed.

IV.

My fourth proposition is that the Republic of Cuba, in seeking to enforce in this court the payment of repudiated State bonds, with whose origin and initial sale she had absolutely no connection, is guilty of a transparent attempt to nullify the eleventh amendment to the Constitution of the United States.

I assume that the purpose of the eleventh amendment was to protect the States and not to punish individuals. But if bonds bought by individuals can be sold to a foreign Government which can in turn enforce their payment in this court, then the net result of the amendment is to impose a hardship on individuals without securing to the State any immunity it did not therefore enjoy.

Another startling result of such a construction is that a Constitution framed to promote the general welfare of the people of the United States, guarantees to a foreign Government rights and privileges that are utterly denied to a citizen of this country.

There are no facts in our constitutional history better known than those which led to the adoption of the eleventh amendment, and these facts show beyond all question that the purpose of the amendment was to make it forever plain that the plighted faith of the State is the only security for the payment of its obligations.

After the amendment passed the Senate an amendment to the amendment was offered in the House, limiting the exemption from suits in the Federal courts to those States which provided in their own laws for suits to be prosecuted against them to effect. This qualification was rejected by a vote of 77 to 8, and this vote shows how utterly opposed the representatives of the people were to anything that savored of interference with a State in the way and manner in which it should discharge its own obligations.

But such interference is effective and complete if the individual can assign his holdings to a foreign power, which can in turn enforce their payment in this court. Such a construction utterly ignores that maxim of equity so strikingly stated by Mr. Justice Wilson in Chisholm *v.* Georgia—"Causes and not parties to causes are weighed by justice in her equal scales. On the former solely her attention is fixed; to the latter she is as she is painted—blind."

Looking, as this court always looks, with X-ray power through the form to find the very heart of the case, the court must see at a glance that Cuba has no grievance against and no controversy with the State of North Carolina; that she is not the real moving party in the case, but that wittingly or unwittingly she is being made the tool of men who are seeking to plow around the eleventh amendment to the Constitution of the United States. The tactics employed are the reverse of those practiced in an ever memorable fraud, for here the voice is the voice of Esau, but the hand is the hand of Jacob. If such tactics shall prove successful, if foreign powers that have no controversy with a State of this Union can assume or buy one, then I see no insuperable obstacle in the way of creating a principality or republic that out of gratitude for its existence would in turn create whatever controversies may be desired. It does not tax the imagination to see some adventurous spirit gathering up all the repudiated bonds of all the Southern States, carting them across our southern border, and there finding some ambitious patriot who, for the very love of the bonds, will rise up and assert and peradventure prove that he is Mexico.

But the authorities and the reasons that support the proposition that this is an attempt to nullify the eleventh amendment are set forth in the dissenting opinion in the South Dakota case in convincing array. I have studied this phase of the case with religious intensity seeking for some new argument, some new light, but I find myself unable to add one jot or tittle to that opinion. Its logic, and the logic of Bradley in Hens *v.* Louisiana, and of Iredell in Chisholm *v.* Georgia stands unanswered and unanswerable.

May it please your honors, I have never regarded lightly any opinion of this court, even though handed down by a bare majority. My feeling toward this tribunal through all of its history amounts to veneration. My faith is of the quality of the old patriarch when he exclaimed, "Though he slay me yet will I trust him." But despite this veneration—no, I will say because of this veneration—I stand here to-day and ask this court to declare that the opinion in the South Dakota case is not the law. I am driven to ask this by a conviction I can not escape—that when our Constitution was written there was not a man who gave to its making the travail of his soul, not one who championed it in the great debates before the people when the very life of the Nation was at stake, who ever said, or thought, or dreamed that under that sacred compact a foreign power is authorized to forget its sovereignty, descend to the level of a pawnbroker, hang out three balls, and, yielding to lust for unholy profit, traffic in securities so dishonored they can find no other market, and then bring them for enforcement to this high court of conscience, that throughout its history has stood before the whole world, even as the great Law Giver of Israel stood when he came down from the mountain top with the statutes of the Lord God Almighty in his hands and "wist not that his face shone."

V.

My last proposition is that even though the court should feel constrained to adhere to its decision in the South Dakota case, the case at bar differs fundamentally from that case in that so far as the court proceeded at all in the South Dakota case it proceeded in rem, while the present case involves a proceeding strictly in personam.

The difficulties that confront the court in such a proceeding were well stated by Mr. Justice Brewer in the South Dakota case, and he made no attempt to solve them. The only possible way the court could render an affective judgment in this case would be to issue compulsory process against the general assembly of the State, and the whole fabric of English liberty is built up on the principle that this can not be done. The one great right of the Commons, the people, was to say how and when the public money should be collected and paid out, and neither court nor king could coerce them. When the decision of Chisholm *v.* Georgia was handed down the legislature of that State at once enacted a law making it a hanging crime for any officer of the State of Georgia to pay anything on the judgment.

Speaking as an official of the State of North Carolina, and from an intimate knowledge of our people, I can safely say that no matter what the judgment of this court may be, North Carolina will not follow the example of Georgia, nor will it pass any law that could possibly be construed as disrespectful to this tribunal. But as an official of the State the thing that distresses me is that if this court should make it a hanging crime not to pay the judgment, I do not know where I could get the money.

We are doing what we can to bring the old State up and make her a credit to the family, and I know that in running out schools and

courts and public institutions of all kinds after levying the limit of taxation allowed by our constitution, the administrative officers of the State are daily confronted with that sorest task of man alive, to make 3 guineas do the work of 5.

A last word. I said that Cuba comes into this court by grace; North Carolina is here by right. She is of the blood of the covenant. Her name is forever linked with some of the brightest pages of the Nation's history. In 1865 our people accepted in the utmost good faith the arbitrament of the sword. The prejudices and passions engendered by that titantic struggle have passed away, and to-day Connecticut is not more loyal than Carolina. We are not only loyal to the Union but we love it, and are teaching our children to love it more and more. Over every schoolhouse the flag floats, and the first note of the Star Spangled Banner brings every child to his feet. To-day while we debate a question that involves the character of our people and the very destiny of our State, far to the south 3,000 North Carolina boys man the frontier, ready at the word of command to leap forward with "the cry that rang through Shiloh's woods and Chickamauga's solitudes" and do and die for the Nation's weal.

As we are doing our part in making and protecting the Nation, we have a right to look to the Nation to protect us from a band of marauders that by the cause of our alien hand would filch from us both our purse and our good name. We do not flee from this court. We look to it as our hope and our reliance.

"Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with Thee, are all with Thee."

NANTICOKE RIVER BRIDGE.

Mr. FLETCHER. I ask unanimous consent for the present consideration of Order of Business 810, being the bill (S. 7359) authorizing the Delaware Railroad Co. to construct, maintain, and operate a bridge across the Nanticoke River at Seaford, Sussex County, Del.

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

There being no objection, the Senate, as in the Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment.

The amendment was, on page 1, line 7, after the words "Nanticoke River," to insert "at a point suitable to the interests of navigation."

The amendment was agreed to.

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

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

BASIS OF REPRESENTATION.

Mr. SHERMAN. Mr. President, I submit the following Senate resolution and ask that it may be read by the Secretary and go over under the rule.

The PRESIDENT pro tempore. Without objection, the Secretary will read the resolution.

The Secretary read the resolution (S. Res. 315), as follows:

Resolved, That the following governmental conditions attending the election of President of the United States under the electoral system and the representation of the people of the United States in the House of Representatives imperatively demand in a republican form of government remedial legislation to the end that the representation of population, not merely in the census returns, but who are permitted under undiscriminating laws and the administration thereof to participate in self-government by active and effective voting, so that the controlling vote of no State shall be cast solely by a minority of its population and still retain its full representation and influence in elections on the basis of that population:

First. The returns of successive elections prove conclusively that both presidential electors and Representatives in Congress receive from two to six times a greater percentage of votes to the total population in some States than in others, resulting in overrepresentation in certain States.

Second. Representatives in Congress represent in the districts of certain States a grossly disproportionate actual vote cast compared with the actual votes cast in districts of other States, so that the election of Representatives does not signify popular government, but unfair representation of the people who are not permitted to exercise acts of self-government which would longer justify those who do from having the representative power for those who do not.

Third. The ratio of representation fixed in the last congressional apportionment act is 211,877 for each of the 435 districts in the United States, and the acts of the legislatures of the several States have created districts within their respective States accordingly.

Fourth. The percentage of actual votes to the whole population in some districts and States is so low compared with the actual votes cast in other States and districts proportionate to the latter's population as to demonstrate that in the first-named States and districts the potential vote is habitually suppressed or omitted.

Fifth. The acts of various State legislatures in the States which cast such low percentages of actual votes contain provisions commonly known as "grandfather clauses" or "literacy tests," so applied as to exempt from their operation certain of their population and disfranchise the remainder of the voting population, and those election laws, with certain other well-known conditions attending national elections in such States are the causes of the suppression or omission of such votes, resulting in the unjust overrepresentation named in paragraphs 1 and 2.

Sixth. Recent decisions of the United States Supreme Court prior to the November, 1916, elections have declared in the Oklahoma and Maryland cases that the amendments to the Oklahoma State constitution in one case and the statutes of the State of Maryland in the other unlawfully exempted in their operation certain citizens from the tests there imposed and applied such tests to the remainder in such a way as unlawfully to deprive them of the right to vote.

Seventh. It becomes material to a free representative form of government to know if acts of a nature similar to those referred to in paragraph 6, so declared to be void, were in force and applied by the State election authorities in certain States of the Union in the November, 1916, election of Representatives in Congress and the electoral ticket.

Eighth. If Senate joint resolution No. 193 was offered since the decision of the Supreme Court in the Oklahoma and Maryland election cases, whether it was offered as a notice or a menace to the United States Supreme Court or the members thereof that it or they must not assume, except under penalty of vacating their judicial offices, to decide acts of Congress or statutes or constitutions of States unconstitutional if they, or any of them, are in contravention of the Constitution of the United States.

Ninth. Congress, and especially the Senate, is now concerning itself in the publicity of campaign expenses and the corrupt practices at elections, seeking to regulate and prevent the same. The suppression of the votes of an entire race authorized under the Constitution of the United States to exercise all the rights of citizenship, including that of voting, and preventing them from taking any part in elections in nearly one-fourth of the States of the Union is, in the opinion of this Senate, of equal, if not greater significance and requires legislation more urgently to vindicate representative government than to regulate or suppress the practices complained of in the publicity of campaign expenses and alleged corrupt practices in elections.

Tenth. The second section of Article XIV of the Constitution of the United States provides that—

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State": Therefore be it further

Resolved, That the Senate Committee on Privileges and Elections be, and is hereby, directed to investigate the foregoing conditions and recommend a measure or method whereby either the decisions of the United States Supreme Court may be enforced in the several States of the Union on the matters heretofore named, and the conduct of the several States so persisting, if they do in holding elections under such acts of such States be properly dealt with, so as to secure the rights of all qualified voters, or, in default thereof, that the representation from the offending State or States be reduced pursuant to the mandatory provisions referred to in paragraph 10.

Mr. SMITH of Michigan. Mr. President, I understand the resolution goes to the Committee on Privileges and Elections.

The PRESIDENT pro tempore. The Senator from Illinois has asked that the resolution may lie over under the rule for one day, as though objected to.

Mr. SMITH of Michigan. Mr. President, if the Chair will indulge me for a moment, I see both the Senators from Texas here, and I desire to make an observation pertinent to the question raised by the resolution of the Senator from Illinois. It will take only a moment.

Michigan cast 625,872 votes in the recent presidential election, has 13 Representatives in Congress, and 15 votes in the electoral college. Texas cast 306,420 votes and has 18 Representatives in Congress and 20 electoral votes. With less than half as many votes as Michigan, Texas has one-third more representation here in Congress and counts for one-third more in the election of a President of the United States. One voter in Texas has 33⅓ per cent more voice in the Government than two voters in Michigan.

I wish to state further that under the present administration Michigan has contributed $32,804,000 in internal revenue for the support of the Government, and has received $3,170,000 in Federal appropriations. Texas has contributed $8,898,000 in internal revenues and received $5,231,000 in Government appropriations. With one-half the votes but one-third more representation, Texas has obtained nearly twice as much in Government favor as the State which I have the honor to represent in part. I think that there should be equality among the States—equality of representation and equality under the Constitution and the laws.

If this situation, which I assert with positiveness, does exist, it calls for some remedy at the hands of Congress, which has power to equalize not only representation but, generally speaking, the privileges of government as well.

I may not be on the floor when this resolution comes up for final consideration, but I do hope whenever it is presented it may receive such attention at the hands of Senators as its importance deserves.

Mr. WALSH. Mr. President——

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

Mr. SMITH of Michigan. Certainly.

Mr. WALSH. I received a communication from some gentleman the other day which called my attention to the fact that my State did not get as much in appropriations in proportion to its population and voting strength as some other States did. The thing did not appeal to me at all.

Mr. SMITH of Michigan. I will say to the Senator from Montana that would not appeal to me.

Mr. WALSH. Do I understand the Senator from Michigan to take the position that the appropriations made by Congress ought to be distributed around among the several States in proportion to their voting strength?

Mr. SMITH of Michigan. No, Mr. President; if the statement made by the Senator from Montana had been made to me I should regard it as lightly as does the Senator from Montana; but I know of no reason in the world why Texas should have a greater voice in the choice of a President of the United States and greater representation in Congress with only one-half the vote which Michigan casts.

Mr. HARDWICK. Will the Senator yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Georgia?

Mr. SMITH of Michigan. I ought first to yield to the Senator from Montana, who first addressed me.

Mr. HARDWICK. I thought the Senator from Montana was through. Does not the Senator from Michigan know that the voice Texas has in those questions is determined by population and not by voting strength, according to the Constitution of the United States?

Mr. SMITH of Michigan. No; I think it is unfair to count all the people of Texas for purposes of enumeration and representation and then abridge the rights of citizens in Texas.

Mr. HARDWICK. That is not the question. The Senator is complaining about a plain provision of the Constitution of the United States.

Mr. SMITH of Michigan. No; I am not.

Mr. HARDWICK. Representation is based on population.

Mr. SMITH of Michigan. I claim that either the representation of Texas is greater than it should be and out of proportion to her population, or else the voice of her population is stifled in the exercise of a plain constitutional right.

Now, I want to correct my honored friend from Montana. I did not say that appropriations should go with voting strength. That would be absurd. No Senator would say that. But I do say that the burdens of government should be distributed fairly, and it is at least unfair that the State which I have the honor to represent in part should bear a disproportionate share of the burdens and expense of the Government.

Mr. HARDWICK. Will the Senator yield again?

Mr. SMITH of Michigan. Yes.

Mr. HARDWICK. Those laws operate impartially throughout the Union, in every State in the Union.

Mr. SMITH of Michigan. They do not operate impartially. The Senator knows that it has been the policy of his party to pass laws in such form as would bear most heavily on industry in the North.

Mr. HARDWICK. Mr. President, the Senator can not put any such words as that in my mouth. The Senator from Georgia does not know anything of the kind.

Mr. SMITH of Michigan. I will withdraw the imputation. The Senator is always fair.

Mr. HARDWICK. I do not think the Senator from Michigan knows any such thing, either. Of course, the Senator may contend that, but before no thoughtful forum will such a proposition as that ever be successfully maintained.

Mr. SMITH of Michigan. Now, let us see a moment. I do not want to prolong the discussion, and I did not start it; but under the present administration of the National Government my State has contributed $32,804,000 to the public revenue under laws which heavily penalize prosperity.

Mr. HARDWICK. Has the Senator made any such comparison as to show what the States contributed under the last administration and the administration before that? I hope the Senator will do so.

Mr. SMITH of Michigan. Yes; I made a comparison that would be exceedingly interesting to the Senator, because under laws which I have assisted in passing when my party was in power the burdens of public expense have been met by collecting duties on imports according to the historical policy of our Government from its foundation, thus safeguarding our industries and collecting with certainty the necessary revenues.

Mr. HARDWICK. It comes back to the tariff question, then?

Mr. SMITH of Michigan. Yes. I will say to the Senator from Georgia it comes back where you are coming, I think, very slowly, but I think very surely, much against your will. However, necessity prompts you. You must reestablish that principle which your party has torn down with such ruthless hands, or face a demoralized and exhausted Treasury. We never felt called upon to appear before the country as apologists for our financial system; we never have been called upon to face an apparent deficit of over $300,000,000 in the revenue in a single year; and it was because we levied our duties according to the historic policy of this Government for over a century of its marvelous prosperity. I am not going to say any more; I did not intend to say as much, but the resolution of the Senator from Illinois quickened my resentment.

Mr. MARTINE of New Jersey. Will the Senator from Michigan yield to me for a moment?

Mr. SMITH of Michigan. I would yield to the Senator, but I can not do so at this moment, for it would interrupt the continuity of my thought.

Mr. MARTINE of New Jersey. I would not consent to do that on any account.

Mr. SMITH of Michigan. I reassert the statement which I made at the beginning, that while Michigan has contributed $32,000,000 in internal revenue under this administration, that marvelous empire, the imperial State of Texas, a State which I greatly admire and whose people I most highly respect; which is so ably represented upon the other side of the Chamber—Texas, that once felt herself nearly strong enough to stand upon her own feet as an independent entity in the family of nations, actually contributed but $8,898,000 to the internal revenue, and received in return, by the favor of this administration, $5,232,000 of Government appropriations. Perhaps we ought not to complain, but I do not think that is fair. I am willing that Texas should get all the appropriations that she needs; I have voted for a great many of them, but I think that if people are to be counted for purposes of representation they are still citizens on election day; if they are to be counted for purposes of enumeration and representation, they ought to be permitted to vote in accordance with the constitutional right of citizenship.

Mr. HARDWICK and Mr. SHERMAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Georgia.

Mr. SHERMAN. Before the Senator proceeds——

Mr. SMITH of Michigan. Will the Senator pardon me a moment while I interject a very pertinent and appropriate reference to this entire subject, which is found in the Constitution of the United States? The language of the Constitution reads:

> But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Mr. President, my friends upon the other side of the Chamber may quarrel with the Constitution if they like. We have been supine and indifferent to the rights of our fellow citizens in other States; we have shown a delicate and scrupulous regard for the proprieties of our national situation; but when the great State of Texas has a third more representation in the Congress of the United States than has the State of Michigan, from which I come, and when we cast 668,000 votes for President of the United States while Texas casts but 300,000, I think the situation calls for some attention. There is a very disproportionate representation from many States in the North or a very exaggerated representation from many States in the South. When I say this I do not mean to give offense, I mean to emphasize a glaring inequity in our present plan of representation.

Mr. SHEPPARD and Mr. SHERMAN addressed the Chair.

The PRESIDENT pro tempore. The Chair had recognized the Senator from Georgia [Mr. HARDWICK].

Mr. SMITH of Michigan. I had told the Senator from Illinois [Mr. SHERMAN] that I would yield for a question.

The PRESIDENT pro tempore. The Senator must address the Chair before seeking to interrupt.

Mr. SHERMAN. I wish to inquire of the Senator from Michigan about a matter which I expect to use later in considering the corrupt-practices act; namely, the menace or threat contained in Senate joint resolution 195 to the Justices of the Supreme Court of the United States, that they will be removed from office if they persist in declaring acts of Congress unconstitutional?

Mr. SMITH of Michigan. Well, but such a law has not yet passed Congress, has it?

Mr. SHERMAN. No.

Mr. SMITH of Michigan. Does the Senator from Illinois think that there is any likelihood that it will even receive serious consideration?

Mr. SHERMAN. Mr. President, anything will receive careful consideration in this body, and the more ridiculous it is the more apt it is to receive favorable consideration. [Laughter.]

Mr. SMITH of Michigan. I have been here longer than has the Senator from Illinois, and I have seen a great many foolish things done here, but I have never in my life seen anything quite so grotesque as the proposition the Senator has described.

Mr. SHERMAN. Mr. President, the Senator has served longer than have I, but he never saw such a Senate as this.

Mr. SMITH of Michigan. Oh, Mr. President, I will not say that. I look about this Senate and compare it with those that have preceded it. I do not now see many men of long service here who have made national and international fame. I do not see here the stalwart figure of Roscoe Conkling or that of James G. Blaine or that of David B. Hill, who used to grace a seat in yonder corner of the Chamber, about where the Senator from New Jersey [Mr. MARTINE] now sits. I do not see many eminent men who have come and gone, like Lamar and Vest and Morgan, like Allison and Spooner and Platt; but I do see men with great ability, high character and honesty, integrity, and patriotism here; and if they are permitted to remain as long as their predecessors remained I dare say their fame will be none the less resplendent.

The old method of electing Senators was calculated to season the candidate for future prestige and long service. The new system gives wider scope and greater freedom to the ambitions of our citizens, and the most popular is not always the best fitted. But as I look at the State of New York and its representation to-day I do not think it has suffered. I think it bears very favorable comparison with former days. As I look at the representation from Ohio I do not think it has suffered by the changes that have taken place. I do not think Illinois has suffered in her prestige by the changes here; I do not think that Georgia or Mississippi or Alabama or Colorado or North Carolina or Iowa or any of these great States of the Union have suffered by the changes. The men who are here are intelligent, upright, patriotic men, painstaking in the performance of their duties; but they are dealing with a situation that is very different from that which confronted their predecessors. New questions call for new review.

No; I do not despair of the Senate. And I think action on the measure to which the Senator from Illinois has called my attention will reveal in a new light the patriotism and the intelligence of Senators upon both sides of this Chamber. I do not believe a half dozen votes can be found on either side of the Chamber for such a bill. The attempt to curb and to discipline the Supreme Court of the United States will fail, as it should fail, to receive the approval of the American people or their representatives here.

No; Mr. President, I am not ready to say that there has been any decadence in the public life of our country.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Oklahoma?

Mr. SMITH of Michigan. I am through, and I yield the floor gladly to the Senator, unless he cares to interrogate me.

Mr. OWEN. I merely want to ask the Senator whether he is aware that the Congress of the United States, by the Constitution of the United States, has the lawful right to control the cases that should go on appeal to the Supreme Court?

Mr. SMITH of Michigan. Oh, undoubtedly, to a limited extent; but the Supreme Court, in passing upon the cases that come before it for adjudication, always have in mind the constitutional safeguards which have been thrown about the rights of person and property in this Republic, and we are beating our heads against a stone wall when we attempt to coerce or restrict the steady and even flow of justice from a tribunal created by the same hand which gave life to the legislative department of the Government.

Mr. OWEN. Does the Senator take the position that after the Senate of the United States and the House of Representatives of the United States and the President of the United States, upon their oaths, have passed a bill, thereby declaring it constitutional, they are guilty of a violation of their oath of office if the Supreme Court declare it unconstitutional?

Mr. SMITH of Michigan. No; Mr. President, Congress and the President have simply shown their ignorance of the fundamental law, the court must correct them when in error. I take the position that this Government has been divided into three distinct and separate branches, each in its own sphere, independent and supreme. Those three spheres—the executive, the legislative, and the judicial—get their dignity and their strength from their constitutional right of independent action, and it little becomes the Congress of the United Sates or the Executive to undertake to coerce or unduly influence either of the other departments of the Government, and any resolution or any law intended to coerce the judiciary of our country in the performance of its constitutional duty should be and will be discouraged and defeated by intelligent men who love their country and respect its organic laws.

Mr. OWEN. Does the Senator take the position that the Congress of the United States can have its acts nullified at will by the judiciary?

Mr. SMITH of Michigan. Yes, Mr. President. When they are in conflict with the Constitution of the United States, which is the fundamental law.

Mr. OWEN. Then the Senator takes the position that nine gentlemen on that court, or a majority of them, have a greater knowledge of the law, and that they have more power under the Constitution, than the Congress of the United States, which by that instrument was vested in effect with the sovereign power belonging to the legislature which is enumerated there—the right to tax the people of the United States, to expend the money taxed from the people of the United States, to declare war, to make peace, and to make treaties with foreign countries.

Mr. SMITH of Michigan. Oh, Mr. President, it would be a sad day for this Republic when the constitutional power of our highest judicial tribunal is restricted and restrained and its solemn judgment nullified by men holding place in a coordinate legislative or executive department of the Government.

Mr. OWEN subsequently said, Mr. President, I was interrupted when I wanted to put into the RECORD the joint resolution which I introduced bearing upon the question then under discussion, which joint resolution was criticized by the Senator from Illinois [Mr. SHERMAN]. I desire at this point to have that joint resolution inserted in the RECORD without reading. It is Senate joint resolution 195.

The PRESIDING OFFICER (Mr. KIRBY in the chair). Is there objection? The Chair hears none, and it is so ordered.

The joint resolution referred to is as follows:

Joint resolution (S. J. Res. 195) forbidding Federal judges to declare any act of Congress unconstitutional and providing penalties therefor.

Whereas the Constitution of the United States gives no authority to any judicial officer to declare unconstitutional an act which has been declared constitutional by a majority of the Members of the United States Senate and of the House of Representatives and by the President of the United States, who, on their several oaths, have declared the opinion in the passage of such act that it is constitutional; and

Whereas in the Constitutional Convention, in which the Constitution of the United States was framed, the motion was three times made to give to the Supreme Court in some mild form the right to express an opinion upon the constitutionality of acts of Congress and was three times overwhelmingly rejected; and

Whereas such assumption of power by the Federal courts interferes with the reasonable exercise of the sovereignty of the people of the United States and diverts it from the hands of the representatives of the people in Congress assembled to a tribunal appointed for life and subject to no review and to no control by the people of the United States, and is therefore against a wise public policy; and

Whereas the declaration by any Federal court that the acts of Congress are unconstitutional constitutes an usurpation of power: Therefore be it

Resolved, etc., That from and after the passage of this act Federal judges are forbidden to declare any act of Congress unconstitutional.

No appeal shall be permitted in any case in which the constitutionality of an act of Congress is challenged, the passage by Congress of any act being deemed conclusive presumption of the constitutionality of such act.

Any Federal judge who declares any act passed by the Congress of the United States to be unconstitutional is hereby declared to be guilty of violating the constitutional requirement of "good behavior" upon which his tenure of office rests and shall be held by such decision ipso facto to have vacated his office.

SEC. 2. That the President of the United States is hereby authorized to nominate a successor to fill the position vacated by such judicial officer.

Mr. OWEN. Mr. President, since it is perfectly obvious that Congress can make such exceptions and provide the regulations under which the appellate jurisdiction of the Supreme Court may be exercised, if Congress henceforth permits the inferior courts to declare unconstitutional and void the acts of Congress and permits such cases to be appealed to the Supreme Court, any regulations which would permit that court to pass upon the constitutionality of the acts of Congress and to declare such acts unconstitutional and void, then the Congress of the United States will be itself abdicating the sovereign power of the people of the United States. I shall never consent to this. I do not feel willing, as a representative of the people of the United States, to yield the sovereignty vested in the people and in their representatives in Congress.

I think it is against a wise public policy to permit this. It makes it impossible for the people of the United States ever to know what the law is according to our written statutes if we allow this judicial control; it introduces an element of confusion and uncertainty in the meaning of the laws, and makes it impossible for the people of the United States, with certainty and precision, to determine questions of public policy through the National Legislature or to hold the National Legislature responsible to themselves for a failure to make effective such national policies.

In the great questions which are now arising in the country before us, it is, in my judgment, imperative that the people of the United States should be permitted to exercise their sovereign power through their delegates in Congress and to hold such delegates to Congress responsible therefor.

I desire also to have inserted in the RECORD paragraph 2 of section 2 of Article III of the Constitution, reading as follows:

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

So that the jurisdiction exercised by the Supreme Court of the United States is a statutory jurisdiction, made in pursuance of the Constitution, and it is within the power of Congress to preserve its own sovereignty by limiting the cases which may be appealed to that court and by instructing the inferior courts which are established by the statutory power of Congress.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. SMITH of Michigan. Certainly.

Mr. VARDAMAN. Mr. President, the Senator from Michigan is always interesting to me. The variety of his information and the boldness with which he expresses or asserts his opinions are not only interesting but very often instructive. Now, I shall not dispute with the Senator this afternoon as to the wisdom of the Supreme Court of the United States exercising the almost despotic power which it assumes to exercise; but I think it is an historic fact that the convention of 1787 which framed the Constitution did not intend to confer that power upon the court. The matter, I think, was four times distinctly submitted to that convention, and four times it was defeated. Notwithstanding the fact that the proposition had the support of such men as James Wilson, of Pennsylvania, and Madison, two of the most learned and influential members of the convention, it only received the vote of three States. In this statement I think I am historically accurate. I might add, also, that it is my opinion that if the Constitution had definitely conferred upon the court the power and authority which the court exercises to-day it would not have been adopted by a single State.

Mr. OWEN. There is no question about that, Mr. President.

Mr. SUTHERLAND. Mr. President——

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

Mr. VARDAMAN. I am through, Mr. President. I simply desired to make that statement that the distinguished Senator from Michigan [Mr. SMITH] might understand that the proposition made by the able and learned Senator from Oklahoma [Mr. OWEN] was not altogether new—it is not novel. On the contrary, it is a subject that has been discussed, and ably discussed, by some of the most learned lawyers that this country has produced. I trust the learned Senator from Michigan in the course of his illuminating discourse may throw more light upon this very important theme. It is entirely worthy of his genius.

Mr. SUTHERLAND. Mr. President——

Mr. OWEN. Mr. President, I might add to the comment——

Mr. SMITH of Michigan. I yield to the Senator from Utah for a moment.

Mr. SUTHERLAND. Mr. President, the statement made by the Senator from Mississippi [Mr. VARDAMAN] has been made by others a great many times. It has been made by the Senator from Oklahoma [Mr. OWEN]. The fact that it is an old statement does not make it a correct statement. I undertake to say that nothing of the kind described by the Senator from Mississippi ever occurred. No attempt was made in the framers' convention either to confer upon or to take away from the Supreme Court in express terms the power to pass upon the constitutionality of an act of Congress or of an act of a legislature of a State. What occurred was an entirely different thing. An attempt was made upon two or three occasions during that convention to confer upon the Supreme Court, in connection with the President of the United States, a veto power; to make, in effect, the Supreme Court a council of revision, and to confer upon that body, in connection with the President of the United States, a veto power over the legislation of Congress. Of course it requires no analysis to demonstrate that the power to say what the law *shall be* is a wholly different thing from the power which the Supreme Court exercises and has exercised for more than 125 years to decide what the law *is*.

The Constitution of the United States itself provides that the Constitution shall be the supreme law of the land. It is more than a compact; it is more than a contract between these 48 States; it is what it declares itself to be, "the supreme law of the land," made by the sovereign lawmaking body of the land, namely, the people themselves. Now, I submit that it is a matter too plain for argument, that when one of the agents of these sovereign people, namely, the Congress of the United States, undertakes to write a statute, and that statute in the regular consideration of a case properly before the Supreme Court is presented to the Supreme Court and the question is properly brought before that body as to whether or not that act of legislation is in harmony with the Constitution of the United States, which is the supreme law, the judicial power of the court to deal with that question at once attaches. If that body in the regular exercise of its jurisdiction is confronted with two instruments—the Constitution of the United States and a statute—the former of which is declared to be the supreme law and to which therefore every statutory enactment must correspond, the Supreme Court must follow the supreme law and not the statute which was passed in contravention of the supreme law. That is the exercise of judicial power. It is the normal and ordinary exercise of judicial power. It is exactly the power which any court exercises when it is confronted with two conflicting statutes, one of which says one thing and another which says an entirely different thing. Both can not stand. Of course the court must determine which shall stand. Ordinarily, it would take the later enactment as the one which stands. It would attempt to reconcile them, but if that were impossible, it would of necessity be obliged to determine that one was valid and the other void, because it is of the essence of judicial power to ascertain and declare what the law is.

Mr. OWEN. Mr. President, the difficulty with the Senator is that he begs the question.

Mr. SUTHERLAND. Just a moment; let me finish the thought, and then I will yield. When, therefore, Congress has passed an act, which is invoked in the course of proceedings before the Supreme Court, and it appears that that act is in contravention of the supreme law of the land, of course the courts can do nothing else except to declare the supreme law controls, and not the statute which is enacted in opposition to the supreme law.

Mr. OWEN. Mr. President——

Mr. SMITH of Michigan. I yield to the Senator from Oklahoma.

Mr. OWEN. The Senator ignores the fact that it is not the Constitution which is the supreme law of the land alone. It is the Constitution and the statutes passed by Congress in pursuance thereof.

Mr. SUTHERLAND. Precisely; and that emphasizes the point that I am making. It is not every statute passed by Congress that is the supreme law of the land, but it is, first of all, the Constitution of the United States, and, second, statutes passed in pursuance of the Constitution of the United States.

Mr. OWEN. They could not pass any statute except in pursuance of the authority granted by the Constitution.

Mr. SUTHERLAND. Certainly not. It is no law, then. It is a void thing. But it is perfectly obvious that if the Constitution be the supreme law of the land, anything else which contravenes it is not the supreme law of the land.

Mr. OWEN. The only authority which has the right to declare a law constitutional is the Congress of the United States.

Mr. SUTHERLAND. The Senator and I are in hopeless disagreement about that, and fortunately——

Mr. OWEN. I observe that, and for that reason I stated the case.

Mr. SUTHERLAND. The Senator is not only in disagreement with myself about that, but he is in disagreement with the best thought of the country for 125 years.

Mr. OWEN. That remains to be seen.

Mr. SUTHERLAND. And he is in disagreement with the decisions of the courts of the country for 125 years and in disagreement with the position occupied by both Houses of Congress and by all the Presidents of the United States from the beginning of this Government down to the present time.

Mr. FLETCHER. Mr. President, a question of order. I raise the point of order that this whole discussion is out of order.

The PRESIDENT pro tempore. The Chair thinks the point of order is well taken.

Mr. SMITH of Michigan. I appreciate the indulgence of the Chair. It was not my intention to proceed any further.

The PRESIDENT pro tempore. Concurrent and other resolutions are in order.

Mr. VARDAMAN. Mr. President, I just want to state at this point, in reply to what the distinguished Senator from Utah has said as to the historical accuracy of what I said regarding the limitation of the powers of the Federal Supreme Court as contemplated by the framers of the Constitution, that

I shall endeavor to establish at some time in the near future the accuracy of my statement.

Mr. SUTHERLAND. I shall be very glad to have the Senator undertake that impossible task.

Mr. SHEPPARD. Mr. President, if the Senate will pardon me, inasmuch as the Senator mentioned my State I want to say that the right to vote is not denied or abridged in any way in the State of Texas, and any intimation to that effect is as unkind as it is without any foundation whatever. The smallness of the vote is due to the fact that the Democratic Party is so overwhelmingly in the majority that less interest is felt in the national election, and less part taken in it, than in States where the contest is close. The population of Texas is over 4,000,000, while that of Michigan is a little over 3,000,000. Besides, any criticism of Texas comes with ill grace from the Senator from Michigan, because we have sent more money into Michigan for Ford automobiles than Michigan ever contributed to the Federal Government above appropriations received. [Laughter.]

Mr. MARTINE of New Jersey. Mr. President, in order that it may not appear that Texas is the only sinning one in the galaxy of our Nation, I have to portray a situation in the State of New Jersey which is very like the stiuation described by the Senator from Michigan [Mr. SMITH].

New Jersey, which cast 580,000 votes in the recent presidential election, has 12 Congressmen and 14 votes in the Electoral College. Georgia, which cast 137,056 votes, has 12 Congressmen and 14 electoral votes. With less than one-fourth as many votes as New Jersey, Georgia has the same representation and counts for as much in the election of a President. One voter in Georgia has the voice in Government of four voters in New Jersey. It may be that he is four times as valuable. I will not attempt to say that, but the people of New Jersey would not believe it.

Under the present administration New Jersey has contributed $47,853,559 in internal revenues to the support of the Government and has received $2,011,424 in Federal appropriations. Georgia paid $3,163,402 in internal revenue and received $1,874,579 in Government appropriations. With less than one-fourth the votes, but the same representation, Georgia has obtained nearly as much in Government expenditures, while paying approximately one-twelfth as much taxes.

Now, I will not attempt to contend that this may not be just or perhaps not fair or legal, but it does seem utterly inequitable and utterly unfair. I do not know. It may be I can attribute it—I thought that I could when I read this first—perhaps to the more industrious activity of the statesmen from Georgia and the statesmen from Mississippi than the statesmen from Michigan and the statesmen from my little Commonwealth. Whatever may be the cause, the result is the same; and I should like to join with the Senator from Michigan—whether he is a Republican or a Democrat, I do not care so much on a question of this kind—in seeing a little more equitable administration of these affairs.

Mr. HARDWICK. Mr. President, I do not feel that my State or the State of Texas, either, for that matter, can be put on trial in this body in any such way; and I am not disposed to accept very seriously the statements of Senators on either side. When the Senator from Michigan was proceeding I somehow or other felt that possibly nothing ought to be said, because after every election we allow certain latitude for disappointed people. They are allowed to kick a little without anything being said about it, very much as in old England it used to be that sailors while they were being flogged could say pretty much what they pleased about the King or the Government. I do not think the Senators expect us to take too seriously these sectional and quasi sectional arguments that they are making.

It is, however, a matter of concern to me that any Senator, whether he sits on one side of this Chamber or the other—and I am very glad, for the purposes of my remarks, that the two Senators who have taken occasion to do so sit on opposite sides of this Chamber, because it will relieve my remarks of anything like a partisan character—I am very sorry always when any Senator on either side of this Chamber uses his great position to create or tend to create in any way sectional rivalries or jealousies or enmites among the people of this country. I thought that in this body, at least, the day was past when statesmen of broad mind and broad view could regard that as a fitting position for them to occupy.

Unfortunately there have been periods in the history of this country when that sort of thing was all too common; but what we sow we reap. We sowed hatred on the floors of both of these Chambers of Congress, and we reaped a whirlwind before we finished. Surely the time has come when the good people throughout this country are sick and tired unto death of all this talk about the North and the South and the East and the West; and surely the day has come when in the Senate of the United States, at least, and in the Congress of our common country, sentiments of that sort are no longer popular, are no longer right, and ought not to be and will not be tolerated.

If the Senator from New Jersey or the Senator from Michigan can assail the justice of any appropriation that has been made the benefits of which extend to any State, North, East, South, or West, I think they will find that there are many Senators on both sides of this Chamber who will join them, regardless of locality or geography. It is utterly unfair, it is utterly ungenerous, it is utterly unstatesmanlike, for Senators to undertake to segregate appropriations by States, and to undertake to create feeling between States as well as between sections, on account of the relative size of appropriations.

If any appropriation that has been made for Georgia is wrong, fight it on its merits, and you will not find me defending it if I think you are right. If any appropriation that is made for Texas is wrong, fight it because it is wrong, not because it is for Texas, and I believe you will find the distinguished and able Senators from Texas agreeing with you if they believe you are right. But this proposition—narrow, infinitesimally small, unutterably little—of taking any State in this Union and saying: "Oh, this State got so much money and paid so much taxes," is one that will not appeal to the good sense of the American people, and will not appeal to the patriotism of the country.

What does it matter if the smallest State in this Union needs for proper Federal appropriations the largest amount of money of any State in the Union? What does it matter to any of us, if we are broad American statesmen, Senators from the whole country, and representing it all? What does it matter whether the State is Democratic or Republican? What does it matter whether it lies in the North or in the South or in the East or in the West? Surely statemanship in this Chamber has not yet sunk to any such level as that.

I say here and now to my friend from Michigan, whom I have known and loved through all these years, and to my friend from New Jersey, whom I have not known quite so well, but I have loved equally well, that if I know my own heart I would not vote against any appropriation for their States, because it went to the North or to the Middle West, nor would I fail to vote for any just and reasonable appropriation for any State in this Union, where I thought it was a proper appropriation of the Federal funds. I think that is true about almost every Senator who sits in this Chamber, whether he comes from one section or from another section of our common country.

One of my friends suggests, in an aside, that possibly some of these very revenues that Senators speak of may have been paid by the people of Georgia or the people of Texas. Quite true. We buy your automobiles, as my friend from Texas [Mr. SHEPPARD] suggested. We buy mules from Missouri. We buy horses from Kentucky.

Mr. SMITH of Michigan. Is that all you get from Kentucky—horses? [Laughter.]

Mr. HARDWICK. Well, it does not look like we are getting much more nowadays. [Laughter.] But I do not think the Senator ought to be entirely jocular about this thing.

Mr. SMITH of Michigan. I am not quarreling with the appropriations. I voted for many of these appropriations. What I am talking about is the distribution of the burdens of Government.

Mr. HARDWICK. Well, now, wait a minute. If the Senator voted for the appropriations, and he thought they were just and right, one by one and all in all, why should he come up and stand before the Senate of the United States and before the people of the United States and point out that a certain amount of dollars went to Georgia or a certain other amount went to Texas? Is that broad patriotism?

Mr. SMITH of Michigan. No; the Senator must state the facts correctly.

Mr. HARDWICK. I certainly would not do the Senator the slightest injustice.

Mr. SMITH of Michigan. The truth is that I said that Michigan had contributed $32,000,000 in internal revenue for the support of this administration, and had received about $3,000,000 in appropriations from this administration.

Mr. HARDWICK. And the Senator cited some other States.

Mr. SMITH of Michigan. While Texas has contributed $8,000,000 in internal revenue, and has taken out $5,800,000 of appropriations. Now, I am not complaining about the appropriations. I am quite liberal in my views of appropriations; but I think that the scheme of government devised by Senators on the other side in a caucus and in closed committee rooms which distributes the burdens of Government so skillfully, and yet so unfairly, that they weigh overheavily upon one State,

and out of proportion to what it should bear, is a proper subject of criticism.

Mr. HARDWICK. Mr. President, after all, I have not misunderstood the Senator's position. I did not think I had. I do not want to do him an injustice. He points to these matters in this way, whether for the purpose or not, certainly with the effect of having a tendency to excite sectional feeling in this country.

Mr. SMITH of Michigan. Oh, no; Mr. President, that is far from my purpose.

Mr. HARDWICK. Well, it was generally done in the recent campaign. I was surprised to see my friend from New Jersey join in it.

Mr. SMITH of Michigan. It was not done by me.

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. HARDWICK. Not, for the moment, to anybody. We whipped that sort of thing in this presidential campaign. To my great regret, almost to my shame as an American citizen, this is the first campaign in many years where I have seen any such sectional arguments made about appropriations and tax burdens as were made in this campaign; and this is the first campaign in many years in which I have seen even a presidential candidate stoop from what I consider his high place in order to revive, or attempt to revive, sectional feeling. The result was not gratifying to you on the Republican side. It was not pleasant to us. It seems to me that the sooner we get away from that sort of thing, and the longer we keep away from it and the farther we keep away from it, the better off we will be in all parts of this country, North, East, South, and West.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia now yield to the Senator from Michigan?

Mr. HARDWICK. For a question.

Mr. SMITH of Michigan. I simply wanted to observe that——

Mr. HARDWICK. I do not yield for an observation just at present.

Mr. SMITH of Michigan. I entertain no hostility toward the South. I am calling attention to an inequitable division of the burdens of Government.

The PRESIDENT pro tempore. The Chair understands the Senator from Georgia declines to yield.

Mr. HARDWICK. If the Senator will pardon me just a moment, I want to finish the train of thought I have in my mind, and then I will yield to the Senator.

Senators assert that they entertain no hostility, yet they point out and insist on pointing out State by State, particularizing the sovereign Commonwealths of the American Union to which appropriations, according to their contentions, are unfairly given and unfairly distributed, and the Government burdens of taxation are also unfairly imposed from a geographical standpoint.

Mr. President, I utterly deny it. I utterly repudiate the suggestion. I do not believe the American Senate and the American Congress has been conducted on any such plane. If the Senator from Michigan or my friend the Senator from New Jersey could have established anything whatever of the contention they seem to have in mind, there has not been a day and there has not been an occasion when the Senate would not have stood ready to *sustain* either one, but because it happened, if it be the fact, that certain of the States are poorer in material resources, poorer in wealth than other States, are you therefore to say to them, "Because you are poor, because your people can not contribute out of their poverty as much as we contribute out of our wealth, therefore we are not going to give you the proper Federal improvements and appropriations in your State"? I do not believe any Senator would care to take such a position.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. JAMES. Mr. President, it appears to me that the argument of both the Senators is entirely unfair. All these revenues, while they are paid from the State, are generally paid by the consumers of all the States. Take my own State, for instance. We pay into the Federal Treasury probably over $30,000,000. We pay $25,000,000 of it as an internal-revenue tax. While that was paid by the distillers of Kentucky, they, of course, got it back from the consumers of whisky to whom it was sold.

Now, to say that Kentucky is discriminated against because we paid thirty or forty million dollars into the Federal Treasury and only got a million out of it in appropriations is so manifestly unfair that even for partisan purposes in a hot political campaign it weighs utterly nothing with the fair-minded American people.

Mr. HARDWICK. Not only that, Mr. President, and I quite agree with the Senator's contention about it, it is true not only about the whisky-distilling business he has mentioned, but also every other business in this country. It is true about every form of business where a tax is paid by the manufacturer or the producer and is passed on to the consumer. There is no need to go into that. The spirit I am protesting against is the spirit that it is the duty of the American Congress to draw a balance sheet between the several States. It is not right to inculcate any such spirit as that. It is not right to teach our people any such lesson as that. If there is a single one of these appropriations that is being made for the North or the East or the South or the West that is not right, if it is wrong, if it is too much, fight that appropriation, regardless of geography, regardless of section, regardless of the State.

If there is a single tax that is not fair and just to all the people of the United States and does not operate on them all equally throughout the United States, oppose that, and after you get through do not come up here with a little sum total about what the State of New Jersey or the State of New York or the State of Rhode Island or the State of Arizona or any other Commonwealth has gotten from the American Government or has paid into the American Treasury, and do not bring in support of such contentions figures that are wholly incomplete and totally misleading.

Mr. JAMES. Mr. President, does not the Senator think that these gentlemen, in order to justify their position, ought to show what appropriations have been asked for New Jersey and for Michigan which were denied and what appropriation was given to Georgia which was unjust and which they themselves opposed? That is the way to get at it.

Mr. HARDWICK. Mr. President, undoubtedly; and if I have made myself plain to the Senate, I mean just this: Do not draw up a little, tiny, puny, or sectional balance sheet between the States of this great country, all of which are inhabited by the American people. Do not revive any such sectionalism on any such small, narrow line as that. It is both pitiful and disgusting.

Mr. SMITH of Michigan. Will the Senator permit me to interrupt him?

Mr. HARDWICK. Yes.

Mr. SMITH of Michigan. I do not feel the slightest prejudice against the South. I never have done so. My ancestors on my mother's side were southern people, and I share their affection for the Southland; but I am complaining of an injustice which the Senator from Georgia would be quick to resent.

Mr. HARDWICK. If that is true, the Senator ought not to do what he has been doing to-day.

Mr. SMITH of Michigan. Yes; I ought to do exactly what I have been doing or I would be unfaithful to my duty as a Senator, because in the administration of affairs of this Government your party has so skillfully made its laws that the burdens of government fall heavily upon our section of the country and lightly upon yours.

Mr. HARDWICK. Mr. President, I am not going to yield further.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Georgia declines to yield further.

Mr. HARDWICK. As a matter of fact, it is not so. It would be wrong if it was true.

Mr. SMITH of Michigan. I gave you an illustration.

Mr. HARDWICK. I do not believe it, and you can not prove it.

Mr. SMITH of Michigan. The honored Senator from New Jersey gave you an illustration quite in point.

Mr. HARDWICK. Of course that would be very wrong if true; but there is not anything true about it, and it does not prove it. To state that a certain State did not pay into the Federal Treasury as much as some oher State and prove that certain appropriations for Federal purposes in that State were more than in some others does not prove that proposition at all.

Mr. SMITH of Michigan. The Senator from Georgia knows very well that about the first thing that was done after you came into power was to strike down the protection that we had upon our industries.

Mr. HARDWICK. Personally I am devotedly attached to my friend from Michigan, but I can not yield further.

Mr. SMITH of Michigan. Senators of your party in this Chamber exposed our sugar industry to ruin. Only the European war has caused it to revive.

Mr. HARDWICK. Sugar is ruined now, is it? They are making more money now than they ever made in the history of the country, in spite of the Senator's contention.

Mr. SMITH of Michigan. We are enjoying the high protection of the war.

Mr. HARDWICK. They are making more money now than they ever made in the history of the world before.

Mr. SMITH of Michigan. Because there is no world competition on account of the war, and your party has partially restored the threat of free trade.

Mr. HARDWICK. Mr. President, I am not going to yield for any tariff argument. I am going to get through because the Senator from Montana wants to go on with his bill. To my mind, with all due respect to the Senator, this tariff talk is all rot.

Mr. SMITH of Michigan. I think the Senator knows that when they put the tariff back on sugar they did it because the industry had been severely crippled and because you needed the revenue.

Mr. HARDWICK. I am astonished. Certainly that is one schedule the Senator from Georgia knows something about.

Mr. SMITH of Michigan. The Senator knows about it.

Mr. HARDWICK. The exact reverse of the Senator's statement is true, so far as the industry being crippled is concerned.

Mr. SMITH of Michigan. I have read the Senator's report on it.

Mr. HARDWICK. When we put back, or retained, the tax on sugar there was not the slightest excuse for it on this earth from any standpoint I can think of, Democratic or Republican——

Mr. SMITH of Michigan. Then, why did you do it? For revenue?

Mr. HARDWICK. Except for protection; that is all. We could have gotten the revenue by a consumption tax—twice as much revenue—a tax like that imposed in every civilized country on earth that raises any sugar. That is the situation in respect to sugar; but I am not going to be led into that discussion now.

Mr. SMITH of Michigan. I do not blame the Senator from Georgia.

Mr. HARDWICK. The Senator from Georgia is never afraid to face the Senator from Michigan on a tariff argument.

Mr. SMITH of Michigan. I know the Senator. He is very brave and very capable.

Mr. HARDWICK. But we do not want to get off into that now. Of course, if the Senator's complaint is that we have done injustice in that we have cut down the protective tariff a little, I must confess there might be some ground for him to stand on, from his standpoint. We have not reduced the tariff as much, I tell the Senator frankly, as I think we ought to have done, nor as much as I still hope to see it reduced.

Mr. SMITH of Michigan. More than you will ever do again, however.

Mr. HARDWICK. I will say to the Senator that if that is his complaint I can understand him, even while disagreeing. If that is really what you mean, then do not go into this little petty picayunish business of drawing tax and appropriation balances between the States of this great American Union.

Mr. GALLINGER. Mr. Preident——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. HARDWICK. Certainly.

Mr. GALLINGER. I observe the Senator from Georgia suggests that the tariff is likely to be still further reduced. Am I mistaken in reading in the daily press that the President of the United States has suggested that the revenue bill will have to be revised and there will have to be greater protection than there is now?

Mr. HARDWICK. I can not tell what the Senator from New Hampshire has been reading in the daily press, nor can I vouch for the accuracy of any such report as that.

Mr. GALLINGER. I can vouch for having read it.

Mr. HARDWICK. I have no doubt the Senator has read it, but I say I can not vouch for any newspaper report.

Mr. GALLINGER. Is it not in contemplation?

Mr. HARDWICK. Not to my knowledge.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. HARDWICK. I yield.

Mr. WALSH. I will suggest to the Senator from Georgia that I am very sure the Senator from Michigan [Mr. TOWNSEND] would like to continue the reading of the report.

Mr. HARDWICK. What report?

Mr. WALSH. The report on the bill pending before the Senate.

Mr. HARDWICK. The Senator from Georgia is going to complete his remarks before that is done.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. HARDWICK. I yield.

Mr. TOWNSEND. I have no disposition to interrupt the Senator.

Mr. HARDWICK. I supposed I was doing my friend from Michigan a very great kindness.

Mr. TOWNSEND. I am very much interested in the debate.

Mr. HARDWICK. I am going to say just a few words more that I have risen to say. I am also tired of all this talk about depriving people of their votes. We have had that until it has gotten just a little stale and tiresome, I think. There are 28 States in this Union, if my memory is accurate, that do not allow certain males, 21 years of age, to vote, by various devices. Whenever you get ready to apply any such rule as is contained in the second section of the fourteenth amendment to the Constitution, it may be that we might consider the proposition then; but until you do get ready to do it do not let us talk in this general, vague, indefinite way about it. So far as I am concerned I am not devoted to that section of the Constitution, as the Senator knows. I think it was adopted at a time when passion and prejudice ran riot in this country and obscured the clear judgment of our lawmakers. That, however, might be very well a subject of difference between the Senator and myself; but all this continual attempt to revive sectional feeling and to talk about the States of this country as if they were foreign countries, talk about the people of those States as if they were antagonistic and hostile to each other, does no good, either here or elsewhere; and for one, as a sincere personal friend of all the Senators who have indulged in it, knowing the effect that it has in all parts of the country, I earnestly hope the Senators will not give us a recurrence of this sort of thing.

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

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Jersey?

Mr. HARDWICK. I yield.

Mr. MARTINE of New Jersey. I thought the Senator was about to take his seat.

Mr. HARDWICK. I yield to the Senator.

Mr. MARTINE of New Jersey. I am just as free from sectionalism as the Senator, and I have no desire to revive the argument of sectionalism; but the Senator, with all his argument, will not deny the fact I presented.

Mr. HARDWICK. What does it prove?

Mr. MARTINE of New Jersey. You gentlemen—and I regard you all kindly and am very fond of you, and agree with much of your thought—claim, you say, that all this array and presentation of facts—and, of course, they are compiled by the Treasury Department—is small, unpatriotic, and petty politics. I do not know upon what ground or reason the Senator from Georgia or the Senator from Texas—but the Senator from Texas is a little more modest—on what ground the Senator from Georgia should arrogate to himself all the patriotism and all the broadness and depth in legislation and deny it to all those who happen to disagree with him all along on the other side.

Mr. HARDWICK. Let me say, Mr. President——

Mr. MARTINE of New Jersey. The Senator has had his time.

Mr. HARDWICK. I have the floor.

The PRESIDING OFFICER. The Senator from New Jersey will suspend for a moment. The Senator from Georgia has the floor.

Mr. HARDWICK. The Senator has the floor by my courtesy.

Mr. MARTINE of New Jersey. But you granted the floor to me.

Mr. HARDWICK. Not at all. I merely yielded to the Senator.

Mr. MARTINE of New Jersey. That is my impression, at all events. I do not want to trespass upon the Senator's time if he has not finished. In God's name let him go on; but, if the Senator will permit me to say it, while I am on the side of the Senator from Michigan seemingly on this question, he must not assume. He said he is surprised to find me in my position. I am, I hope, as broad and patriotic as the Senator ever dared to be, but I am contending for our rights on our side in the State of New Jersey. I feel that we are being unjustly discriminated against and unjustly dealt with.

I do not agree with all the doctrine of the Senator from Michigan on the tariff nonsense. I think it is the greatest heresy in the world. He talks about the tariff on sugar. We have had but little tariff on sugar, but it was not done with my vote. I will never vote to increase the tariff on sugar when you can raise in the territory of the United States from 5 to 7 and even 9 tons of sugar per acre. I will never sweat the people of this

country by my vote to grant them any further gratuity. So I do not agree with his doctrine at all. But so far as the facts and figures are presented by the Senator from Michigan there is something unfair in the condition, and so far as these things count I do insist that there is something wrong in that condition; and if you want to rid this country of sectionalism, you can not rid it of sectionalism by taking money out of my pocket and depositing it in yours.

Mr. HARDWICK. That is what we long have thought in the South, but we have even gotten to a point down there where we are willing to give up a little of our cash to the protective interests and to other sections of the country in order to try to get a little better feeling. I am not finding any personal fault with my friend from New Jersey, any more than I did with my friend from Michigan, but the fact remains that if the Senator can see that anything is proven by getting up little balances by States, and that sort of thing, without regard to the justice of the appropriations that go to the States, he is utterly beyond any argument I hope to make upon it. What does it matter if two-thirds of all the Federal appropriations went to any one State if that is the place where that kind of appropriations ought to go, and the appropriation was just and necessary?

Mr. SHEPPARD. May I interrupt my friend from Georgia?

Mr. HARDWICK. I yield.

Mr. SHEPPARD. Is it not a fact that the statements quoted by the Senators from Michigan and the Senator from New Jersey did not include all the small appropriations received by their States?

Mr. HARDWICK. I have not even seen the statements the Senators referred to. The details I regard as of small importance.

Mr. MARTINE of New Jersey. I quoted the appropriations received from your committee.

Mr. HARDWICK. What does it matter? Did the Senator find fault with any one of them? Did he vote against any one of them?

Mr. MARTINE of New Jersey. I say you are claiming all the patriotism and getting all the cash. That is a very serious matter. [Laughter in the galleries.]

Mr. HARDWICK. No; I say the Senator from New Jersey does not do himself great credit in that statement.

The PRESIDING OFFICER. The Senator from Georgia will please suspend. The Chair admonishes the occupants of the galleries not to make expressions of approval or disapproval. The Senator from Georgia will proceed.

Mr. HARDWICK. Of course, it is all very nice to get up here and talk in a sort of slipshod way about this sort of thing. But that does not do the Senator any good, either. If there has been made for Georgia or for Texas or for any other State of the Union an appropriation that is wrong, the Senator ought to point out why it was wrong, and he ought to have fought it, and he ought not to get up here and indulge in this Republican buncombe of drawing these little balances by States.

Mr. MARTINE of New Jersey. Republican what?

Mr. HARDWICK. Buncombe.

Mr. MARTINE of New Jersey. I did not indulge in Republican buncombe. My information about it is something more than Republican buncombe, and it is so stanch that it can not be waived off or combated by a Georgia fusillade.

The PRESIDING OFFICER. Senators must obtain recognition from the Chair before speaking.

Mr. HARDWICK. Of course, I yielded to my friend from New Jersey. No matter where he got it, it proves nothing, and the Senator knows it. If these appropriations were wrong, he ought not to have agreed to make them. I certainly would not ask you to make one for my State that was wrong any more than I think he would ask me to make one for his State that was wrong. If those taxes were unjust, they ought not to have been imposed. That is the proposition. I certainly would not support them, whether they fell on my people or his people, unless they were just and reasonable and fair. But to undertake to draw balances between the States of this Union and to say this one got so much and that one paid in so much and the net result is so-and-so is so nearly peanut politics that I do not think the thoughtful people of the United States can possibly approve it or appreciate it.

Mr. MARTINE of New Jersey. One thing, Mr. President——

Mr. STONE. Mr. President, I rise to a question of order. What is the question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Public Lands.

Mr. SMITH of Michigan. One moment. When the Senate adjourned last night the Secretary was reading from the report of the Committee on Public Lands, on page 14, and had just finished the letter of the Secretary of the Interior.

The PRESIDING OFFICER. Does the Senator ask for the reading of the report?

Mr. SMITH of Michigan. Certainly; and it was asked for by other Senators, several of them. I have listened to the reading very carefully thus far, and I am waiting with a great deal of pleasure to hear the report of the Senator from California [Mr. WORKS] read, which, I presume, will follow, and which I hope may be read without any attempt to delay or prevent its orderly sequence.

The PRESIDING OFFICER. The reading of the report will be continued. Does the Senator from New Jersey desire recognition?

Mr. MARTINE of New Jersey. Mr. President, I have said all I care to say. My constituents in the State of New Jersey asked me——

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Montana?

Mr. MARTINE of New Jersey. Certainly.

Mr. WALSH. Did the Chair recognize the Senator from New Jersey?

The PRESIDING OFFICER. The Chair did recognize him a moment ago.

Mr. MARTINE of New Jersey. I know I am some trouble to the Senator, but I am positively in favor of the measure he is so much interested in. I am not so much interested in your measure as I am interested in the measure I am now talking about. My constituency are asking me continually by letter and voice how this condition is. They ask me, "Are you less attentive and active to the affairs of the Commonwealth of New Jersey and the interests you have at heart than are those from the State of Georgia?" I tell them no; I do not know that I am as zealous and earnest in the matter as I can be. They are finding fault. They ask me how it is. I am not as familiar with legislation nor have I served as long as the Senator from Georgia. He served two or three or four terms in the House. He and his fellow citizens are all fine, splendid men. My constituents asked me how it is. I said, "Those men of the South are a better organized troop than the people of the North and the East." That is about the reason why many of these measures that my people rebel at have come about. They asked me, "Can not something be done to make this a little more equitable and fair?" I do not want to quarrel with the Senator; I feel kindly to him; but I do say do not arrogate to yourself all the patriotism and breadth when at the same time you have got all the cash.

Mr. HUGHES. Mr. President, I can not sympathize very much with what my colleague has had to say in this debate. I do not know of any taxes that have borne more heavily upon the people of our State than upon the people of Georgia. I do not think my colleague knows of any, either. I do not think either of us would vote for the passage of a measure which had for its object and final effect the singling out of one community or one section of the country and compelling it to bear a greater burden than its due share of the taxes of the whole Nation.

I do not like the plane upon which this whole colloquy this morning has been conducted. I thought the Republican Party years ago came to the conclusion that there was not another election to be won by waving the bloody shirt. I thought that the issue of sectionalism had been forever buried. I believe that was the case up to the time the Republican candidate in the last campaign was convinced by somebody that the fires of sectionalism and hatred could once more be fanned into flame and capitalized into Republican votes. I do not think there was anything that did more to bring down upon his head the merited indignation of the American people than the very attitude he took in that matter.

The time has gone by when men from the South can be held up as bogy men, as having horns and hoofs. They go abroad as you and I do; they go into different parts of the country. The most effective speeches I have ever heard made, speeches that were received with more rapturous applause than any other speeches I have ever listened to, were made by these very men laying down the fundamental principles of Democracy to men in communities where there was no material gain to be derived because of their love of those principles.

We have kept the fires on the altars of Democracy lighted in the North and in the East and in the West in this country by means of the patriotic fervor and flame that has been furnished to us by these men from the South. Any student familiar with the early history of this country knows that. If he permits himself to think at all he knows that that section of the country

has been oppressed by laws enacted by men from the other sections of the country. We know that for years and years they were compelled to purchase everything they purchased in the highest taxed markets in the world, and the things which they produced and sold they sold in the free-trade markets of the world.

The Georgia farmer to-day sells his cotton in Liverpool at anywhere from 7 to 20 cents a pound, whatever the price may be, and buys his automobile in the 45 per cent taxed market of America. The figures the Senator from Michigan has laid before the Senate contain no account of that fact. In the price of every automobile that is purchased by a farmer from the South there is hidden the tariff rate that was laid years ago and has continued since to oppress the purchasers of every other section of the country.

There is one thing that comes with particularly bad grace from Senators from my section of the country. It is this continual casting in the teeth of men of another section of the country the fact that they are poorer than their critics. It may be true. John D. Rockefeller pays into the United States Treasury more money than I do. He receives a larger income than I do. But owing to that fact is he to have a battleship placed at his disposal when his yacht floats the high seas? Is he to have a United States deputy marshal protect him? Is he to have rivers upon his private estates deepened at Government expense? Is he to have anything more done for him than is done for me? Are we to check up individuals or communities or States in accordance with the amount of money they pay? Are we to have that cheap and superficial standard? Everybody knows that the people of the State of New Jersey and the State of New York make what they make out of the people of Georgia, the people of the West and the South and the East and the North, and out of their profits they pay this money into the Federal Treasury.

We twit these men with the fact that they are living under a financial and fiscal system which does not permit them to profit to the extent that other and more favored gentlemen profit.

As far as I am concerned, I am an American citizen. I have not a single fiber in my body which entertains or could possibly entertain the slightest prejudice for any section of the country. I love the West, I love the East, the North, and the South. They are all alike. They were welded by a great fire into one Nation, and in spite of anything the gentlemen on the other side of the Chamber can say we are one Nation.

There are to be no more elections won by the bloody shirt. Sectionalism is dead and can never be revived; and the party that attempts it again will be treated as the party that last attempted it was treated. They will bring down upon their heads again the condemnation of the American people, and they should.

WATER-POWER DEVELOPMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

The PRESIDING OFFICER. The Secretary will continue the reading of the report.

The Secretary resumed and continued the reading of the report, as follows:

The committee desires to call attention to the further views of Hon. Franklin K. Lane, Secretary of the Interior, on the subject of water-power legislation embodied in a letter addressed by him to the chairman of the Senate Committee on Public Lands during the life of the Sixty-third Congress, while the subject of water-power legislation was under consideration in that Congress, which letter is as follows:

Mr. WALSH. Mr. President, the letter which follows is somewhat lengthy and is rather a general discussion of the entire subject than a discussion of the features of the pending bill. I ask unanimous consent that the reading of the letter be dispensed with.

Mr. TOWNSEND. Mr. President, I did not hear the Senator's suggestion.

Mr. WALSH. I advised the Senate that the letter which follows in the report is somewhat lengthy and is rather in the nature of a discussion of the general subject of water-power legislation than a consideration of the particular features of the pending bill, and I accordingly asked unanimous consent that the reading of that particular letter be dispensed with.

Mr. TOWNSEND. Does the Senator think that anything more instructive can be presented to the Senate or will be presented to the Senate than that letter of the Secretary?

Mr. WALSH. Mr. President, I say, in answer to the question addressed to me by the Senator from Michigan, that there is a stupendous mass of information upon the subject. I have a very high regard for the Secretary of the Interior; I know he has been a student of this question; but this is only a relatively small item out of a total mass of information upon this subject. Accordingly, I find it difficult to institute a comparison concerning the relative worth of the same information that is accessible to Senators from a multitude of sources. I have asked, accordingly, that the reading of it be dispensed with.

Mr. TOWNSEND. I understand that this letter was written when the Ferris bill, so called, was pending before the other House, and that it was written for the purpose of expressing the views of the Secretary of the Interior upon that particular legislation. It, therefore, seems to me that the reading of the letter ought to proceed. Therefore I shall have to object to the Senator's request.

The PRESIDING OFFICER. The Senator from Michigan objects, and the Secretary will continue the reading.

The Secretary resumed and concluded the reading of the report, as follows:

"WATER POWER.

[By Franklin K. Lane, Secretary of the Interior.]

"Should the Government allow its dam and reservoir sites and other lands valuable for power development to pass from its hands forever?

"(1) It has been the policy of Congress from the inception of power development in the United States only to grant permission to use such lands and not to sell or give away the lands in perpetuity. Acts of Congress of May 18, 1896 (29 Stat., 120); February 15, 1901 (31 Stat., 790); February 7, 1905 (33 Stat., 702); May 1, 1906 (34 Stat., 163); and March 4, 1911 (36 Stat., 1253).

"(2) The general law applicable to the use of public lands for the development of electrical power, the act of February 15, 1901, authorizes the grant only of a permission to use public lands and reservations for this purpose, expressly providing that any such permission may be revoked by the Secretary of the Interior, or his successor, in his discretion, and shall not be held to confer any rights or easements, or interest in, to, or over any public land or reservation. The general law now in effect relative to granting of rights of way for transmission lines, the act of March 4, 1911, only permits the approval of such rights of way for periods not exceeding 50 years.

"(3) The future of water power is still unknown. It promises to be an invaluable resource, (a) because it replaces itself, while coal and oil do not; (b) because it can be transported at slight expense and for long distances; (c) because the development of numerous other western resources, low-grade ores, irrigation of arid lands by pumping, and the establishment of manufacturing enterprises are dependent upon cheap and abundant electrical power.

"(4) To at this time grant such lands in perpetuity to private corporations or individuals is to divest the Federal Government, as well as the several States, of a large measure of the control which it might otherwise exercise over this resource by law or regulation, and would place beyond its power the opportunity of providing by law such different method of use or disposition as the future may show to be best adapted to the public interests.

"WHAT HAVE THE STATES DONE WITH THEIR POWER SITES?

"With possibly few exceptions, the valuable power sites on lands not owned by the Federal Government have passed into private ownership in perpetuity. They can not be recovered except at a prohibitive expense, nor can control be exercised thereover in any manner, except it be by regulation of transmission and delivery as a public utility. Out of 7,000,000 horsepower developed in the United States in 1913, 20 companies of groups of interests controlled 2,710,886 developed horsepower and 3,556,500 undeveloped horsepower, or a total of 6,267,386 horsepower. According to a table compiled by the Forest Service, out of a total of 1,135,400 developed horsepower in the States of California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, and Washington, 1,023,700 horsepower is owned by large corporations, while but 111,700 horsepower is owned by small developers. In the State of California, 92 per cent of the developed power is owned by the large corporations and but 8 per cent by small developers. In Oregon, 90 per cent is owned by large companies and 10 per cent by the small developers. In the State of California, one corporation owns 27 per cent of the total developed horsepower in the State and two groups own 57 per cent of the total development.

"WHAT HAS THE FEDERAL GOVERNMENT DONE WITH ITS SITES?

"As stated, it has never been the policy of Congress to dispose of these sites in perpetuity, the laws providing simply for the issuance of limited or revocable permits. Therefore, while some valuable sites have been acquired by private owners through the filing of scrip or entry of the lands under some one of the public-land laws not intended to apply to the development of such a resource, the major portion of lands valuable for this development remains in Federal ownership. A conservative estimate places the total available horsepower at 35,000,000, of which not exceeding 7,000,000 have been developed. Of the total undeveloped horsepower, 28,000,000, about 74 per cent, is in what are known as the public-land States, and 42 per cent of the total is within Government forest reserves. It is thus apparent that the extent and value of this undeveloped resource is large enough to require most careful consideration and disposition.

"HOW DO OTHER GOVERNMENTS DEAL WITH POWER SITES?

"The laws of the Dominion of Canada authorize the issuance of licenses for 21 years, renewable for three further terms of like extent, at a fixed fee, payable annually, and provides that upon the termination of a license the works may be taken over by the Government upon payment of the value of the actual and tangible works and of any lands held in fee in connection therewith. It is expressly provided that the value of the rights and privileges granted or the revenues, profits, or dividends being, or likely to be, derived therefrom shall not be taken into consideration.

"The Province of Ontario authorizes a lease of water-power privileges for periods not exceeding 20 years, with the right of renewal for two further and successive terms of 10 years each, upon the rental stated in the lease and upon such other terms and conditions as the minister may prescribe. Upon the termination of the lease the privileges, together with all dams and other structures or works made or erected by the lessee in connection therewith, revert to and become the property of the Crown, subject, however, to the right of the lessee to remove machinery, failing in which removal it shall become the property of the Crown, also subject to payment of compensation to the lessee of such sums as the minister may deem proper for buildings or structures

of a permanent character and necessary or useful for the development or utilization of the water privilege.

"In New Brunswick the lieutenant governor in council is authorized by law to lease or sell rights and privileges for water-power development upon such terms and conditions as to development and utilization as he may prescribe.

"In the Provinces of Manitoba, Saskatchewan, Alberta, Yukon, and Northwest Territory the governor in council is authorized to make regulations for the diversion, taking, or use of water for power purposes and for the construction of power development works on public lands. He is also authorized to fix the fees, charges, rents, royalties, or dues to be paid, and the rates to be charged.

"In Queensland the law authorizes water-power development under special license, subject to such conditions and provisions as the governor in council shall determine, for periods of 10 years.

"In France power plants on national lands are developed under concessions for periods not exceeding 50 years, at the expiration of which period the grantee, if concession be not renewed, is required to restore the premises to the conditions previously existing or to deliver the plant to the nation without indemnity, as the nation may elect. The amount of rental to be paid is required to be fixed in the articles of concession.

"In Norway the law authorizes the granting of concessions for power development for a minimum of 60 years and a maximum of 80 years. When the concession expires the land, with improvements and works, reverts to the Government. Various payments for the privilege are required, among them being the establishment of a poor fund under public control, the surrender of a certain percentage of produced power to the community, also to the General Government, and in certain specified developments there may be assessed a yearly tax of 1.25 crowns for every horsepower over 500.

"REGULATION AND CONTROL OF POWER DEVELOPMENT AND TRANSMISSION IN THE SEVERAL STATES.

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

"WATER POWER OF THE WEST CAN NOT BE DEVELOPED UNDER THE PRESENT LAW.

"It is generally conceded that the water-power resources upon the public domain can not be developed under existing laws, because of the uncertain tenure involved by revocable permits; (*a*) because the engineer and the promoter fear to embark an enterprise under such conditions; (*b*) because the capitalist will not loan money upon such security; (*c*) because the consumers can have no positive assurance that they will be supplied for a fixed and definite period.

"It is an established fact that numerous responsible persons who have obtained permits to develop power sites under the existing law have been unable to construct because of the foregoing.

"WHAT SHOULD THE NEW LAW BE?

"The ideal law is one which will give to the developer and investor an assured tenure for a period long enough to justify his investment and reward his efforts. It must be under conditions known to him in advance, so that his plans may be laid accordingly. It must encourage development without losing sight of the needs of the consumer and the rights of the people.

"The gift of a franchise means, generally, the gift of additional profit to the promoter. Its benefit is not passed on to the consumer. There is nothing connected with such a gift which obligates or induces the developer to make low rates to the consumer, or which obligates him to deal more favorably with the general public. Municipalities have generally abandoned the practice of giving away franchises. The people expect and demand that valuable rights shall yield something in the way of direct return. A nominal sale charge is equally objectionable. It has the appearance of yielding a return, while in fact it is more trouble than it is worth, and therefore imposes a burden upon the developer while yielding nothing, or substantially nothing, to the people. Such a nominal charge is also worthless as a regulative measure.

"WHAT IS THE VALUE OF PUBLIC LANDS VALUABLE FOR RESERVOIR SITES?

"Nothing as agricultural lands, because, generally speaking, such lands are in canyons or mountainous regions, valueless for agriculture, of little value for grazing, and of little value for other purposes than the development of electric power. Five per cent of this value would be negligible and not worth collecting. One dollar and twenty-five cents per acre has been suggested as the agricultural value of public lands, because homesteaders may commute at that figure. That does not represent a sale of lands. It is an arbitrary price exacted by law as an evidence of good faith in connection with the submission of final proof on a homestead prior to the expiration of the ordinary homestead period. The present real value of a tract of land for agricultural purposes could only be determined through a method of advertisement and open competitive bidding. The Government does not dispose of other lands or values upon this theory at all. Timberland is disposed of at a price fixed after careful examination and appraisement, the sale price being based on the timber value. Coal land is disposed of on an appraisement based upon the amount of the coal content and a royalty of approximately 2 cents per ton.

"The true value of power sites is, then, not the nominal figure of $1.25 per acre, not their value as agricultural lands, timberlands, or coal lands, but their value as dam sites, reservoir sites, or for other uses in connection with water-power development, and for this purpose the larger and more valuable sites are worth millions of dollars. In one existing development the corporation valued the lands acquired for its dam, reservoir site, and plant at $26,333,000, as evidenced by bonds and stock. A private owner would ask not less than 5 per cent of the value of such lands as power sites. Should the Government do so? In my opinion it should not, because that would prevent development or impose an undue burden upon the consumer; nor should the Government give away lands worth millions of dollars for power sites, because that would be unwise, unbusinesslike, and in derogation of the rights of the general public. Such lands can not be sold because developers, except in rare instances, could not or would not pay the real value of the lands as power or reservoir sites. If they did they would endeavor to secure return by imposing higher rates upon the consumers, and in that case would doubtless be permitted to impose higher rates by public-service commissions, on the ground that it represented return upon actual investments. To give the lands away is therefore not right. To sell them at their real value is impracticable and would injure the consumer.

"Why not, then, secure development under a plan which will be fair to the developer, the investor, the Government, and the consumer, by lease or permit for a definite period on conditions fully known in advance? The word 'lease' is hardly properly descriptive of the plan which should be adopted. It is not a lease in the ordinary meaning of that term. It is rather a permission to use—a contract or agreement for the development and use of sites.

THE FIXED PERIOD.

"Careful consideration has been given to the question of what period should be covered by such a permit or agreement, and the general consensus of opinion seems to be that 50 years is the proper one, having in mind the rights and interests of all concerned. This, subject to renewal in the event that the Government and State or the municipality does not desire to take over the plant at the expiration of the original permit period, or for good and sufficient reason it be not found advisable to renew the permit to the original permittee.

"As already shown, other governments make such leases or concessions for periods varying from 10 to not exceeding 80 years. The State of Kansas provides that franchises to those developing or furnishing electric light, power, or heat to any city in that State shall not exceed for a longer period of time than 30 years from the date of a grant or extension thereof. The State of Wisconsin authorizes an indeterminate permit and provides for the taking over thereof by a municipality at any time upon due notice and proceedings. The consensus of opinion on the part of those interested in power development seems to favor, however, a fixed and definite permit rather than the right in the Government, State, or municipality to take over the plant at any time during the period of use and development.

"It is self-evident, however, that the right should be retained to take over the works upon proper terms and conditions, in order that the same may be taken over and operated by the States or municipalities, and to do this the law and the permit must provide such terms and conditions as will be fair to the permittee, and at the same time not forever preclude the exercise of this right by the State or municipality, because of the impossible amounts required to be paid as a prerequisite to the recapture. It is evident that for the use of the public lands to be granted no payment should be made to the permittee on that account. It is further evident that for lands acquired by the permittee during the course of the development payment should be made, but that payment should not include the unearned increment created by the community and not by the power developer, nor should it include payment for 'good will,' franchise values, or intangible elements.

"The laws of the State of Illinois provide that any city is authorized to acquire, construct, own, and operate public utilities and to lease the same for periods not exceeding 20 years. They further provide that there may be reserved in any grant the right to take over all or any part of the property used in operation of a public utility at or before the expiration of the grant, upon terms and conditions provided in the grant, or to grant to a third party, at the option of the city, on the same terms.

"The laws of Massachusetts authorize the acquisition by cities or towns of municipal electric plants, upon payment therefor, specifically providing that the value in so taking over shall be estimated without 'enhancement on account of future earning capacity or good will, or of exclusive privileges derived from rights in the public streets.'

"The State of Wisconsin, as already stated, authorizes the issuance of an indeterminate permit for electrical power, but provides for the taking over of such plants by municipalities at any time, upon payment of just compensation, to be determined by the public-utilities commission and according to terms and conditions fixed by the commission. Every such public utility is required to sell such property at the value and according to the terms and conditions determined by the commission, subject to court review.

"The laws of Arizona, California, Maryland, Nebraska, New Jersey, New York, and Ohio prohibit the capitalization of any franchise or permit beyond the amount actually paid to the State or to a political subdivision thereof as a consideration of the grant of such franchise or right.

"None of the laws of the other States or countries, in so far as I have been able to ascertain, authorize or provide for the payment, upon the taking over or recapture of a public utility, on account of good will, franchise value, or other intangible elements. Therefore the provisions of section 5 of the Ferris bill appear to be, in this respect, in full accord with the general practice.

"WHAT PRICE OR CONSIDERATION SHOULD BE EXACTED?

"As already intimated, a nominal charge of 5 per cent of the agricultural value of the land would be useless and inadequate, and would not justify the trouble and cost of collection. The gift of such a resource would not inure to the benefit of the consumer or of the general public, but to the promoter. Furthermore, the authorities agree that a charge of some kind should be imposed as a regulative measure. The Government could, if it followed the precedent of private owners, charge not less than 5 per cent of the value of the lands for power purposes, but this would be a heavy charge upon the developer, which he, in turn, would endeavor to recover from the consumer.

"We should charge nothing at first, during the period while the plant is building and finding a market, except, perhaps, a charge merely sufficient to pay the expenses of administration. This period of nominal charge might be 5 or 10 years. The charge should then gradually and moderately increase as the years go by, according to a scale fixed in the lease or permit at the outset, and in every instance premium should be put on low rates to the consumer. In other words, the lower the rate to the consumer the lower should be the charge on the part of the Government; also some premium should be placed upon the full development of the power possibilities of a given site. The main object, however, is to secure development for the benefit of the consumer, and the regulative charge can be readily fixed upon a sliding scale which will go up or down, according to the treatment of the consumer by the producer. In this and certain other respects the Ferris

bill (H. R. 16673) vests some discretion in the Secretary of the Interior. This is necessary and essential, in order that the measure may be workable and may be adapted to the varying conditions of different developments and localities. An arbitrary and fixed rule would, in many instances, work hardships or injustice and prevent development of sites. An examination of the laws of foreign countries and of the several States which have laws governing the operation of public utilities shows that a large amount of discretion is vested in the public-service commissions, governors, or other executive officers charged with the administration of such matters.

"DISPOSITION OF MONEY DERIVED FROM POWER PERMITS.

"The expenses of administration, which will be smaller than is generally believed, should first be paid. The balance should go to the development of the resources of the States wherein the sites are located, and ultimately, in part, to such States and in part to the General Government. The vital welfare of most of the public-land States where valuable power sites are located is bound up with power development and irrigation. All returns over administrative expenses should therefore go into the reclamation fund for the irrigation of arid lands. Upon return of the money to the Treasury, as provided in the reclamation law, one-half of the sums so returned should go to the State within the boundaries of which the power is generated and developed.

"The Ferris water-power bill (H. R. 16675) seems to meet the present situation as nearly as present knowledge and conditions will permit.

"It secures development (*a*) by certain and fixed tenure; (*b*) by reasonable charge for the privilege given; (*c*) upon conditions known in advance.

"It protects public interests (*a*) by encouraging low rates to the consumer; (*b*) by reasonable regulative charges; (*c*) by contribution to development of other resources; (*d*) by ultimate contributions to the State treasuries.

"It looks to the future by providing that at the end of 50-year periods these sites, with their now unknown possibilities and values, may be taken over by the Government, to be disposed of to States, municipalities, or individuals, or held under such conditions as the future shall disclose to be wisest and best.

"EVILS TO BE GUARDED AGAINST.

"In legislation of this kind among the evils to be guarded against are—

"(1) Monopoly.

"(2) High rates to the consumer.

"(3) Inability to secure restoration of the public lands to public use.

"The first evil is guarded against by the specific provisions of the Ferris bill and by the Sherman law. The second is guarded against by the Ferris bill and Federal and State regulation. The last is protected against by the provisions of the Ferris bill, which would become effective in each development at the end of 50 years.

"CONCLUSION.

"The enactment of such legislation for the development of water power is demanded by engineers, developers, and investors; by the general public which would be served by power development; by all the people in the United States, for all would benefit directly or indirectly from the crops produced and industries created by means of power generated and which is now going to waste."

In conclusion, the committee believes the measure as here reported to meet the needs of the times and the urgency of the situation, and recommends its passage as amended according to this report.

Mr. NORRIS. I ask unanimous consent that there be printed as a Senate document in parallel columns a comparative print of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, showing the bill as passed by the House and the bill as now pending before the Senate. [S. Doc. No. 676.]

The PRESIDING OFFICER. Without objection, the order will be made as requested.

Mr. TOWNSEND. Mr. President, I ask that the minority report be read.

The PRESIDING OFFICER. The Secretary will read the views of the minority, as requested.

The Secretary proceeded to read the views of the minority, as follows:

Mr. WORKS, from the Committee on Public Lands, submitted the following views of the minority:

We are unable to join the majority of the committee in recommending the passage of H. R. 408 as amended.

The bill, although modified in many material particulars, is subject to objections which, in our judgment, are fundamental. It is the first step in a policy which proposes to and unquestionably will commit the Federal Government to the leasing of the national domain, and which we believe to be both unwise and inexpedient. It reverses the policy of alienating the public domain, without regard to its character, to citizens of the United States and those intending to become such, under which the great West was peopled and has flourished. A corollary of the new régime will be the permanent retention of Government title to these vast areas of public domain yet undisposed of. Stated concisely, the Government proposes to establish the relation of landlord and tenant as regards this domain, between itself and those of its citizens who hereafter apply for the acquisition of any of the unsold lands of the Government, and this bill is to be the pioneer in that direction.

It was decided more than half a century ago that the doctrine applying to lands in other countries, which reserved to the Crown precious metals and perhaps other mineral contents in the general domain, has no application to a country like ours. This doctrine never had any foothold in the United States. Our policy of homesteads and preemptions was followed by the enactment of statutes relating to mineral lands of the United States, under which prospecting and location were so encouraged that vast treasures of gold, silver, lead, copper, zinc, cinnabar, iron, oil, gas, saline, and other valuable deposits were discovered and developed, thereby peopling the waste places of the continent and adding to the general store of the national wealth.

The climatic conditions prevailing in the arid and semiarid regions of the West long ago required the abolition of the old doctrine of riparian rights as applied to the watercourses in that region, and the substitution therefor of the right of ownership of said waters by appropriation and use for beneficial purposes. This change of the law of ownership of waters found early expression in enabling acts, constitutions, statutes, and judicial decisions, whereby the ownership of the waters in these streams was vested in the States respectively, subject to such right of appropriation. This ownership was exclusive for the purposes mentioned subject only to such modifications as might be imposed by the General Government through its jurisdiction over navigable streams, an overlordship which is entirely consistent with the full enjoyment of the use of the waters and watercourses in the arid and semiarid portions of the country.

This doctrine has been so frequently announced and supported in the Senate as to make quotation of authority unnecessary. Nevertheless, a reference to the great case of Kansas *v.* Colorado (206 U. S., p. 46) may not be amiss. That action was instituted by the State of Kansas against the State of Colorado to restrain the defendant from diverting the waters of the Arkansas River from its natural course because it was said to diminish its natural flow across the boundary and into the State of Kansas to the injury of her citizens. The United States sought to intervene as the owner of large tracts of public domain and because of its consequent asserted right to make such legislative provision as might be needful for the reclamation of its arid lands, and for that purpose to appropriate the accessible waters. This right of intervention was denied, and the doctrine recognized that each State had full jurisdiction over the land within its borders, including the beds of streams and their wafers. On page 92 of the decision the court declared:

"As to the lands within the limits of the States, at least of the Western States, the National Government is the most considerable owner, and has power to dispose of and make all needful rules and regulations respecting its property. We do not mean that its legislation can override State laws in respect to the general subject of reclamation. While arid lands are to be found mainly, if not only, in the Western and newer States, yet the powers of the National Government within the limits of those States are the same (no greater and no less) than those within the limits of the original 13; and it would be strange, if in the absence of a definite grant of power, that the National Government could enter the territory of the States along the Atlantic and legislate in respect to improving by irrigation or otherwise the lands within their borders."

Statutes in all the public-domain States were long ago enacted, providing how and for what purposes the waters of their streams might be appropriated. Generally speaking, these appropriations are for domestic, or agricultural, or manufacturing purposes, or for all of them combined, the priority of the uses being in the order named. Rights of way for these appropriations may be had as a matter of course either by a purchase or by condemnation, or both, and this right is, or should be, enforcible against lands held in public as well as in private ownership, excepting, of course, such lands as are dedicated to or used for governmental purposes. The proposed legislation, however, by leasing and thereafter controlling power sites necessary to carrying into effect State appropriations for hydroelectric purposes not only disregards the local laws upon the subject of appropriation and use of waters (although ostensibly recognizing their existence), but in effect dominates and controls the waters of the States and derives a revenue from their use. This is confiscation of the most valuable asset of the arid and semiarid States, and the inauguration of a policy which in our judgment is wholly indefensible.

We are aware that the truth of this contention is vigorously challenged. It is true that the bill does not accomplish this purpose in express terms, but such will be the inevitable consequence of its enactment and operation. This is too high a price for the State to pay for its right to use what it already owns. The policy once inaugurated will be difficult to abandon.

Treading upon the heels of this measure is another to be hereafter reported proposing to inaugurate a vast system of tenancy in all the lands of the United States carrying metals or minerals, except those covered by the mining act of 1872. And the latter will inevitably come under the new system of administration once it has been initiated, there being no logical reason why a system demanded by one class of deposits should not be applied to all of them.

The basis of this new departure in land legislation has arisen from abuses in the administration of previous and existing land laws. These have resulted in the private acquisition of millions of acres of the public domain, but all of them have arisen out of or been based upon national laws through the agency of national administration. To make amends for the crimes of the past and for which it is largely responsible, the Government proposes not to punish the criminals or to deprive them of their booty, but to discipline the remainder of its citizens by converting them into a vast tenantry paying tribute to the Government and subject to ouster and eviction at the instance of Government agents and inspectors. The innocent always suffer for the offenses of the guilty, but it is hardly just that this result should be deliberately fixed by acts of legislation involving vast areas of territory and several millions of people.

Apart from the segregation from State jurisdictions and Federal control of millions of acres of land within their boundaries and the transformation of the National Government into a landlord and those thereafter dealing with it into tenants is the effect of the proposed system upon local self-government. If it be true that this feature of Anglo-Saxon institutions is a fundamental one, it must be true that any system, however seemingly necessary, which injures or destroys the principle is pernicious. We affirm that local self-government and Federal landlordism are wholly irreconcilable, and that if the latter prevails the former will ultimately disappear.

Primarily the assumption by the Government of the status of lessor involves absentee landlordism, with all its objections and abuses. The Government has its headquarters in Washington, where its powers are concentrated and from which they radiate. Almost the whole of its public domain lies west of the one hundredth meridian and from 1,750 to 3,000 miles from the Capital. Applicants for leases must present their petitions and requests to the Secretary of the Interior, and these will necessarily undergo the inspection of several bureaus and many subordinates. The leases when made must be under the supervision of the department, and this will find expression in the persons of local inspectors, agents, accountants, and other governmental employees, each intent upon magnifying the importance of his position and his own invaluable services in connection therewith. Demands, complaints, notices, objections, and criticisms will multiply as these activities increase, and they will increase in proportion to the ambitions of the officeholders and the political influence of the office seeker. All appeals must be ultimately reviewed and determined at the seat of government but at the expense of the appellant. The

business of the Federal courts, already burdened beyond their capacity, will be multiplied. Such a system must inevitably weaken, if indeed it does not permanently impair the Government, the police power, and the laws of the States and municipalities, thus transferring to the National Government, through its ownership of public lands, a jurisdiction and character of business which it was never designed to and which it can not perform, either with justice to itself or satisfaction to its tenants.

Moreover, the expense attendant upon the administration of this proposed policy will be far in excess of the revenues to be derived from it. If the system were absolutely essential to the public welfare, the problem of expense would not be important, but when we consider that it is neither necessary nor desirable, the cost of administration is not only an important but a serious factor of the situation. Prophecies are both dangerous and unreliable, yet we venture the prediction that before the proposed system has been in operation five years the Government expense of administration will exceed its revenues from two to three fold. It is useless; it is un-American; it is needless; nay, it is dangerous to embark the Government upon such an enterprise.

We think it may be maintained that the sole duty of the Government with regard to its public domain is to so dispose of it that the sovereignties where the same is situate may control it exactly as they control all other domain, subject to their laws and contributing its proportion of the public burden.

In making such disposition every precaution should be exercised against its monopolization by the few; and while it is not to be doubted that such is the purpose of the Government in the proposed legislation, it is remarkable that existing land and power monopolies in the public-domain States have been the direct outgrowth of national administration, for which the States were not responsible and which, in our judgment, would have been preventable under State control.

The question as to the concrete course which the Government should pursue with regard to its lands is a pertinent one. My opinion, long entertained, is that the national domain should be transferred to the States, respectively, where the same is located, the title to be safeguarded by conditions whose disregard will mean forfeiture. The people of those Commonwealths can, if experience is availing, be better trusted to administer these lands than the National Government. Their governments are within the territory affected. Its proper development and settlement are matters of immediate and local concern, and, while abuses inseparable from our methods of administration might manifest themselves at times, their correction would be speedy and their consequences inconsiderable.

The pending bill will not prevent monopolization of water power. On the contrary, it will perpetuate the existing one. In the first place, we do not think that private enterprise will find anything attractive in its provisions. If this be so, development will not follow; certainly not very rapidly. The plants already established will thus be made secure in their respective territory, and, with all remaining power tied up, consequently enjoy a business which customers must patronize, whatever the cost.

But if we should err in this forecast we see nothing in the bill, nor, indeed, in any bill which the wit of man can devise for the development of hydroelectric power by private capital that can effectually prevent consolidation and monopoly. Indeed, nothing short of public ownership will prevent it. The experiences of the Government in legislating for the abolition of trusts and in suits brought to enforce it have not been satisfactory in other fields of effort, and we fear it will be less so when directed to an industry which is a natural monopoly, whose output is a necessity of life, and the competition of whose producers has up to this time served but to increase the cost of the product to the consumer. The price which this bill requires the Western States to pay for a possible competition in the busienss of devloping electric energy, however effective, is too great.

Mr. WALSH. Mr. President, I think it proper to have recorded at this time the fact that while this report is being read there are just five Senators present upon the other side of the Chamber.

The PRESIDING OFFICER. Does the Senator desire a call of the Senate?

Mr. WALSH. No.

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

The PRESIDING OFFICER. The absence of a quorum is suggested. The roll will be called.

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

Bankhead	Hollis	Norris	Smith, Mich.
Borah	Husting	Oliver	Smith, S. C.
Chamberlain	James	Overman	Smoot
Chilton	Johnson, S. Dak.	Owen	Sterling
Clapp	Jones	Page	Stone
Culberson	Kenyon	Pittman	Sutherland
du Pont	Kirby	Poindexter	Swanson
Fletcher	Lea, Tenn.	Ransdell	Thomas
Gallinger	Lewis	Reed	Vardaman
Gronna	McLean	Robinson	Wadsworth
Harding	Martine, N. J.	Saulsbury	Walsh
Hardwick	Myers	Shafroth	Watson
Hitchcock	Nelson	Sheppard	Williams

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is absent on account of sickness.

The PRESIDING OFFICER. The call of the roll discloses that 52 Senators have answered to their names. A quorum is present. The Secretary will proceed with the reading of the report.

The Secretary resumed the reading of the views of the minority, as follows:

It involves the permanent surrender of their sovereignty over vast stretches of territory, the transfer of their waters to the General Government, and the substitution of a swarm of Government employees for public servants of their own selection. The bill should be indefinitely postponed.

C. S. THOMAS.
M. A. SMITH.

ADDITIONAL VIEWS OF MESSRS. WORKS, SMOOT, AND CLARK OF WYOMING.

We agree generally with the views of the Senator from Colorado [Mr. THOMAS] and the Senator from Arizona [Mr. SMITH]. When this bill, substantially in its present form, was reported to the Senate at its last session we submitted an adverse report, pointing out our objections to the bill. We now make part of this minority report the statement of our views as then expressed, with some slight changes made necessary by amendments made to the bill as now reported, as follows:

[Senate report 898, part 2, Sixty-third Congress, third session.]

Mr. WORKS, from the Committee on Public Lands, submitted the following views of a minority:

The report of the majority of the committee states the object of the bill as follows:

"The object of the measure is the better and speedier development for useful and beneficial purposes of the great undeveloped water power of the country, now lagging on account of inadequate and inefficient laws."

If this were the real object and purpose of the bill and this object would be attained even in reasonable degree and without unwarranted and dangerous encroachments by the National Government on the constitutional rights of the States, the signers of this minority report of the committee would not be found contending against its enactment, as they represent a constituency that is vitally interested in the development of all natural resources and their application to beneficial uses, freed as far as possible from limitations, obstructions, or unnecessary burdens of any kind. In any attempt to bring about such legislation we should carefully consider:

1. The rights of the States in the waters flowing through them in the natural streams and to regulate and control their appropriation, diversion, and use.

2. The limitations of the National Government in dealing with the appropriation, regulation, and use of these waters.

3. The rights of the people of the States to the use of the waters of the streams, as provided by law, commonly called the consumers.

But after all and in the last analysis it is the consumer that should be protected and his individual right to the use of the water maintained and preserved under reasonable rules and regulations that will insure the greater and more beneficial use of the water for all legitimate purposes.

The western semiarid States, where irrigation is necessary to their full development and prosperity, are peculiarly and vitally interested in making every drop of water beneficially useful, and in supplying every acre of land possible with the water without which much of their lands are sterile and unproductive. This being true it must be seen that these States are interested and will support any just law that will extend the use of water either for the irrigation of their land or the development of power. And if it were believed by us that this bill, if it should become a law, would have that effect without violating any of the fundamental and constitutional rights of the State it would receive our earnest and united support. It is because we are fully convinced by our own knowledge of the subject and the testimony taken at the hearings before the committee that the bill will not conduce to the better or speedier development of the water power of the country, but will hinder and retard such development, and that its real object, purpose, and effect is to usurp by the National Government the rights and jurisdiction of the States in and over the flowing waters of the streams to the detriment of the States and to water consumers that we earnestly oppose the passage of the bill. And this attempt at what seems to us to be revolutionary, detrimental, and unwise legislation is so far-reaching and important that we feel it to be our duty to lay before the Senate our reasons for opposing the passage of the bill.

In dealing with the subject we assume that certain fundamental principles of law, controlling in their influence as affecting such legislation as this, have been firmly and unalterably established by both Federal and State decisions. They are as follows:

1. The ownership of flowing water and the right to dispose of and to regulate and control the use thereof within their borders belong exclusively to the States as a part of their sovereign power, subject only, in case of navigable streams, to the power of the Federal Government to regulate and promote commerce between the States.

Mr. WALSH. Mr. President, that part of the report from page 7 to page 17 consists of a discussion of legal principles, elucidated by ample quotations from decisions of various courts. I think all will appreciate that that part of the report ought to be studied with some care by those Senators to whom it is of interest, and that the reading of it would serve no useful purpose. At page 17 the author of the report continues a discussion of his reasons for opposing the bill, commencing with the language:

Having demonstrated, by reference to the decided cases—

And so on. I ask unanimous consent, accordingly, that the reading of the report down to the first paragraph commencing on page 17 be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. WALSH. I think the Senator will find it as I have stated.

Mr. TOWNSEND. I think it is quite important that this should be read. The reference that is appended to No. 1 may be printed in the RECORD and the reading omitted between paragraphs 1 and 2.

The matter referred to is as follows:

Pollard's Lessee *v.* Hagan (3 How., U. S., 212); Withers *v.* Buckley (20 How., 84); Escanaba Co. *v.* Chicago (107 U. S., 678); Kansas *v.* Colorado (206 U. S., 46); Illinois Central Railroad *v.* Illinois (146 U. S., 387); Shively *v.* Bowlby (152 U. S., 1); Sands *v.* Manistee River Improvement Co. (123 U. S., 288); Veazie *v.* Moor (14 How., U. S., 568); Hudson Water Co. *v.* McCarter (209 U. S., 349); City of New York *v.* Miln (11 Pet., 102); Gutierras *v.* Albuquerque (188 U. S., 545); County of Mobile *v.* Kimball (102 U. S., 691); Cardwell *v.* American Bridge Co. (113 U. S., 205); Willamette Iron Bridge Co. *v.* Hatch (125 U. S., 1); United States *v.* Railroad Bridge Co. (6 McLean, 517).

Mr. TOWNSEND. I think the balance of it had better be read.

Mr. WALSH. If the Senator objects to my request, I would be glad if he will agree that the quotations be omitted.

Mr. POMERENE. I am quite sure it ought to be read, because I never heard the Senator from Michigan express himself so seriously.

The PRESIDING OFFICER. The Secretary will proceed with the reading.

Mr. TOWNSEND. It is understood that those references are to be printed in the RECORD in connection with the reading.

The PRESIDING OFFICER. They will be included, as they appear in the report.

The Secretary resumed the reading, and, omitting the parts indicated, read as follows:

2. That as a consequence the United States have no such right either of ownership, regulation, or control. (Pollard's Lessee *v.* Hagan, 3 How., U. S., 212; Kansas *v.* Colorado, 206 U. S., 46; Ward *v.* Race Horse, 163 U. S., 504.)

3. The rights of consumers to the use of the water are dependent upon State and not Federal laws and subject to State regulation and control, exclusively, unless the use is interstate. (Kansas *v.* Colorado, 206 U. S., 46; Osborne *v.* San Diego Land & Town Co., 178 U. S., 22; Los Angeles *v.* Los Angeles Water Co., 177 U. S., 558; St. Anthony Falls Water Power Co. *v.* St. Paul Water Commissioners, 168 U. S., 349; Bean *v.* Morris, 221 U. S., 485.)

4. The Federal Government owns the public lands as a proprietor only and not in its sovereign capacity. (Pollard's Lessee *v.* Hagan, 3 How., U. S., 212; Ward *v.* Race Horse, 163 U. S., 504; Woodruff *v.* North Bloomfield Gravel Mining Co., 18 Feb. Rep., 753; Boggs *v.* Merced Mining Co., 14 Cal., 279, 376.)

5. The Federal Government has no power or jurisdiction to fix rates or regulate the use or disposition of water within a State. (Sands *v.* Manistee River Improvement Co., 123 U. S., 288; Osborne *v.* San Diego Land & Town Co., 178 U. S., 22.)

6. The power to fix rates or regulate the use of water not given to the Federal Government by the Constitution can not be bestowed by act of Congress as a condition to the leasing or sale of the public lands. (New Orleans *v.* United States, 10 Pet., 662, 736; Leovy *v.* United States, 177 U. S., 621.)

7. Absolute property in and dominion and sovereignty over the soils under the tidewaters in the States are reserved to the several States. (Kansas *v.* United Land Association, 142 U. S., 161.)

8. Public lands owned by the United States are not subject to taxation by the States. (California *v.* Shearer, 30 Cal., 645, 655, 658; Van Brocklin *v.* Tennessee, 117 U. S., 151.)

9. The power of Congress to legislate or exercise sovereignty over lands within a State is confined to lands acquired by the Federal Government for certain specific purposes, and with the consent of the State. (United States *v.* Cornell, 2 Mason, 60; Woodruff *v.* North Bloomfield Gravel Mining Co., 18 Fed. Rept., 753.)

The far-reaching effects of this proposed legislation and the evident attempt of the Federal Government to usurp the sovereign powers of the States move us to consider more extensively the effect of the principles above laid down and the cases supporting our views. In doing so we rest our views and conclusions largely upon the following premises:

1. Before the formation of the present Government all sovereign powers were vested in the several States within their borders.

2. The Federal Government formed by the States has only such powers as the States bestowed upon it by the Constitution. All others are reserved to the States.

3. The powers thus granted do not include the power to regulate or control the use of the waters of streams flowing within a State except to maintain and regulate commerce between the States, with foreign nations, and under treaties with the Indians.

4. The ownership of land within a State as a proprietary owner and not for governmental uses and purposes gives the Federal Government no power or jurisdiction to regulate or control the use of the waters of a stream on which the land borders.

5. Therefore any legislation attempting to vest any such power in the Government will be unconstitutional and void.

That the bill under consideration does provide for such usurpation of power we will show further along.

Having laid down these general principles that should guide and control our action, we quote, for the information of the Senate, some of the language of the courts on the subject which we regard as conclusive.

In Pollard's Lessee *v.* Hagan (3 How., 212) the question was as to the title to lands covered by the waters of a navigable stream and involved the power and jurisdiction of the United States Government over such lands. The court said:

"The right which belongs to the society——

Mr. WALSH. I understood the reading of the quotation was to be omitted.

Mr. TOWNSEND. The Senator misunderstood me. I want the balance of the report read.

The PRESIDING OFFICER. There is objection, and the report will be read as it appears.

The Secretary resumed and concluded the reading of the views of the minority, as follows:

The court said:

"The right which belongs to the society, or to the sovereign, of disposing in case of necessity, and for the public safety, of all the wealth contained in the State, is called the eminent domain. It is evident that this right is, in certain cases, necessary to him who governs and is consequently a part of the empire, or sovereign power. (Vat. Law of Nations, sec. 244.) This definition shows that the eminent domain, although a sovereign power, does not include all sovereign power, and this explains the sense in which it is used in this opinion. The compact made between the United States and the State of Georgia was sanctioned by the Constitution of the United States, by the third section of the fourth articles of which it is declared that 'New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned, as well as of Congress.'

"When Alabama was admitted into the Union, on an equal footing with the original States, she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States, for the temporary purposes provided for in the deed of cession and the legislative acts connected with it. Nothing remained to the United States, according to the terms of the agreement, but the public lands. And, if an express stipulation had been inserted in the agreement, granting the municipal right of sovereignty and eminent domain to the United States, such stipulations would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in the cases in which it is expressly granted.

"By the sixteenth clause of the eighth section of the first article of the Constitution power is given Congress 'to exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same may be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.' Within the District of Columbia, and the other places purchased and used for the purposes above mentioned, the Nation and municipal powers of government of every description are united in the government of the Union. And these are the only cases within the United States in which all the powers of government are united in a single government, except in cases already mentioned of the temporary territorial governments, and there a local government exists. The right of Alabama and every other new State to exercise all the powers of government, which belong to and may be exercised by the original States of the Union, must be admitted and remain unquestioned, except so far as they are temporarily deprived of control over the public lands.

"We will now inquire into the nature and extent of the right of the United States to these lands, and whether that right can in any manner affect or control the decision of the case before us. This right originated in voluntary surrenders, made by several of the old States, of their waste and unappropriated lands to the United States, under a resolution of the old Congress of the 6th of September, 1780, recommending such surrender and cession, to aid in paying the public debt incurred by the War of the Revolution. The object of all the parties to these contracts of cession was to convert the land into money for the payment of the debt and to erect new States over the territory thus ceded; and as soon as these purposes could be accomplished the power of the United States over these lands as property was to cease.

"Whenever the United States shall have fully executed these trusts the municipal sovereignty of the new States will be complete throughout their respective borders, and they and the original States will be upon an equal footing in all respects whatever. We therefore think the United States hold the public lands within the new States by force of the deeds of cession, and the statutes connected with them, and not by any municipal sovereignty which it may be supposed they possess or have reserved by compact with the new States for that particular purpose. The provision of the Constitution above referred to shows that no such power can be exercised by the United States within a State. Such a power is not only repugnant to the Constitution but it is inconsistent with the spirit and intention of the deeds of cession. The argument so much relied on by the counsel for the plaintiffs, that the agreement of the people inhabiting the new States, 'that they forever disclaim all right and title to the waste or unappropriated lands lying within the said territory, and that the same shall be and remain at the sole and entire disposition of the United States,' can not operate as a contract between the parties, but is binding as a law. Full power is given to Congress 'to make all needful rules and regulations respecting the territory or other property of the United States.' This authorized the passage of all laws necessary to secure the rights of the United States to the public lands and to provide for their sale, and to protect them from taxation."

The case of Withers *v.* Buckley (20 How., 84) involved the powers of the Federal and State Governments over navigable streams. It also lays down the rule since adhered to that the fifth and other amendments to the Constitution were intended to modify the powers granted to the Federal Government and do not limit or affect the powers of the State.

Quoting from the language of Chief Justice Marshall in Barron *v.* Baltimore (7 Peters, 247–248), the court said:

"The question thus presented we think of great importance but not of much difficulty.

"The Constitution was ordained and established by the people of the United States for themselves; for their own government, and not for the government of the individual States. Each State established a constitution for itself, and in that constitution provided such limitations and restrictions on the powers of its particular government as its judgment dictated. The people of the United States framed such a government for the United States as they supposed best adapted to their situation and best adapted to promote their interests. The powers they conferred on this government were to be exercised by itself; and the limitations on power, if expressed in general terms, are naturally, and we think necessarily, applicable to the government created by the instrument. They are limitations of power granted by the instrument itself, not of distinct governments framed by different persons and for different purposes.

"If these propositions be correct the fifth amendment must be understood as restraining the power of the General Government not as applicable to the States. In their several constitutions they have imposed such restrictions on their respective governments as their own wisdom suggested, such as they deemed most proper for themselves. It is a subject on which they judge exclusively and with which others interfere no further than they are supposed to have a common interest."

Again, reverting to the causes which led to the proposal and adoption of the amendments of the Constitution, the same judge remarks (ib., p. 250)—and these remarks embrace the whole series of articles adopted:

"In almost every convention in which the Constitution was adopted, amendments to guard against the abuse of power were recommended. These amendments demanded security against the apprehended en-

croachments of the General Government, not against those of the local governments.

"In compliance with a sentiment thus generally expressed, to quiet fears thus extensively entertained, amendments were proposed by the required majority in Congress and adopted by the States. These amendments contain no expression indicating an intention to apply them to the State governments. This court can not so apply them." (Vide also the cases of Fox *v.* The State of Ohio, 5 How., 411, and of The West River Bridge Co. *v.* Dix et al., 6 How., 507.)

And further, in considering an act of Congress relating to the subject, the court, in the same case, used this language:

"In considering this act of Congress of March 1, 1817, it is unnecessary to institute any examination or criticism as to its legitimate meaning, or operation, or binding authority, further than to affirm that it could have no effect to restrict the new State in any of its necessary attributes as an independent sovereign government, nor to inhibit or diminish its perfect equality with the other members of the Confederacy with which it was to be associated. These conclusions follow from the very nature and objects of the Confederacy, from the language of the Constitution adopted by the States, and from the rule of interpretation pronounced by this court in the case of Pollard's Lessee *v.* Hagan (3 How., p. 223). The act of Congress of March 1, 1817, in prescribing the free navigation of the Mississippi and the navigable waters flowing into the river, could not have been designed to inhibit the power inseparable from every sovereign or efficient government, to devise and to execute measures for the improvement of the State, although such measures might induce or render necessary changes in the channels or courses of rivers within the interior of the State, or might be productive of a change in the value of private property. Such consequences are not infrequently and indeed unavoidably incident to public and general measures highly promotive of and absolutely necessary to the public good. And here it may be asked whether the law complained of and the measures said to be in contemplation for its execution are in reality in conflict with the act of Congress of March 1, 1817, with respect either to the letter or the spirit of the act. On this point may be cited the case of Veazie et al. *v.* Moor" (14 How., 568).

The case of Escanaba Co. *v.* Chicago (107 U. S., 678) involved the right of the States to legislate respecting the use of navigable streams over which, for purposes of commerce between the States, the Federal Government has jurisdiction. In dealing with this question the court said:

"The power vested in the General Government to regulate interstate and foreign commerce involves the control of the waters of the United States which are navigable in fact, so far as it may be necessary to insure their free navigation, when by themselves or their connection with other waters they form a continuous channel for commerce among the States or with foreign countries. * * *

"But the States have full power to regulate within their limits matters of internal police, including in that general designation whatever will promote the peace, comfort, convenience, and prosperity of their people. This power embraces the construction of roads, canals, and bridges and the establishment of ferries, and it can generally be exercised more wisely by the States than by a distant authority. They are the first to see the importance of such means of internal communication and are more deeply concerned than others in their wise management. Illinois is more immediately affected by the bridges over the Chicago River and its branches than any other State and is more directly concerned for the prosperity of the city of Chicago, for the convenience and comfort of its inhabitants, and the growth of its commerce. And nowhere could the power to control the bridges in that city, their construction, form, and strength, and the size of their draws, and the manner and times of using them be better vested than with the State or the authorities of the city upon which it has devolved that duty. When its power is exercised so as to unnecessarily obstruct the navigation of the river or its branches, Congress may interfere and remove the obstruction. If the power of the State and that of the Federal Government come in conflict, the latter must control and the former yield. This necessarily follows from the position given by the Constitution to legislation in pursuance of it as the supreme law of the land. But until Congress acts on the subject the power of the State over bridges across its navigable streams is plenary.

"The doctrine declared in these several decisions is in accordance with the more general doctrine now firmly established—that the commercial power of Congress is exclusive of State authority only when the subjects upon which it is exercised are national in their character and admit and require uniformity of regulation affecting alike all the States. Upon such subjects only that authority can act which can speak for the whole country. Its nonaction is therefore a declaration that they shall remain free from all regulation."

Kansas *v.* Colorado (206 U. S., 46) involves directly the power of the Federal Government to legislate respecting the irrigation of arid lands. The question presented for decision is thus stated by the court:

"Turning now to the controversy as here presented, it is whether Kansas has a right to the continuous flow of the waters of the Arkansas River as that flow existed before any human interference therewith or Colorado the right to appropriate the waters of that stream so as to prevent that continuous flow, or that the amount of the flow is subject to the superior authority and supervisory control of the United States. * * *

"The primary question is, of course, of national control. For, if the Nation has a right to regulate the flow of the waters, we must inquire what it has done in the way of regulation. If it has done nothing, the further question will then arise, What are the respective rights of the two States in the absence of national regulation?"

In discussing this question, as stated by the court, it was said:

"Congress has, by virtue of the grant to it of power to regulate commerce 'among the several States,' extensive control over the highways, natural or artificial, upon which such commerce may be carried. It may prevent or remove obstructions in the natural waterways and preserve the navigability of those ways. * * *

"That involves the question whether the reclamation of arid lands is one of the powers granted to the General Government. As heretofore stated, the constant declaration of this court from the beginning is that this Government is one of enumerated powers. 'The Government, then, of the United States can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given or given by necessary implication.' (Story, J., in Martin *v.* Hunter's Lessee, 1 Wheat., 304, 326.) 'The Government of the United States is one of delegated, limited, and enumerated powers.' (United States *v.* Harris, 106 U. S., 629, 635.)

"Turning to the enumeration of the powers granted to Congress by the eighth section of the first article of the Constitution, it is enough to say that no one of them by any implication refers to the reclamation of arid lands. The last paragraph of the section, which authorizes Congress to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof, is not the delegation of a new and independent power, but simply provision for making effective the powers theretofore mentioned. * * *

"We must look beyond section 8 for congressional authority over arid lands, and it is said to be found in the second paragraph of section 3 of Article IV, reading: 'The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.'

"The full scope of this paragraph has never been definitely settled. Primarily, at least, it is a grant of power to the United States of control over its property. That is implied by the words 'territory or other property.' It is true it has been referred to in some decisions as granting political and legislative control over the Territories as distinguished from the States of the Union. It is unnecessary in the present case to consider whether the language justifies this construction. Certainly we have no disposition to limit or qualify the expressions which have heretofore fallen from this court in respect thereto. But, clearly, it does not grant to Congress any legislative control over the States, and must, so far as they are concerned, be limited to authority over the property belonging to the United States within their limits. Appreciating the force of this, counsel for the Government relies upon 'the doctrine of sovereign and inherent power,' adding, 'I am aware that in advancing this doctrine I seem to challenge great decisions of the court, and I speak with deference.' His argument runs substantially along this line: All legislative power must be vested in either the State or the National Government; no legislative powers belong to a State government other than those which affect solely the internal affairs of that State, consequently all powers which are national in their scope must be found vested in the Congress of the United States. But the proposition that there are legislative powers affecting the Nation as a whole which belong to, although not expressed in, the grant of powers is in direct conflict with the doctrine that this is a Government of enumerated powers. That this is such a Government clearly appears from the Constitution, independently of the amendments, for otherwise there would be an instrument granting specific things made operative to grant other and distinct things. This natural construction of the original body of the Constitution is made absolutely certain by the tenth amendment. This amendment, which was seemingly adopted with prescience of just such contention as the present, disclosed the widespread fear that the National Government might, under the pressure of a supposed general welfare, attempt to exercise powers which had not been granted. With equal determination the framers intended that no such assumption should ever find justification in the organic act, and that if in the future further powers seemed necessary they should be granted by the people in the manner they had provided for amending that act. It reads, 'The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively or to the people * * *.'

"One cardinal rule underlying all the relations of the States to each other is that of equality of right. Each State stands on the same level with all the rest. It can impose its own legislation on no one of the others and is bound to yield its own views to none. Yet, whenever, as in the case of Missouri *v.* Illinois (180 U. S., 208), the action of one State reaches through the agency of natural laws into the territory of another State, the question of the extent and the limitations of the rights of the two States becomes a matter of justiciable dispute between them, and this court is called upon to settle that dispute in such a way as will recognize the equal rights of both and at the same time establish justice between them."

The court then proceeded to consider and determine the rights, not of the Federal Government, but of the States of Kansas and Colorado, in the waters of the Arkansas River, a stream which flows through both States.

The case of Shively *v.* Bowlby (152 U. S., 1) involved the title to lands below high-water mark in the Columbia River in the State of Oregon. It is one of the leading cases on the subject of the powers of the Federal and State Governments over navigable streams. That the power and jurisdiction of the States over nonnavigable streams and lands lying under them is exclusive is not questioned. It is only where the question of navigation for interstate purposes is involved that any question of sovereign power in the States has ever been controverted. In this case the laws of the several States on the subject and the numerous decided cases bearing upon it are fully reviewed and the doctrine laid down in Pollard's Lessee *v.* Hagan, quoted from above, confirmed and approved. The opinion in the case is an exceedingly interesting and instructive one and should receive attention in this connection. In closing, the court said:

"The United States, while they hold the country as a Territory, having all the powers both of national and municipal government, may grant for appropriate purposes, titles or rights in the soil below high-water mark of tidewaters. But they have never done so by general laws; and, unless in some case of international duty or public exigency, have acted upon the policy, as most in accordance with the interest of the people and with the object for which the Territories were acquired, of leaving the administration and disposition of this sovereign right in navigable waters and in the soil under them to the control of the States, respectively, when organized and admitted into the Union.

"Grants by Congress of portions of the public lands within a Territory to settlers thereon, though bordering on or bounded by navigable waters, convey, of their own force, no title or right below high-water mark, and do not impair the title and dominion of the future State when created, but leave the question of the use of the shores by the owners of uplands to the sovereign control of each State, subject only to the rights vested by the Constitution in the United States.

"The donation land claim, bounded by the Columbia River, upon which the plaintiff in error relies, includes no title or right in the land below high-water mark, and the statutes of Oregon, under which the defendants in error hold, are a constitutional and legal exercise by the State of Oregon of its dominion over the lands under navigable waters."

The following statement in the opinion in Illinois Central Railroad *v.* Illinois (146 U. S., 387, 435) is to the same effect:

"It is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by tidewaters, within the limits of the several States, belong to the respective States within which they are found, with the consequent right to use or dispose of any por-

tion thereof, when that can be done without substantial impairment of the interest of the public in the waters, and subject always to the paramount right of Congress to control their navigation as far as may be necessary for the regulation of commerce with foreign nations and among the States. This doctrine has been often announced by this court and is not questioned by counsel of any of the parties." (Pollard's Lessee *v.* Hagan, 3 How., 212; Weber *v.* Harbor Commissioners, 18 Wall., 57.)

As establishing the claim we make that the Constitution vests no power in the Federal Government to regulate or control the use of the waters of a stream within a State, and that this power can not be given by a statute enacted by Congress, we quote this language from the opinion in New Orleans *v.* United States (10 Peters, 662, 736):

"The Government of the United States, as was well observed in the argument, is one of limited powers. It can exercise authority over no subjects, except those which have been delegated to it. Congress can not, by legislation, enlarge the Federal jurisdiction, nor can it be enlarged under the treaty-making power."

That the States have the right to regulate the use of even navigable streams within their borders where Congress has not acted or where such action does not interfere with the paramount power of the Federal Government to regulate commerce between the States, is affirmed by Leovy *v.* United States (177 U. S., 621), in which it is said:

"Subject, then, to the paramount jurisdiction of Congress over the navigable waters of the United States, the State of Louisiana has full power to authorize the construction and maintenance of levees, drains, and other structures necessary and suitable to reclaim swamp and overflowed lands within her limits."

And in the Daniel Ball (177 U. S., 10 Wall., 557) it is said:

"Those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or are susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water."

Respecting the right of a State to control the navigation of a stream wholly within its limits it was said in the case of Veazie *v.* Moor (14 How., 568, 573):

"Upon a comparison of this decree and of the statute upon which it is founded with the provision of the Constitution already referred to, we are unable to perceive by what rule of interpretation either the statute or the decree can be brought within either of the categories comprised in that provision.

"These categories are: 1. Commerce with foreign nations. 2. Commerce amongst the several States. 3. Commerce with the Indian tribes. Taking the term commerce in its broadest acceptation, supposing it to embrace not merely traffic but the means and vehicles by which it is prosecuted, can it properly be made to include objects and purposes such as those contemplated by the law under review? Commerce with foreign nations must signify commerce which in some sense is necessarily connected with these nations, transactions which either immediately or at some stage of their progress must be extraterritorial. * * * The phrase can never be applied to transactions wholly internal, between citizens of the same community, or to a polity and laws whose ends and purposes and operations are restricted to the territory and soil and jurisdiction of such community. Nor can it be properly concluded that, because the products of domestic enterprise in agriculture or manufactures, or in the arts may ultimately become the subjects of foreign commerce, the control of the means of the encouragements by which enterprise is fostered and protected is legitimately within the import of the phrase foreign commerce, or fairly implied in any investiture of the power to regulate such commerce. A pretension as far-reaching as this would extend to contracts between citizen and citizen of the same State, would control the pursuits of the planter, the grazier, the manufacturer, the mechanic, the immense operations of the collieries and mines and furnaces of the country; for there is not one of these avocations the results of which may not become the subjects of foreign commerce and be borne either by turnpikes, canals, or railroads from point to point within the several States toward an ultimate destination, like the one above mentioned. Such a pretension would effectually prevent or paralyze every effort at internal improvement by the several States; for it can not be supposed that the States would exhaust their capital and their credit in the construction of turnpikes, canals, and railroads, the remuneration derivable from which and all control over which might be immediately wrested from them, because such public works would be facilities for a commerce which, while availing itself of those facilities, was unquestionably internal, although intermediately or ultimately it might become foreign.

"The rule here given with respect to the regulation of foreign commerce equally excludes from the regulation of commerce between the States and the Indian tribes the control over turnpikes, canals, or railroads, or the clearing and deepening of watercourses exclusively within the States, or the management of the transportation upon and by means of such improvements."

In New York *v.* Miln (11 Pet., 102, 139) the absolute right of the State in this respect is more clearly and emphatically declared in this language:

"But we do not place our opinion on this ground. We choose rather to plant ourselves on what we consider impregnable positions. They are these: That a State has the same undeniable and unlimited jurisdiction over all persons and things within its territorial limits as any foreign nation, where that jurisdiction is not surrendered or restrained by the Constitution of the United States. That, by virtue of this, it is not only the right, but the bounden and solemn duty of a State to advance the safety, happiness, and prosperity of its people and to provide for its general welfare by every act of legislation which it may deem to be conducive to these ends, where the power over the particular subject or the manner of its exercise is not surrendered or restrained in the manner just stated. That all those powers which relate to merely municipal legislation, or what may, perhaps, more properly be called internal police are not thus surrendered or restrained, and that consequently, in relation to these, the authority of a State is complete, unqualified, and exclusive.

"We are aware that it is at all times difficult to define any subject with proper precision and accuracy; that if this be so in general, it is emphatically so in relation to a subject so diversified and multifarious as the one which we are now considering.

"If we were to attempt it, we should say that every law came within this description which concerned the welfare of the whole people of a State or any individual within it, whether it related to their rights or their duties, whether it respected them as men or as citizens of the State, whether in their public or private relation, whether it related to the rights of persons or of property or of the whole people of the State or any individual within it, and whose operation was within the territorial limits of the State and upon the persons and things within its jurisdiction."

Applying this doctrine to the right of a State to protect and control the flow of water in the streams within its limits, the court said, in Hudson Water Co. *v.* McCarter (209 U. S., 349, 356):

"The problems of irrigation have no place here. Leaving them on one side, it appears to us that few public interests are more obvious, indisputable, and independent of particular theory than the interest of the public of a State to maintain the rivers that are wholly within it substantially undiminished, except by such drafts upon them as the guardian of the public welfare may permit for the purpose of turning them to a more perfect use. This public interest is omnipresent wherever there is a State and grows more pressing as population grows. It is fundamental, and we are of opinion that the private property of riparian proprietors can not be supposed to have deeper roots. Whether it be said that such an interest justifies the cutting down by statute without compensation, in the exercise of the police power, of what otherwise would be private rights of property, or that apart from statute those rights do not go to the height of what the defendant seeks to do, the result is the same. But we agree with the New Jersey courts and think it quite beyond any rational view of riparian rights that an agreement, of no matter what private owners, could sanction the diversion of an important stream outside the boundaries of the State in which it flows. * * *

"The right to receive water from a river through pipes is subject to territorial limits by nature, and those limits may be fixed by the State within which the river flows, even if they are made to coincide with the State line."

Respecting the effect of the admission of Wyoming as a State upon a treaty with the Indians by which they were given the right to hunt on the public domain, the court in Ward *v.* Race Horse (163 U. S., 504) used this language:

"The argument now advanced in favor of the continued existence of the right to hunt over the land mentioned in the treaty, after it had become subject to State authority, admits that the privilege would cease by the mere fact that the United States disposed of its title to any of the land, although such disposition, when made to an individual, would give him no authority over game, and yet that privilege continued when the United States had called into being a sovereign State, a necessary incident of whose authority was the complete power to regulate the killing of game within its borders. This argument indicates at once the conflict between the right to hunt in the unoccupied lands within the hunting districts and the assertion of the power to continue the exercise of the privilege in question in the State of Wyoming in defiance of its laws. * * *

"The act which admitted Wyoming into the Union, as we have said, expressly declared that that State should have all the powers of the other States of the Union, and made no reservation whatever in favor of the Indians. These provisions alone considered would be in conflict with the treaty if it was so construed as to allow the Indians to seek out every unoccupied piece of Government land and thereon disregard and violate the State law, passed in the undoubted exercise of its municipal authority. But the language of the act admitting Wyoming into the Union, which recognized her coequal rights, was merely declaratory of the general rule."

As to the limitation of the powers of the Federal Government based upon its proprietary ownership of lands within a State, this is said in Woodruff *v.* North Bloomfield Gravel Mining Co. (18 Fed. Rep., 753, 772):

"Upon the cession of California by Mexico, the sovereignty and proprietorship of all the lands within its borders in which no private interest had vested passed to the United States. Upon the admission of California into the Union, upon an equal footing with the original States, the sovereignty for all internal municipal purposes and for all purposes except such purposes and with such powers as are expressly conferred upon the National Government by the Constitution of the United States, passed to the State of California. Thenceforth the only interest of the United States in the public lands was that of a proprietor, like that of any other proprietor, except that the State, under the express terms upon which it was admitted, could pass no laws to interfere with their primary disposal, and they were not subject to taxation. In all other respects the United States stood upon the same footing as private owners of land."

Having demonstrated, by reference to the decided cases, the respective rights of the Federal Government and the States in the subject matter of the bill, we proceed to consider the provisions of the bill itself and the bearing of the principles we have discussed above on its terms and conditions.

But before taking up the various provisions of the bill in detail we desire to consider it briefly as a whole.

The bill in its entire scope and purpose is an infringement upon and a usurpation of the sovereign powers of the States. This is not only its effect, but it is the avowed intention of its friends to transfer, in part, at least, from the States to the National Government the control over the use of the waters of the stream within the States. Ostensibly, it is proposed to authorize the Government to lease its own lands. To this there are serious objections, as we shall point out further along. But the public lands that may be leased for power sites are of themselves practically worthless. The Government has no ownership or interest in the water flowing in the stream except that of a riparian owner, and that only in States where riparian rights are recognized. In most of the Western States riparian rights are abolished and the ownership of the water vested in the whole people of the State, to be appropriated and applied to beneficial uses, as the laws of the State may provide. The Government owns the land precisely as a private individual owns his land, and with the same rights and privileges as to the use of the water that flows by it—no more, no less. It does not own it in its sovereign capacity, as we have shown, and has no sovereign power over it or over the water that flows past it. But the effect of the bill is to lease, not alone the land it owns, but the waters of the stream upon which it borders, and by conditions and restrictions in the lease to determine how and for what purposes the lessee shall use the water, as well as the land. This is in violation of the principles enunciated by the courts, as above pointed out, and an encroachment upon, and a plain and open violation of, the sovereign rights of the States to govern and control such use.

It is an ingenious effort to fasten upon the private ownership of the land, by the Government, the sovereign right to control the use of the

waters, a right that the Government does not possess under the Constitution and can not be given it by statute, and which admittedly does belong to the States. The rental to be paid by the lessee is not based upon the value of the use of the land, but upon the amount of power that can be produced by the water, which belongs to the State, and, as the water, in which the Government has no ownership or interest, is thus leased, the attempt is made to control the use of the thing leased, namely, the water. It may be conceded that the Government, as lessor, and the lessee may agree upon any basis they please in fixing the rental or royalty to be paid. Of this the State could not justly complain. The trouble is that because the Government fixes the amount to be paid for the land by the amount of power that can be produced by the water, over which it can have no right or control, it is attempting to vest in itself the unwarranted power to determine how the water shall be used and what for. Ostensibly, this is done to protect the Government, as lessor, and secure to it a compliance, on the part of the lessee, with the terms of the lease. But the intention and the effect of it is to draw to the Federal Government the right to control the use of the water. And this is the matter in controversy. Of this the States have every reason to complain. The granting of any such privilege is a betrayal of the sovereign rights of the State.

If any private owner of lands bordering on a stream should lease his lands for a power site and impose any such terms and conditions affecting the use of the water as this bill provides for, they would undoubtedly be inoperative and void. And, as the National Government, in this respect, has only the rights of a private owner, such conditions, made by the Government, would be equally so.

Having submitted these views on the general scope and effect of the bill, we proceed to verify what we have said of it by calling attention to some of its specific provisions.

In its first section the bill authorizes the Secretary of the Interior to lease lands of the Government for the "development, generation, transmission, and utilization of hydroelectric power." The effort is to devote not only the land leased, but the water, to a specific and exclusive purpose, namely, the generation of power. This is a direct violation of the right of the States to regulate and control the use or uses to which water should be applied, and in direct opposition to the policies of the States. In nearly all of the States where irrigation is practiced and in which this law, if enacted, will operate, have, either by direct statutory provisions or rules and regulations adopted by utility commissioners or other authorized official bodies, provided what uses of water shall be preferred over others where the water supply from any source is insufficient to meet all needs, usually in the following order: Domestic use, irrigation, development of power. This whole bill proceeds upon the theory that the Government can fix and designate the use to which the water shall be devoted, in spite of contrary rules fixed by the States. But we apprehend that if such a lease as is proposed were made and the power plant erected, the State could at any time require that the water used for the purpose of generating power be applied to domestic use or irrigation, if the water is needed for that purpose, and the lessee's lease and plant rendered valueless. If not, then the Government has, by its lease and the application of the water to a single and specific use, deprived the State of its undoubted sovereign right to determine the uses to which the water shall be applied. No one can doubt under the authorities we have cited that in a conflict of this kind between the two Governments the right of the State to say how and for what purposes water shall be used would be sustained.

The vice of this first section runs through the whole bill. All of its provisions and limitations relate wholly to the use of the water for the generation of power. There is a feeble attempt to remedy this defect by section 19, which provides that the plant may be enlarged by the lessee "for the purpose of impounding and conveying water for irrigation, mining, municipal, domestic, and other beneficial purposes." But this does not correct the evil. It is a mere consent of the Government that the water may be used for other purposes if the lessee desires. It is a consent given in a matter over which the Government has no control and about which it has no power either to give or withhold consent. And its consent, when given, amounts to nothing as affecting the use to which the water shall be applied. That is a matter exclusively within the power and jurisdiction of the States.

There is another apparent effort to avoid this and other void provisions in the bill that we will come to directly, by section 13, which provides that it shall not affect or interfere with the laws of any State relating to the control, appropriation, use, or distribution of water. Either this provision must have no effect at all or it will nullify every important provision of the bill, because the whole scope and effect of the bill, as we have shown, directly interferes with such laws of the States.

We now pass to the consideration of other provisions of the bill equally objectionable.

1. LIMITATION OF LEASE TO 50 YEARS.

Any attempt to limit the life of a plant for the distribution and use of water is wholly at variance with the whole theory of water rights in the Western States. Where water is put to use for irrigation, for example, the use must be perpetual and not for a limited term, otherwise a landowner might have the use of the water until his trees are matured, then lose his supply, bringing destruction upon his trees and his crops. To prevent this it is provided by statute in most if not all of the irrigation States that if a public-service corporation shall once supply water to land for irrigation the right to its continued and perpetual use, as an appurtenant to his land, attaches and passes, like other appurtenances, by a conveyance of the land. This is not so important as applied to the use of water for the development of power, except where the power is used, as it is very generally, for the pumping and other means of supplying water for irrigation. In that case it is equally important with the direct supply of water for irrigation.

2. RIGHT TO USE WATER MUST FIRST BE OBTAINED FROM STATE.

It is provided that no lease shall be granted until the applicant has complied with the requirements of the laws of the State or Territory wherein said project is to be located providing for the appropriation of water to develop or generate the electrical energy intended to be generated by applicant's proposed project. In some of the States this provision will be impossible of execution, because no right to the water can be obtained from the State until the plant to be used in applying it to a beneficial purpose is completed and approved by the State authorities, and then no title to the water is granted, but only a license to use it. For example, in California a water commission is provided for by law. This commission is given complete and plenary power over the appropriation and use of water for any and all purposes. The commission is authorized to investigate all streams and determine the amount of total flow of the different streams in the State, the amount appropriated and in proper and necessary use, and the quantity open to appropriation. Anyone desiring to appropriate water from any stream must apply to this commission and state in his petition therefor certain required facts. Upon a proper showing being made, a permit is issued allowing the construction of proper works for its diversion and distribution.

The statute provides:

"SEC. 16. Every application for a permit to appropriate water shall set forth the name and post-office address of the applicant, the source of water supply, the nature and amount of the proposed use, the location and description of the proposed head works, ditch, canal, and other works; the proposed place of diversion and the place where it is intended to use the water; the time within which it is proposed to begin construction, the time required for completion of the construction, and the time for the complete application of the water to the proposed use. If for agricultural purposes, the applicant shall, besides the above general requirements, give the legal subdivisions of the land and the acreage to be irrigated as near as may be; if for power purposes, it shall give, besides the general requirements prescribed above, the nature of the works by means of which the power is to be developed, the head and amount of water to be utilized, and the use to which the power is to be applied; if for storage in a reservoir, it shall give, in addition to the general requirements prescribed above, the height of dam, the capacity of the reservoir, and the use to be made of the impounded waters; if for municipal water supply, it shall give, besides the general requirements specified above, the present population to be served and, as near as may be, the future requirements of the city; if for mining purposes, it shall give, in addition to the general requirements prescribed above, the nature and location of the mines to be served and the methods of supplying and utilizing the water." (Cal. Stat., 1913, pp. 1012, 1021.)

The statute further provides:

"SEC. 19. Immediately upon completion, in accordance with law, the rules and regulations of the State water commission, and the terms of the permit, of the project under such application, the holder of a permit for the right to appropriate water shall report said completion to the State water commission. The said commission shall immediately thereafter cause to be made a full inspection and examination of the works constructed and shall determine whether the construction of said works is in conformity with law, the terms of the approved application, the rules and regulations of the State water commission, and the permit. The said water commission shall, if said determination is favorable to the applicant, isue a license which shall give the right to the diversion of such an amount of water and to the use thereof as may be necessary to fulfill the purpose of approved application." (Cal. Stat., 1913, pp. 1012, 1023.)

So it will be seen that in California the provision that the applicant must first comply with the requirements of the law of the State can have no effect, because his right can not be passed upon until the whole works are completed and approved by the water commission. And if not approved, the applicant is refused a license to divert and use the water. Therefore it is impossible for him to comply with the laws of the State before the lease is granted. And under the following provision of the statute all water not appropriated in accordance with the laws of the State is declared to belong to the people:

"And all waters flowing in any river, stream, canyon, ravine, or other natural channel, excepting so far as such waters have been or are being applied to useful and beneficial purpose upon, or in so far as such waters are or may be reasonably needed for useful and beneficial purposes upon lands riparian thereto, or otherwise appropriated, is, and are hereby, declared to be public waters of the State of California and subject to appropriation in accordance with the provisions of this act." (Cal. Stat., 1913, pp. 1012, 1023.)

3. PROVISION AS TO TIME AND MANNER OF DOING THE WORK OR ESTABLISHING THE PLANT.

This matter is completely covered by State laws, and the provision conflicts directly with those laws. The California statute to which we have referred places in the hands of the water commissioners the power to determine when, where, and how the water shall be applied and continued in actual use. It provides:

"SEC. 12. The State water commission shall have authority to, and may, for good cause shown, upon the application of any appropriator or user of water under an appropriation made and maintained according to law prior to the passage of this act, prescribe the time within which the full amount of the water appropriated shall be applied to a useful or beneficial purpose."

And certain rules for determining what is a reasonable prosecution and completion of the work are laid down for the guidance of the commission. The statute further provides:

"SEC. 18. Actual construction work upon any project shall begin within such time after the date of the approval of the application as shall be specified in said approval, which time shall not be less than 60 days from date of said approval, and the construction of the work thereafter shall be prosecuted with due diligence in accordance with this act, the terms of the approved application, and the rules and regulations of said commission; and said work shall be completed in accordance with law, the rules and regulations of the State water commission, and the terms of the approved application, and within a period specified in the permit; but the period of completion specified in the permit may, for good cause shown, be extended by the State water commission. And if such work be not so commenced, prosecuted, and completed the water commission shall, after notice in writing, and mailed in a sealed, postage-prepaid, and registered letter addressed to the applicant at the address given in his application for a permit to appropriate water, and a hearing before the commission, revoke its approval of the application. But any applicant, the approval of whose application shall have been thus revoked, shall have the right to bring an action in the superior court of the county in which is situated the point of the proposed diversion of the water for a review of the order of the commission revoking said approval of the application."

Thus we have a complete system of regulation in the State intended to secure an early application of the water to a beneficial use. To this end work is required to be commenced in not less than 60 days and prosecuted with due diligence, under rules and regulations prescribed by the commission.

This bill provides in section 2:

"That each lease made in pursuance of this act shall provide for the diligent, orderly, and reasonable development and continuous operation of the water power, subject to market conditions."

In other words, the State, admittedly the only authority having jurisdiction over the matter, provides that the work must commence within 60 days, be prosecuted with diligence, and completed under rules and regulations prescribed by the water commission. By this act we fix no time when the work shall be begun, prosecuted, and com-

pleted, but require it to be done as the Secretary of the Interior shall prescribe in a lease and subject to market conditions. We have shown that the Federal Government has no power or jurisdiction over this matter of supplying water or power in a State; but if it had this would involve a conflict of authority between the State and Federal Governments that must lead to conflicts and be intolerable.

4. ALLOWING INTERSTATE COMMERCE COMMISSION TO FIX RATES AND DETERMINE THE ISSUE OF STOCKS AND BONDS.

It is possible that where a corporation is engaged in transmitting power into another State the Federal Government would, because it is interstate business, have power to fix the rates to be charged against consumers, at least in the State to which it is transmitted. It is submitted, however, that it has no such power respecting power furnished by the corporation in its own State. And in no event could the Government justify itself in assuming to control the issue of stocks and bonds of a corporation as against the laws of the State of its creation. This would be an unwarranted exercise of authority based upon the mere fact that the corporation is its tenant, holding Government land within the State. Referring again to California, the railroad commission of the State has authority, conferred upon it by statute, to fix and determine not only the rates to be charged by a corporation furnishing power within the State, but to determine its bond and stock issue and other indebtedness. In other words, that commission has full and ample power to deal with the whole subject. Now it is proposed by this bill to give the same power to a Federal commission. This necessarily brings the two into direct conflict. The power can not be exercised by both governments. It belongs of right to the State, where it is organized and doing business and dealing with the water that belongs to the State and is being supplied to its people. There can be no just or valid claim that this power belongs to the Government, or can properly and legally be vested in it by statute.

5. PROVISION AUTHORIZING THE GOVERNMENT TO TAKE OVER THE LAND AT THE EXPIRATION OF THE LEASE.

By this provision the Government is authorized to take over not only the land it has leased but a water-power plant to be used, and which must continue to be used, for the generation of power for public use and to become a public-utility corporation, obligated to operate the plant and supply power to the public. When it assumes this function, it becomes at once bound by the contracts and other obligations of the lessee to supply the power. It at once becomes amenable to the State authorities having power to regulate its business. If not, then the effect is to deprive the State of the right to regulate the use of the waters of the State as an exercise of its sovereign power. It may well be asked how, when the National Government becomes a utility corporation, the State can exercise as against it the power it has to regulate rates or otherwise control the use and operation of the plant, even to the extent, as it may, of taking away the use of the water and requiring it to be used for other purposes more necessary for the public good than the development of power. Neither the State nor any consumer under the system could sue the Government or compel it in any way to perform its duty as a public-service corporation. This provision, if not illegal, is, it seems to us, absurd. It would lead to untold and innumerable conflicts of governmental authority and complications.

6. MAKING CONTRACTS FOR POWER.

Section 7 of the bill provides for the making of contracts for power upon the approval of the proper State authority and of the Secretary of the Interior.

We think we have demonstrated above that the Federal Government has no power or jurisdiction over this subject within a State. In this instance the right of the State to deal with it is recognized, but the Secretary of the Interior is given the power to nullify the action of the State in giving its approval by refusing to give his own. So action by the Secretary of the Interior, an officer who has no jurisdiction in the matter, and can be given none legally, is made necessary to any such action on the part of the utility corporation, for no better reason than that this particular corporation rents its power site from the Government. Other power corporations are not subject to any such limitation or double regulation. The State can not thus be shorn of its sovereign power over the subject matter by the Government in its capacity of a real estate dealer. It can not be possible that a renter from the Government must be subject to two regulating powers and two rules of regulation and other corporations owning their power sites or leasing them from some one else subject to but one. The mere statement of some of the results should be sufficient to condemn this provision.

7. OBJECTIONABLE MEANS OF ARRIVING AT RENT TO BE PAID.

The amount of rent to be paid for the land to be used as a power site is not fixed by the rental or other value of the land, but the amount of power produced by the use of the water belonging to the State. The land in and of itself is practically of no value. The profit, if any, resulting from the use of the water depends upon the rates collected by the corporation for the powers, which must be fixed by the State, if by anybody. In fixing the rates the State must allow the corporation the amount of rental it is required to pay to the Government as a part of its yearly operating expenses. The consumers must pay, not the interest on this amount only, as a part of the capital investment, but must pay it all each year as a part of the fixed annual charges of the company. A reasonable charge by the Government for the use of its land may be justified as a real estate transaction. It is not the exercise of sovereign power. It is nothing but a contract of lease, the same in all material respects as a transaction of a like kind by a private individual, with the Secretary of the Interior acting as the real estate agent. This should be kept constantly in mind. But the basis upon which the rental is founded is a false and unjust one. It compels the consumers of water belonging to the State to pay a charge to the Government that it is unconscionable to make. It compels the people of the State to pay the Government for the use of the water that belongs to them and to which the Government has no right and over which it has no power nor jurisdiction. The whole thing is unjust and unconscionable.

8. DISPOSITION OF PROCEEDS OF THE LEASE.

The injustice of the rental founded on the use of the water is made clear and accentuated by the provision, in the eighth section of the bill, that the proceeds shall be paid one half to the State and the other half to the Reclamation Service. This is clearly unjust to the State. The use of the water that belongs wholly to the State is the valuable thing. The Government has no interest in the water and is entitled to none of its benefits. But it assumes to rent it with the practically worthless land, the people of the State pay back the whole of it to the corporation, and the Government provides how the rental shall be divided without the approval or consent of the State. This is extending the power of the Federal Government over the sovereign rights of the States with a vengeance.

9. AUTHORITY TO EXAMINE BOOKS OF LESSEE.

By section 10 the Secretary of the Interior is given authority to examine the books and accounts of the lessees and to require them to submit "statements, representations, or reports, including information as to cost of water rights, lands, easements, and other property acquired, production, use, distribution, and sale of energy; all of which statements, representations, or reports so required shall be upon oath, unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require."

This, again, is a plain usurpation of the power that belongs to the States. Both the Water Commission and the Railroad Commission of the State of California, under its laws, have the right to require all of the information that is provided for in this section. This would subject a corporation that rents from the Federal Government to double examinations and double reports for which the consumers under that particular system must pay, while other corporations, not renting from the Government, would be subject to only one examination and one report. Besides, the Government, as a mere lessor of the property used as a power site, has no interest whatever in any of the things that are required to be reported upon by this section of the bill. As it is proposed to base the rents to be paid for the land upon the amount of power developed—if that be legal and justified—the Government has the right to satisfy itself of the amount of power developed. It has no interest further than that, and any effort to interfere with the business of the corporation or the operation of its plant, which belong alone to the State, is entirely unauthorized.

10. FORFEITURE OF LEASE.

Section 11 provides that this "lease may be forfeited and canceled by appropriate proceedings in a court of competent jurisdiction whenever the lessee, after reasonable notice in writing, as prescribed in the lease, shall fail to comply with the terms of this act or with such conditions not inconsistent therewith as may be specifically recited in the lease."

This would place the lessee in a very unhappy situation. As the State has the undoubted power to regulate the use of the water and the operation of the plant, the lessee might be compelled by State regulations to violate numerous terms provided for in the lease or the regulations of the Secretary of the Interior. Where the power exercised by the Government—and that authority would be exercised by the Secretary of the Interior by this bill—and the State commission should conflict the unfortunate lessee would have to take his chances of being prosecuted by the State authorities and his right to furnish power forfeited, or to comply with the rules, regulations, and orders of the Federal Government whereby his lease may be subject to forfeiture. This perhaps shows quite as clearly as anything else why it is utterly impossible that the provisions of this statute and the rules and regulations that may be prescribed by the Secretary of the Interior can by any possibility be allowed to stand as against the sovereign power of the State to regulate and control all these things.

11. CAN THE GOVERNMENT BY A SYSTEM OF LONG LEASES PERPETUATE ITS OWNERSHIP IN THE STATES OF UNTAXED LANDS?

We have shown by the decided cases that the Government owns the public lands as a proprietor and not in its sovereign capacity. This is too clearly and firmly established to admit of doubt. In a sense the Government owns the land in trust to dispose of it for use by the citizens of the country. Laws have been enacted from time to time providing for their disposition. Until now the national policy has been to convey the absolute title to the land in whatever way it may be disposed of. But it is now proposed to hold the title to the land in the Federal Government and lease it on long leases. This would be a radical change in governmental policy. It is a very important one to the States. The land in the hands of the Government is not subject to taxation by the States.

In the hearings by the committee this startling statement was made by the Senator from Colorado [Mr. SHAFROTH]:

"I believe that any leasing bill for the public domain or resources thereof is a direct attack on the sovereignty of the States containing the same, because it must result in a perpetual ownership of the property in the United States Government. Inasmuch as taxes can not be imposed upon property owned by the Federal Government, it means, to carry it to its ultimate result, the depriving of the States of their means of existence.

"I want to call the attention of the committee to a list contained in an article by Mr. W. V. M. Powelson of the number of acres of land in the various Western States now in the ownership of the Government. In Arizona, 92 per cent of the lands within the area of that State are in Government ownership; California, 52.58 per cent; Colorado, 56.67 per cent; Idaho, 83.80 per cent; Montana, 65.80 per cent; Nevada, 87.82 per cent; New Mexico, 62.83 per cent; Oregon, 51 per cent; Utah, 80.18 per cent; Washington, 40 per cent; Wyoming, 68 per cent."

Thus it is shown that lands in the several Western States ranging from 40 to 92 per cent are held in Government ownership and not subject to taxation by the State. And it is proposed by this and other bills pending in the Senate, making up the system of conservation proposed to be inaugurated, to perpetuate this condition and perpetually deprive the States of the right to tax this large percentage of the lands within its borders to maintain and support the State government. Whether the Government has the power to deal with its lands in that way or not, it must be seen by any observing person that it will be a rank injustice to the States in which these lands are situated. But we go further and maintain that the Government, holding the public lands in trust to dispose of them, has no right or authority to thus perpetuate its ownership of nontaxable lands and withhold them from purchase by the people of the country where the title should be vested.

Referring again to the case of Pollard's Lessee *v.* Hagan (3 How., 212), one of the leading cases on the subject, and from which we have quoted above, it will be seen that as to the public domain, not including lands acquired for permanent use for the erection of forts, magazines, arsenals, dockyards, and other needful buildings in the District of Columbia, the right and ownership of the land by the Government is "temporary," and so it has always, up to this time,

been considered. The theory and understanding has always been that public lands are held by the Government temporarily and in trust to dispose of them and vest the permanent fee simple title in those who might acquire them under rules and regulations prescribed by Congress. It was never intended that title to such lands should be held permanently in the Government, and in our judgment any law that vests this right to permanently hold the lands free from State taxation will be an open violation of the trust under which the lands are held and of the sovereign rights of the States.

At the expense of further extending this already long report, we quote again a short extract from the case last mentioned:

"We will now inquire into the nature and extent of the right of the United States to these lands, and whether that right can in any way affect or control the decision of the case before us. This right originated in voluntary surrenders, made by several of the old States, of their waste and unappropriated lands, to the United States, under a resolution of the old Congress of the 6th of September, 1780, recommending such surrender and cession to aid in paying the public debt incurred by the War of the Revolution. The object of all the parties to these contracts of cession was to convert the land into money for the payment of the debt and to erect new States over the terriory thus ceded; and as soon as these purposes could be accomplished the power of the United States over these lands, as property, was to cease.

"Whenever the United States shall have fully executed these trusts the municipal sovereignty of the new States will be complete throughout their respective borders, and they and the original States will be upon an equal footing in all respects whatever. We therefore think the United States hold the public lands within the new States by force of the deeds of cession and the statutes connected with them, and not by any municipal sovereignty which it may be supposed they possess or have reserved by compact with the new States for that particular purpose."

It clearly appears from this decision that the title of the Government in such lands is not permanent, but ceded only for the purpose of disposing of them, and that the Government can not make its title permanent or deprive itself for any length of time of the power to comply with the obligation of its trust to dispose of them.

12. WILL THE BILL, IF ENACTED, BRING THE DESIRED RESULTS?

As stated in the beginning, the purpose of this proposed legislation, as stated by the majority of the committee, is to bring about a speedier development of our undeveloped water power. It may be said that this is a purpose not within the power or jurisdiction of the Federal Government. The whole purpose of the bill, as thus stated, is beyond the power of the Government. It has no undeveloped water power. It is only a landowner in the States and nothing else. The development, as well as the regulation and control of undeveloped water and water power, is a purely State matter. The States alone have power to deal with the subject. The Government may, in its generosity, offer its land to the State, as any other landowner might do, to aid the State to develop its natural resources. It can not constitutionally do anything more. The assumption of some conservationists that the National Government has anything to do, as a Government, with the development of the natural resources in a State is without the slightest foundation. As a landowner it may be interested in such development as a means of increasing the value of the land it holds in trust for the people, but nothing more. It may hinder the State in its efforts to develop its resources by withholding its lands, available for dam, reservoir, or power sites, or by placing burdensome terms and conditions of sale or lease of its lands, if it has power to lease them, as would make it impossible or impracticable to use them for such purposes. But any private landowner might do the same thing and with the same effect.

And we submit that this is just what Congress will do for the Government if it enacts this bill. The terms upon which the Secretary of the Interior is authorized to lease land for power purposes are so unreasonable and burdensome and so clearly in conflict with State rights and State laws as to prevent any prudent business man from investing any money in a power site in any State. He would be unable to determine whether, in constructing and managing his plant, he would be bound by the Federal or State law, or both where they are not in direct conflict. If he obeyed one, in many instances, as we have pointed out, he would violate the other. A compliance with the State law would in some cases forfeit his lease. On the other hand, if he followed the provisions of the lease, particularly as to the time of commencing and completion of his plant, he would, in California at least, forfeit his right to the water, the really valuable thing, and a license to use the water would have to be denied him for failure to comply with the State laws. This would be true in other States as well. We have used California and its laws only as an illustration of the conflicts that would arise between the Government and the States if this bill should pass. The same conflicts would arise in the other Western States.

The present law relating to the use of public lands for power and irrigation purposes is entirely inadequate because of its uncertainty. But this proposed legislation would be infinitely worse, because it is so certainly and fatally wrong. It would, if enacted, soon put an end to any development of water power. Witness after witness, practical and experienced men, appeared before the committee and pointed out that the law would be impractical and unrevokable and prevent investments in enterprises of this kind, and the reasons were clearly pointed out. On the other hand, we had information to the contrary from Government officials who sincerely believed the law would be beneficial, but they could only theorize about a very practical matter. They had no practical knowledge on the subject. There were others who appeared in support of the bill equally sincere, but without knowledge. And the friends of the bill made no effort to sustain its constitutionality or to defend it against the legal objections that we have been pointing out in this report.

We have given but little attention to the merely business objections made to the bill. To our minds the legal objections to it are so numerous and so conclusive that this is unnecessary. As to this phase of it, we refer Senators to the public hearings that were full and fair. The friends of the bill gave its opponents every opportunity to point out and support their objections to it. These hearings on so important a matter should receive the careful attention of every Senator who desires to be informed on the subject.

For the reasons we have pointed out, and for others that may be developed later on, we could not concur in the favorable report on the bill, and submit that it should not pass.

REED SMOOT.
JOHN D. WORKS.
C. D. CLARK.

The PRESIDING OFFICER (Mr. LEWIS in the chair). Senators, this finishes the reading of the report.

Mr. SHAFROTH. Mr. President, I suggest the absence of a quorum. If the debate is going to begin now, it seems to me we ought to have more Senators here.

The PRESIDING OFFICER. The Senator from Colorado suggests the absence of a quorum. The Secretary will please call the roll.

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

Ashurst	James	Oliver	Swanson
Bankhead	Johnson, Me.	Page	Thomas
Bryan	Johnson, S. Dak.	Pittman	Tillman
Chamberlain	Jones	Ransdell	Townsend
Chilton	Kenyon	Robinson	Vardaman
Clapp	Lewis	Shafroth	Wadsworth
Fall	McLean	Sheppard	Walsh
Gallinger	Martine, N. J.	Smith, Ariz.	Watson
Hardwick	Myers	Smoot	Williams
Hughes	Newlands	Sterling	
Husting	Norris	Sutherland	

The PRESIDING OFFICER. Forty-two Senators having answered to their names, there is less than a quorum present. The Chair suggests the calling of the names of the absentees.

Mr. POINDEXTER, Mr. LANE, Mr. COLT, Mr. FERNALD, Mr. SMITH of Michigan, Mr. THOMPSON, Mr. CUMMINS, and Mr. HOLLIS entered the Chamber and answered to their names.

REGULATION OF IMMIGRATION.

The PRESIDING OFFICER. Fifty Senators having answered to their names, there is a quorum present. The Chair lays before the Senate the action of the House of Representatives further disagreeing to the amendments of the Senate to the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HARDWICK. I move that the Senate further insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

Mr. GALLINGER. Mr. President, will the Senator from Georgia, if he sees no objection to doing so, suggest to the Senate what the disagreeing votes are?

Mr. HARDWICK. Yes. The trouble is this: The House fixed an impossible date—I think it was July 1, 1916—for the bill to go into effect. The Senate fixed a later date—May 1, 1917—and in conference a date later than that named by either House was agreed upon—July 1, 1917. A point of order was raised and sustained in the House of Representatives, and this makes necessary a further conference.

Mr. GALLINGER. The conferees will simply have to adjust the date on which the law is to go into effect?

Mr. HARDWICK. That is the only thing—the date on which it will go into effect. When the bill gets into conference we can have that adjusted, of course.

Mr. WALSH. I wish to inquire if the unfinished business will lose its character as such should the motion be put?

Mr. HARDWICK. Not at all.

The PRESIDING OFFICER. Absolutely not. That would not be allowed. The Senate has heard the motion of the Senator from Georgia.

The motion was agreed to, and the Presiding Officer appointed Mr. SMITH of South Carolina, Mr. HARDWICK, and Mr. LODGE managers at the further conference on the part of the Senate.

WATER-POWER DEVELOPMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. THOMAS addressed the Senate. After having spoken for some time,

Mr. SMOOT. Mr. President, I should like to ask the Senator from Montana if it is the intention to have an executive session to-night?

Mr. MYERS. I have no such intention. No one has said anything to me about an executive session.

Mr. FLETCHER. I think it would be well to have an executive session of a very few minutes, in order to have some messages laid down and some references made.

EXECUTIVE SESSION.

Mr. MYERS. 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 10 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 13, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 12, 1917.

ASSISTANT SECRETARY OF STATE.

William Phillips, of Massachusetts, to be Assistant Secretary of State.

THIRD ASSISTANT SECRETARY OF STATE.

Breckinridge Long, of Missouri, to be Third Assistant Secretary of State.

PROVISIONAL APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

To be second lieutenants from November 26, 1916.

Second Lieut. Frank L. Hoerner, Philippine Scouts.
Second Lieut. Joseph P. Vachon, Philippine Scouts.
Second Lieut. Harry O. Davis, Philippine Scouts.
Second Lieut. Floyd Hatfield, Philippine Scouts.
Second Lieut. Earl Landreth, Philippine Scouts.
Second Lieut. Richard T. McDonnell, Philippine Scouts.
Sergt. Harold Preston Kayser, Company A, Twenty-second Infantry.
First Sergt. Basil D. Spalding, Company K, Twentieth Infantry.
Corpl. Henry J. C. Humphrey, Quartermaster Corps.
Corpl. Gordon W. Ells, Company F, Twenty-seventh Infantry.
Pvt. (First Class) George Lea Febiger, Sixth Recruit Company, General Service, Infantry.
Sergt. Theodore W. Sidman, Company M, Twentieth Infantry.
Sergt. Fred Stall, Company K, Fourth Infantry.
Corpl. Claud Edward Stadtman, Quartermaster Corps.
First Sergt. Mitchell Hilt, Company M, Eighteenth Infantry.
Sergt. John Breckinridge Warfield, Company C, Seventh Infantry.
Regimental Supply Sergt. Clarence Ralph Huebner, Eighteenth Infantry.
Corpl. Harold Gordon Lewis, Coast Artillery Corps.
Sergt. Frederick McCabe, Company M, Twenty-first Infantry.
Sergt. Morton Lee Landreth, Company E, Twenty-first Infantry.
Pvt. (First Class) Irving Howard Engleman, Fourth Recruit Company, General Service, Infantry.
Sergt. Clarence Waldo Emerson, Company K, Sixteenth Infantry.
Master Gunner Frederick Joseph von Rohan, Coast Artillery Corps.
Sergt. Frederick Schoenfeld, Company F, Third Infantry.
Supply Sergt. Earl Jay Dodge, Company M, Fourteenth Infantry.
Stable Sergt. Paul Joseph McDonnell, Company F, Third Engineers.
Sergt. Eustis L. Poland, Company B, Fifth Infantry.
Corpl. Fred I. Massey, Coast Artillery Corps.
Corpl. Curtis T. Huff, Company E, Third Engineers.
Sergt. Paul Hathaway, Company M, Twenty-first Infantry.
Corpl. Clarence Fenn Jobson, Coast Artillery Corps.
Sergt. Alfred Rickert Hamel, Coast Artillery Corps.
Pvt. Hardin Cleveland Sweeney, Coast Artillery Corps.
Sergt. Eugene Manuel Landrum, Company G, Second Infantry.
Corpl. Arthur Joseph O'Keefe, Company A, Third Infantry.
Pvt. James Alpheus Anderson, Company B, Thirty-seventh Infantry.
Sergt. Adelbert Brewer Stewart, Quartermaster Corps.
Sergt. William Fenton Lee, Twenty-fifth Recruit Company, General Service, Infantry.
Corpl. Donavin Miller, Company A, Third Infantry.
Sergt. George W. Teachout, Company M, Fifth Infantry.
Corpl. Clarence Raymond Oliver, Quartermaster Corps.
Corpl. Frederick William Huntington, Coast Artillery Corps.
Q. M. Sergt. Howard J. Houghland, Quartermaster Corps.
Sergt. Thomas James Griffin, Medical Department.
Mess Sergt. Chester Arthur Davis, Tenth Recruit Company, general service, Infantry.
Pvt. Conrad Liston Dennis, Coast Artillery Corps.
Corpl. Roland R. Long, Company H, Fifth Infantry.
Pvt. Arthur Van Dine, Battery F, Second Field Artillery.
Musician Corday Whitfield Cutchin, Company H, Second Infantry.
Sergt. (First Class) Charles B. Oldfield, Quartermaster Corps.
First Sergt. Charles J. Allen, Headquarters Company, Twenty-seventh Infantry.
Corpl. John Lawrence Dunn, Coast Artillery Corps.
Corpl. Raymond Wortley, Comapny A, Twenty-first Infantry.
Pvt. (First Class) William B. Wynn, Company F, Fourth Infantry.
Corpl. Louis A. Welch, Quartermaster Corps.
Sergt. Schiller Scroggs, Medical Department.
Sergt. Charles A. McGarrigle, Company C, Second Infantry.
Sergt. Alexander Putney Withers, Medical Department.
Corpl. Orville Emanuel Lewis, Company L, Eleventh Infantry.
Sergt. Lonnie Hollis Nixon, Coast Artillery Corps.
Sergt. William Francis Freehoff, Coast Artillery Corps.
Sergt. Shelby Ledford, Quartermaster Corps.
Sergt. Austin Aubrey Adamson, Aviation Section, Signal Corps.
Sergt. (First Class) Paul Cecil Turner, Quartermaster Corps.
Sergt. Charles Madison Crooks, Company A, First Infantry.
Sergt. William G. Livesay, Quartermaster Corps.

To be second lieutenants from November 27, 1916.

Second Lieut. Robert Lincoln Christian, Infantry.
Second Lieut. William Hampton Crom, Infantry.
Second Lieut. Leo Edwin Johnson, Infantry.
Second Lieut. George Rainsford Fairbanks Cornish, Infantry.
Second Lieut. Delphin Etienne Thebaud, Infantry.
Second Lieut. George Sheppard Clarke, Infantry.
Capt. Adolph Charles Weidenbach, Infantry.

To be second lieutenants from November 28, 1916.

First Lieut. Fred McIvor Logan, Field Artillery, Texas National Guard.
Second Lieut. Truman Smith, Twelfth Infantry, New York National Guard.
Second Lieut. Joseph William George Stephens, Second Infantry, Virginia National Guard.
Second Lieut. Adolph Unger, Eighth Infantry, Ohio National Guard.
Second Lieut. Richard Kerens Sutherland, Tenth Field Artillery, Connecticut National Guard.
Second Lieut. Shelby Mason Tuttle, Second Infantry, Ohio National Guard.
First Lieut. Robert Graham Moss, First Infantry, Maryland National Guard.
First Lieut. Emil Watson Leard, Infantry, Georgia National Guard.
Second Lieut. Walter Frank Adams, First Infantry, Vermont National Guard.
Second Lieut. Joseph Nathaniel Greene, First Infantry, Illinois National Guard.
Second Lieut. Sereno Elmer Brett, Third Infantry, Oregon National Guard.
First Lieut. Harry Langdon Reeder, Fourth Infantry, Maryland National Guard.
Second Lieut. Jay Edward Gilfillan, First Field Artillery, Minnesota National Guard.
First Lieut. Lester Templeton Gayle, jr., Battery C, Field Artillery, Virginia National Guard.
Capt. Turner Mason Chambliss, Infantry, Virginia National Guard.
Second Lieut. James Neville Cocke Richards, Second Infantry, Virginia National Guard.

To be second lieutenants, November 29, 1916.

John Frederick Ehlert, of Texas.
Theron Gray Methven, of Minnesota.
Francis Marion Van Natter, of Indiana.
Paul Lewis Ransom, of Vermont.

CAVALRY ARM.

To be second lieutenants from November 26, 1916.

First Lieut. Harley Dagley, Philippine Scouts.
Second Lieut. Charles L. Clifford, Philippine Scouts.
Second Lieut. Gaston L. Holmes, Philippine Scouts.
Sergt. (First Class) George W. Wersebe, Medical Department.
Sergt. Milton Raymond Fisher, Coast Artillery Corps.
Sergt. John S. Jadwin, Troop C, Sixteenth Cavalry.
Sergt. Arthur Paul Thayer, Troop A, Third Cavalry.
Sergt. Edward Reed Scheitlin, Medical Department.
Corpl. Edwin Allen Martin, Troop A, Third Cavalry.
Corpl. Frank Glenister Ringland, Twenty-fifth Recruit Company, General Service, Infantry.
Corpl. John B. Harper, Company L, Eighth Infantry.
Sergt. Winchell I. Rasor, Field Company E, Signal Corps.
Sergt. Oliver Irey Holman, Troop F, Fifth Cavalry.
Supply Sergt. John James Bohn, Headquarters Troop, Seventh Cavalry.
First Sergt. Harry Batten Flounders, Troop C, Thirteenth Cavalry.
Squadron Sergt. Maj. John Christian Garrett, Seventh Cavalry.

Sergt. Grover Robert Carl, Ninth Recruit Company, General Service, Infantry.
Sergt. Hugh Divine Blanchard, Company A, First Battalion, Mounted Engineers.
Sergt. James G. Monihan, Coast Artillery Corps.
Sergt. Anthony J. Kirst, Troop F. Fifteenth Cavalry.
Private William Gaston Simmons, Troop B, Eleventh Cavalry.
Corpl. Rexford Edwin Willoughby, Troop B, Third Cavalry.
Corpl. John Dutcher Austin, Troop K, Second Cavalry.
Sergt. John Payne Kaye, Troop I, Eleventh Cavalry.
Sergt. Cleo D. Mayhugh, Battery A, Fourth Field Artillery.
Corpl. James Washington Barnett, Company E, Second Regiment of Engineers.
Sergt. John Charles Mullenix, Medical Department.
Private Ross McCoy, First Aero Squadron, Signal Corps.

To be second lieutenants from November 27, 1916.

Second Lieut. Howard Charles Tobin, Infantry.
Second Lieut. John Andrew Weeks, Infantry.

To be second lieutenants from November 28, 1916.

Second Lieut. Walter Eyster Buchly, Battery A, Field Artillery, New Mexico National Guard.
Second Lieut. Harold Chittenden Mandell, Battery A, Field Artillery, Utah National Guard.
Second Lieut. Lester Atchley Sprinkle, First Infantry, Kansas National Guard.
Second Lieut. Robert Walker Grow, First Field Artillery, Minnesota National Guard.
Second Lieut. Terrill Eyre Price, Third Infantry, Pennsylvania National Guard.
First Lieut. William Henry Kasten, First Field Artillery, Illinois National Guard.
First Lieut. Edwin Rollmann, First Field Artillery, Minnesota National Guard.
Capt. Leon Edward Ryder, First Cavalry, Vermont National Guard.
First Lieut. Richard Lawrence Creed, First Cavalry, Vermont National Guard.
First Lieut. William Moragne Husson, First Infantry, Florida National Guard.
Harry Lawrence Putnam, of Vermont.
Roderick Random Allen, of Texas.
Adolphus Worrell Roffe, of Missouri.
Horace Kostomlatsky Havlicek, of Ohio.
Rice McNutt Youell, of Virginia.
James Hill Holmes, jr., of South Carolina.
Manton Sprague Eddy, of Illinois.
George Noel Ruhberg, of North Dakota.
Charles Ellet Moore, of Virginia.
Gebriel Thornton Mackenzie, of Maryland.

To be second lieutenants, November 29, 1916.

First Lieut. John Warlick McDonald, First Infantry, Kentucky National Guard, to be second lieutenant of Cavalry, with rank from date of appointment.
Sergt. Harrie Kincaid Dalbey, Second Recruit Company, General Service, Infantry, to be second lieutenant of Cavalry, with rank from date of appointment.

FIELD ARTILLERY.

To be second lieutenants from November 26, 1916.

Second Lieut. Sherman L. Kiser, Philippine Scouts.
Second Lieut. Emer Yeager, Philippine Scouts.
Mess Sergt. Marvin Conrad Heyser, Company G, Twenty-third Infantry.
Sergt. Idus Rowe McLendon, Coast Artillery Corps.
Sergt. Michael Joseph Fibich, Company I, Third Infantry.
Sergt. Sidney Guthrie Brady, General Service, Infantry.
First Class Sergt. George A. Pollin, Company A, First Field Battalion, Signal Corps.
Corpl. David Ephraim Finkbiner, Company B, First Regiment of Engineers.
Sergt. Chauncey Francis Ruoff, Coast Artillery Corps.
Corpl. Erwin Cobia West Davis, Battery F, Third Field Artillery.
Sergt. Emile George de Coen, Battery D, Fifth Field Artillery.
Private Arthur Noble White, Troop F, Third Cavalry.
Sergt. Patrick Lawrence Lynch, Headquarters Company, Sixth Field Artillery.
Corpl. Ivan N. Bradley, Battery A, Fifth Field Artillery.

To be second lieutenants from November 27, 1916.

Second Lieut. John Jay McCollister, Infantry.
Second Lieut. Frank Allen Roberts, Infantry.

To be second lieutenants from November 28, 1916.

Capt. William Dennison Alexander, Fourth Infantry, Maryland National Guard.
First Lieut. Herbert Leonidas Lee, Fourth Infantry, Maryland National Guard.
First Lieut. Richard Jaquelin Marshall, Fourth Infantry, Maryland National Guard.
Second Lieut. Ralph Townsend Heard, First Field Artillery, Texas National Guard.

To be second lieutenants from November 29, 1916.

Harcourt Hervey, of California.
Francis Wilkerson Sheppard, of South Carolina.
Robert Whiting Daniels, of Vermont.

COAST ARTILLERY CORPS.

To be second lieutenants from November 26, 1916.

Asst. Engineer Frederick Wilmot Smith, Coast Artillery Corps.
Corpl. Robert Sherman Barr, Coast Artillery Corps.
Sergt. Charles Joseph Herzer, Coast Artillery Corps.
Corpl. William M. Cravens, Coast Artillery Corps.
Electrician Sergt. (Second Class) John Boone Martin, Coast Artillery Corps.
Corpl. Oliver Clyde Stevens, Coast Artillery Corps.
Asst. Engineer Edwin C. Meade, Coast Artillery Corps.
Asst. Engineer William Thomas Roberts, Coast Artillery Corps.
Corpl. Carl J. Smith, Coast Artillery Corps.
Corpl. Dugald MacAuslane Barr, Coast Artillery Corps.

To be second lieutenants from November 28, 1916.

Second Lieut. James Donald MacMullen, Coast Artillery Corps, California National Guard.
Second Lieut. Charles Wright Bundy, Maine National Guard.
Capt. Charles Douglas Yelverton Ostrom, Coast Artillery Corps, California National Guard.
Second Lieut. Donald Malpas Cole, Coast Artillery Corps, Connecticut National Guard.

To be second lieutenants from November 29, 1916.

James Cobb Hutson, of South Carolina.
Lenox Riley Lohr, of the District of Columbia.
Francis Arnold Hause, of Pennsylvania.
Edward Elliott MacMorland, of Missouri.
Henry Benjamin Holmes, jr., of Virginia.

PROMOTIONS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders in the Navy from the 29th day of August, 1916:
Robert W. Kessler,
Paul P. Blackburn, and
Christopher R. P. Rodgers.
The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 29th day of August, 1916:
Henry C. Gearing, jr.,
Grattan C. Dichman,
Charles C. Windsor,
Edward H. Loftin,
Charles L. Best,
Cary W. Magruder,
Henry E. Parsons, and
James G. Stevens.
Ensign Ralph Martin to be a lieutenant (junior grade) in the Navy, from the 30th day of July, 1916.
Gunner William T. McNiff to be a chief gunner in the Navy from the 16th day of January, 1915.
Pay Clerk William T. Williams to be a chief pay clerk in the Navy from the 8th day of April, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 12, 1917.

POSTMASTERS.

ARKANSAS.

Hollis S. Bass, Monette.
William F. Beaver, Cotter.
Albert B. Couch, Lake City.
Arthur L. France, Gillett.
Joe L. Goodbar, Charleston.
William B. Gould, Glenwood.
William L. Greer, Horatio.
Florence F. McKinzie, Wilson.
Mamie D. Pattillo, Mountain Home.
Grover C. Raper, Bauxite.
Nora A. Toler, Sheridan.

DELAWARE.

W. S. Alexander, Elsmere.

ILLINOIS.

Hugh Hall, Litchfield.

PENNSYLVANIA.

George B. Kirk, South Brownsville.
Daniel H. Sutton, East Butler.
Jessie R. Wilson, St. Benedict.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 12, 1917.*

The House met at 11 o'clock a. m.

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

O Lord God, our Heavenly Father, encourage us in every thought and act looking to the betterment of life and all its conditions by Thy holy influence; and discourage every adverse thought and act, that we may not dissipate our energies in useless or harmful purposes. And help us, we beseech Thee, to bear with patience the weakness and infirmities of others as we desire Thee to bear with patience our weakness and infirmities; for what hurts one, hurts all; what helps one, helps all; so delicately hast Thou woven the fabric which binds us together into one family. Hence the admonition, "Bear ye one another's burdens, and so fulfill the law of Christ." Amen.

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

EXTENSION OF REMARKS.

Mr. PARK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article containing information relating to the pecan industry.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by inserting an article containing information on the pecan industry. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 703) entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4429. An act to amend the postal laws;

S. 7538. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in Glade and Kinzua Townships, Warren County, Pa.;

S. 7537. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegany, county of Cattaraugus, N. Y.; and

S. 7536. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the borough of Warren and township of Pleasant, Warren County, Pa.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 6864) providing for the continuance of the Osage Indian School, Oklahoma, for a period of 10 years from January 1, 1917.

ORDER OF BUSINESS.

Mr. ADAIR rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. ADAIR. This is pension day, Mr. Speaker, and I rise to ask unanimous consent that a bill that the Committee on Invalid Pensions has on the calendar be considered at 5 o'clock this evening.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the pension bill indicated by him be considered at 5 o'clock this evening. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I suppose that is based on the improbable contingency that the immigration conference report be not disposed of by that time?

Mr. ADAIR. Well, Mr. Speaker, if that should be the condition at that time, I should like to couple with this request the request that this bill then be considered at 5 o'clock Saturday evening, if we fail to reach it to-day.

Mr. MANN. I have no objection to considering it to-day, so far as I am concerned, if the gentleman from Tennessee [Mr. MOON] does not object.

Mr. ADAIR. It will not take over 15 minutes to dispose of it if the committee is willing to consider it.

The SPEAKER. The situation is this: The Committee on Rules want to bring up that investigation question. That will probably take two hours and a half or three hours. Then, the gentleman from Alabama [Mr. BURNETT] is very anxious to dispose of the conference report on the immigration bill. Why not make it to-morrow evening?

Mr. ADAIR. Well, then, I will ask unanimous consent that to-morrow, at 5 o'clock, we consider this bill, H. R. 19937. No; it is suggested by the gentleman from Tennessee [Mr. MOON] that I make it 4 o'clock.

The SPEAKER. The gentleman suggests 4 o'clock to-morrow afternoon.

Mr. ADAIR. No; Mr. Speaker, I will withdraw that. I make it 5 o'clock.

Mr. MOON. The appropriation bill ought to be on at that time. This is the day belonging to the Committee on Invalid Pensions, and they ought to have to-day if they desire it. I do not believe the Committee on Rules or anybody else ought to run in on them if they have only a short bill.

Mr. MANN. Why not make it right after the disposition of the conference report on the immigration bill?

Mr. MOON. I think the Post Office Committee should have the right, then.

Mr. MANN. I suggest, then, that the gentleman from Indiana go ahead now.

Mr. MOON. I have no objection to their using to-day for any purpose at all, because we do not expect to get in.

The SPEAKER. What is the gentleman's request?

Mr. MANN. That it should be considered following the immigration conference report.

Mr. ADAIR. I ask unanimous consent, Mr. Speaker, that following the disposal of the immigration bill we consider the pension bill, H. R. 19937.

The SPEAKER. The gentleman from Indiana asks unanimous consent to consider the pension bill named by him, following immediately after the conclusion of the conference report on the immigration bill. Is there objection?

There was no objection.

INVESTIGATION UNDER HOUSE RESOLUTION 429.

Mr. HENRY. Mr. Speaker, I present a privileged report (No. 1281) from the Committee on Rules and ask that it be read.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

The Committee on Rules, having considered House resolution 429, report the same with the recommendation that it do lie upon the table. The committee states that no evidence was adduced sustaining the charges in the resolution.

Mr. HENRY. Mr. Speaker, before making a formal motion to lay that on the table, I would like to ask the gentlemen on the other side about the debate on this report. How much time would be satisfactory to the gentleman from Kansas?

Mr. CAMPBELL. Well, the gentleman from Texas will recall that we agreed upon two hours in the committee.

Mr. HENRY. That is entirely satisfactory.

Mr. CAMPBELL. Well, I have had demands for much more time than that. If the gentleman from Texas can get the consent of the other members of the committee and of the House to extend the time, I should like to have 1 hour and 15 minutes.

Mr. HENRY. I would suggest to the gentleman that that would somewhat embarrass me, because arrangements have been made to let us get in early this morning, and another matter is coming up right soon; and, believing that would be satisfactory, it would embarrass me.

Mr. CAMPBELL. Can you make it an hour and 10 minutes on a side?

Mr. HENRY. I think so.

The SPEAKER. What is the request?

Mr. HENRY. I make the request, then, Mr. Speaker, for unanimous consent that the debate on this report be limited to 2 hours and 20 minutes, 1 hour and 10 minutes to be controlled by myself and 1 hour and 10 minutes by the gentleman from Kansas [Mr. CAMPBELL], with the understanding, then, that at that time I shall move to table the resolution.

The SPEAKER. The gentleman from Texas asks unanimous consent that the time of this debate shall be limited to 2 hours and 20 minutes, one half to be controlled by himself and

the other half to be controlled by the gentleman from Kansas [Mr. CAMPBELL], and at the end of that time he will move to lay the House resolution on the table. Is there objection?

There was no objection.

Mr. WINGO rose.

The SPEAKER. For what purpose does the gentleman from Arkansas rise?

Mr. WINGO. This is an important matter. We ought to have full membership. I make the point of no quorum.

The SPEAKER. The Chair will count.

Pending the count,

Mr. WINGO. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The gentleman from Arkansas withdraws the point of no quorum. The gentleman from Texas [Mr. HENRY] is recognized for 1 hour and 10 minutes.

Mr. HENRY. Mr. Speaker, just a moment by way of explanation, in order that the House may understand the exact issue that we are considering to-day.

This is a report on resolution 429, introduced by the gentleman from Indiana [Mr. WOOD] on January 3 and referred to the Committee on Rules with directions to report within 10 days. Prior to that time, on December 22, the gentleman from Indiana [Mr. WOOD] had introduced another resolution, No. 420, which is now pending before the Committee on Rules and has not been disposed of or taken up for consideration.

This resolution that we are considering to-day has in it language which switches the original purpose of resolution 420, which was to investigate an alleged leak, and it proposes to investigate the conduct of Members of Congress in regard to transactions on the stock exchange.

The Committee on Rules sat for six days considering this privileged resolution, and during the entire six days not one particle of evidence was adduced to sustain the resolution or any part of it. No Democrat on that committee will contend that there was any evidence. No Republican will assert here to-day that there was any evidence whatever to sustain the charge made in this resolution. The House is now disposing of that proposition. It is not to consider now the allegations made in resolution 420. That resolution, as I said, is now in the hands of the Committee on Rules, and the Committee on Rules has appointed a subcommittee to consider the conduct of a contumacious witness, Thomas W. Lawson, who refused to answer certain questions that were put to him by the Committee on Rules.

Mr. BENNET. Will the gentleman yield for an interruption?

The SPEAKER. Does the gentleman yield?

Mr. HENRY. I would rather not be interrupted.

The SPEAKER. The gentleman declines to yield.

Mr. HENRY. Those matters may be considered by the committee and by this House in the future, but here is a libel which has been published against the membership of this House, and not a scintilla of evidence has been placed before the Committee on Rules to sustain it. I submit the report to the House and say that every Democrat and every Republican should sustain that report, because we have been unable to find anything that would warrant this libel against the honorable membership of this House.

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

Mr. CAMPBELL. Mr. Speaker, I yield seven minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Speaker, I have no apology to make to anyone for my position in the matter of this investigation. When I introduced the first resolution on December 22 calling for an investigation, I was impelled to do so because everywhere throughout this Chamber there were ugly rumors being passed from mouth to mouth insinuating that men in high places in governmental affairs had used knowledge which they had obtained in advance of what the President's peace note contained for the purpose of enriching themselves financially through stock-market manipulations. Not only were these rumors rife in this House, but the metropolitan newspapers of the country were carrying in their Associated Press dispatches news items boldly charging that the contents of the President's note had leaked out in advance of its being given to the general public, and that certain parties who had been favored with this knowledge, and solely because of it, had made fortunes on the stock market that mounted well into the millions, and that thousands upon thousands of small investors had lost their savings of a lifetime in consequence.

Was not this of sufficient importance to invite and warrant the attention of this House? If these rumors, so openly uttered, and these newspaper charges, so boldly made, were true, would this House be justified in sitting supinely by and permitting them to go unnoticed? Has the time come when such accusations of moral turpitude, made against those who are the very guardians of our country's welfare, are inconsequential? If so, then I ask you if the decadence of our governmental fabric has not already commenced?

It has been said, and no doubt it will often be repeated, that I was prompted by purely partisan motives in introducing this resolution, and that I was endeavoring thereby to embarrass the President in his endeavor to bring about peace among the warring nations of the earth. To deny the first of these propositions would be only to invite the sneers of my critics, but the second proposition I can deny and do deny with all the force of my being, for I am now, and have been ever since I became a Member of this House, in favor of any and every proper effort made and to be made by this Government that has for its purpose the bringing to a close this awful conflict in Europe, and I have so expressed myself a number of times, both privately and publicly. It matters but little what may be said about me and my connection with this resolution, but, nevertheless, the fact remains that there is a general belief throughout the country that there is something wrong somewhere, and that that wrong and those who are responsible for it, if anybody is responsible for it, should be ascertained and made public.

That there was a leak of information concerning the President's peace note some time before it was given by the State Department to the public everyone who has followed the course of events knows, and for such a person to deny that there was a leak of this information would be for him to make himself ridiculous. That there was a leak is a fact, which I think is now believed by every Member of this House. As to whether it was caused purposely, and with a sordid design, there may be an honest difference of opinion among Members of this House, and no doubt there is the same difference of opinion prevailing throughout the country; but whether this leak was caused purposely, to aid a select few to reap a fortune, or whether it was entirely innocent, will never be known without the fullest investigation. Without such investigation, you may be assured, the people will form their own conclusions from what they have already read in the public press.

Is not the good name of a public officer worth anything? Is the good opinion of the people concerning our public officials worth seeking? It occurs to me that they are vital to the very existence of our Government.

It has already been charged in the public hearings on these resolutions that a Cabinet officer, a Member of Congress, and another person "higher up" profited financially by reason of this leak. It has also been promised by the man making these charges that if a committee is appointed by this House, with full power and authority to make an investigation, he will give the names of those whom he has thus charged and give that committee the evidence which will establish these charges.

We can not absolve ourselves from our responsibility in the premises by saying that we have no faith in this man or in the charges he has made, and that because of our disbelief we will refuse to appoint this committee. I warn you now that if we take such a course it will have this effect: It will confirm into belief a feeling now existing in the mind of the public that we do not dare to make this investigation for fear it will involve not only some who are connected with the administrative branch of the Government, but that it will involve Members of this Congress as well. Can we as Members of this House, can the Nation, afford to have such an opinion existing among the people of our country?

There is another reason why this investigation should be had. As I have heretofore stated, a citizen of this country has charged that a member of the Cabinet, a Member of this Congress, and possibly another man "higher up" profited on the stock market by reason of advance information received concerning the President's peace note. Now, there are 10 members of the President's Cabinet; there are 435 Members of this House and 96 Members of the Senate. The individual member of the Cabinet or the individual Member of this Congress, against whom these charges have been lodged, has not been specifically named. If this investigation is not had, the public will be free to say whomsoever it pleases is the guilty man in the Cabinet and in the Congress.

It is, therefore, due to each member of the Cabinet and to each Member of the Congress that this step should be taken in order that his reputation may not be for a single moment tainted even with suspicion. It is due to the President of the United States that this investigation should be made, and above all it is due to this Government.

The country from ocean to ocean is interested in the outcome of this proceeding. The eyes of the people are on this Congress this day, watching to see whether or not we will institute

the machinery whereby the fullest possible investigation shall be given to this affair or whether we will whitewash it.

The editorials in the newspapers of this country are said to be a fair index of the sentiment of the people living in the communities where these papers are published. If this be true, there can be no mistake in what the sentiment of the people is with reference to the necessity for the fullest possible investigation of this whole affair.

In order that you may know what the sentiment of the country is, as reflected by these editorial indexes, I will make a few of them a part of my remarks.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. WOOD of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WOOD of Indiana. The following is from the Detroit (Mich.) Free Press:

THE SCANDAL IN WASHINGTON.

Washington is sitting in the shadow of a governmental scandal affecting the honor of the whole national administration. There is accusation of a leakage previous to authorized announcement that Mr. Wilson had dispatched a note to the European powers, and a charge that this leakage enabled certain favored persons to make big fortunes in Wall Street by reason of their foreknowledge of an event certain to depress the stock market. Thus far the report directly affects two Senators and two Cabinet members, one of whom is said to have profited largely in a financial way.

There is no doubt about the existence of the leak; there is no doubt about the manipulation in Wall street; there is little doubt that the first tip was passed out by persons closely in touch with the White House; and there seems to have been gross breach of confidence somewhere by men Mr. Wilson trusted.

The State Department has suggested that newspaper men might be responsible; it has asserted that a number of them received in advance information about the President's note before it was published. Now it is averred that the first intimation in Wall Street of what was going to happen in Washington was passed along as early as Monday, before the President had completed the draft of his writing. Unquestionably high Government officials knew of the President's intention at this time. But on Monday when Mr. Wilson received the Washington correspondents in general audience for the first time since the Bryan régime, he gave a little talk on the subject of peace and told his auditors that while peace was most devoutly to be desired it was not the purpose to urge upon the belligerents irritating importunities to lay down their arms. Clearly Mr. Wilson gave the newspaper men no information on Monday.

The President's communication was given to the cables on Tuesday. Did the leak spring in the cable offices? Insiders on Wall Street seem to have known about the note long before the cable companies received it.

While every possible angle of the situation should be taken into consideration, at present only one hypothesis seems to lead anywhere. It is the hypothesis which connects guilt for the breach of confidence with those in public office who have profited financially.

The whole affair suggests the presence of a horrifying lack of moral sense somewhere in official Washington; it indicates a total inability to understand the responsibilities of high national stewardship, sheer ethical depravity among some of those with responsible parts in directing the destinies of the Nation.

A resolution calling for an investigation has already been introduced in the lower House of Congress. Nothing less than this could be done. Emphatically there ought to be an investigation, a searching of the whole administration to find out where the guilt lies for the disgrace brought on the American Government and to clear up the taint on its honor. But the investigation should be real, not one of those whitewash affairs which have been the common, if not the invariable, rule in Washington these last four years. The probe should be instituted for the purpose of cleaning up, not for the purpose of amelioration or to cloak scandal.

We confess to small hope that there will be any real inquiry. Something may be done, but we fear it will be like all the other probes in late years, a futile, anemic thing, that will eventually die from inanition.

And this from the Fort Wayne (Ind.) News:

A WHITE HOUSE LEAK.

President Wilson evidently has a leak pretty close to the desk on which he composes his nice little notes. This has been broadly intimated several times in the past, but the evidence to this effect provided on Wednesday apparently justifies such a declaration in all particulars. Consider the facts for a moment.

Wednesday afternoon the New York stock market, which had been reviving ever since the break caused by the German peace proposals, suddenly went all to pieces. Stocks tumbled and the bears raided the market in a fearsome fashion. In the stock report published in the News, and which comes over a stock broker's private wire, was carried this interesting bit of information concerning the slump:

"The Dow Jones financial ticker, in offering an explanation of the break, said the Street had received confidential reports that the administration will address to the belligerents 'some suggestions or proposals in regard to peace' in the near future."

What the public would like to know is how and from what source the Street received this confidential information. None of the press associations carried it, and their reports as published in the afternoon papers indicated an opposite condition of affairs, expressly stating that the United States would keep hands off. The Washington correspondents were in ignorance of what was transpiring in the President's private office, yet, strangely enough, a certain coterie of gamblers on the New York Stock Exchange knew all about it and proceeded to clean up handsomely. The real news of Wednesday afternoon concerning the peace situation was not incorporated in the dispatches of the press associations, but was circulated over the country via the wires of the stock brokers.

Who was the man who gave this advance information to stock gamblers of New York? That he was close to President Wilson we know from the fact that the news was guarded so sedulously that even the keenest of the Washington correspondents had no hint of it, and that he must have profited largely by the tip we can readily surmise. It would seem that President Wilson owes it to himself to investigate the matter of this leak and eliminate the possibility of some future incident that might cruelly embarrass him. There is a sinister suggestion even in the story of Wednesday.

And listen to this from the New York Evening Globe:

THE WALL STREET SCANDAL.

For some days Wall Street has been filled with rumors about persons with supposedly close Washington connections making huge "killings" in the stock market by reason of advance information concerning developments in the international situation. The outcome is the resolution introduced yesterday in the House by Representative WOOD of Indiana, calling for an investigation by a committee of five members to ascertain specifically whether anyone high in the administration, or any relative of any such official, profited financially, directly or indirectly, by the fluctuations in the stock market on Thursday growing out of Secretary Lansing's contradictory interpretations of the President's peace note.

It seems incredible that any high official in Washington should be so implicated. When Wall Street loses its head it is liable to talk foolishly. But the present scandal has assumed such proportions as to compel attention. The truth should be got at, and a committee such as proposed should be clothed with ample power to sift the matter to the bottom. If there is a ring of stock gamblers with underground wires into the inner offices of official Washington, the public is entitled to know it. If the rumors are baseless, no one should be more concerned than the administration in having that fact made known.

And this from the Syracuse (N. Y.) Herald:

WAS THERE A LEAK IN WASHINGTON?

The resolution introduced in the House of Representatives by Mr. WOOD of Indiana, calling for an investigation of the charge that advance knowledge of the President's late peace message to the European powers was used for speculative purposes in Wall Street, will in all probability be favorably acted upon. It is clearly a case for careful inquiry. The rumor that a member of the Cabinet was among those who profited by the secret may be absolutely unfounded, and, at any rate, the country will be slow to credit it. But the very gravity of the suspicion this aroused emphasizes the necessity for a congressional investigation.

All that is known in this connection is that some powerful stock speculators were able to anticipate the falling market in a way that suggested that they were the beneficiaries of an official "leak" in Washington. It is possible, of course, that if such was the case the leak was an accidental one or the result of a breach of confidence that was devoid of mercenary intent. But the country ought to know the truth. Mysterious advance tips in Wall Street on impending developments likely to affect the stock market are no novelty. But if these take the form of a betrayal of Government secrets, the public has the right to know the why and wherefore.

And this from the New York Times:

MORE CARE NEEDED.

The administration should not treat as a mere matter of passing interest the current belief in Wall Street that some of the individuals doing business there had advance information of the fact that the President intended to send a note to foreign powers. The administration's intentions, when they are guarded as this one was from the general public, should be guarded from untrustworthy individuals. There should be special precautions against such a leak. Carelessness in a matter involving fortune or disaster to many private fortunes is not to be excused.

The foundation for the big "drive" on stocks on Thursday was laid on Wednesday, and the belief exists in Wall Street that the persons who made the preliminary attacks then and on Thursday morning had availed themselves of information which should have been withheld from them, and would have been if the ordinary amount of care had been exercised.

On the heels of this banging at the stocks, and while gossip was already busy with the story of a leak, Secretary Lansing indulged in his unfortunate habit of soliloquizing in public and completed the demoralization of the stock market. He could not have chosen a more unlucky time for the display of his idiosyncrasy. Nothing except the painful teaching of experience is a cure for this, and he probably regrets what occurred as much as anybody; but for the other matter, the loose guarding of official information, there is a different remedy, which the administration should seek and apply.

And this from the Washington Times:

IT'LL BE INVESTIGATED!

The House has directed Chairman HENRY and his Committee on Rules to report in 10 days on a resolution for investigation of the "leak" charges. It is a bit uncertain whether Mr. Lawson's accusations, or the seeming anxiety of some influences to avoid the investigation, have done most to fix in the public mind the conviction that there must be some fire back of all the smoke.

One thing is very certain, however. The private conferences between Chairman HENRY and the Boston financier, resulting in Mr. HENRY'S decision that there was no need to call his committee together, have not made a pleasant impression. The other members of the Rules Committee could have spared the time, without any great sacrifice of public interest, to attend these conferences. If they had done so, the whole proceeding would have looked nicer. The refusal of the chairman to take the rest of his committee into his confidence has resulted in a condition that brings the whole affair before the House and takes up many hours of the precious time of that body.

Back in the olden days, before it was supposed that the House had been reformed away from the czarship of committee chairmen, it was common enough for the head of a great committee to regard himself as the custodian of his committee's business. He was a sort of ambassador of the House organization to consider its relations with the outside world. That relationship is supposed to have ended; and the action of the House in ordering the Henry committee to perform is a

hint that the House does not intend to permit a return to the old system of star-chamber considerations.

As various Members have declared, the things that happened in the stock-dealing world made it very clear that there was a "leak" somewhere. Mr. BENNET, of New York, caused a sensation, we are assured, when he named a name in connection with these charges; yet he merely mentioned a name in a public place that has been in many minds and had been associated with various stories concerning the market movements. It is rather more sensational that the mention of any name, the statement of any specific ground for charges, should have been suppressed so long.

Denunciation of Mr. Lawson and the application of epithets to him does not brush aside the facts which are apparent enough. Somebody knew enough to justify tremendous plunging in the market and permit huge profits to be won. The mere fact that there has been such insistent objection to investigation has left a bad taste.

And the following from the Boston (Mass.) Traveler:

INVESTIGATE.

Thomas W. Lawson in his characteristic manner has dared Congressman WOOD and Congress itself to investigate the leak between the White House and Wall Street. He has done so in a manner that makes it impossible for Congress to neglect the challenge.

It is not necessary to accept Mr. Lawson's screaming statements at their face value. Few people do. But it is necessary to discover just what particular gang of gamblers was able to obtain advance information at the White House and turn it to their own advantage. Such an investigation might prevent some other gang of gamblers from operating successfully by the same method on some future occasion.

It is not a partisan question. It is a question of patriotism. It affects, indirectly, the President himself. The President can procure or prevent an investigation. If he prevents one it will be, presumably, because prevention means protection to somebody who, in the President's opinion, must be protected at any cost.

And this from the Indianapolis (Ind.) News:

THE STATE DEPARTMENT LEAK.

After a conference yesterday with Thomas W. Lawson, Representative HENRY, chairman of the House Rules Committee, said that Mr. Lawson had given no facts in regard to the supposed "rigging" of the stock market by those who had advance information of the President's recent note. Lawson, according to Mr. HENRY, could not give the names of those thought to be responsible for "the so-called leak between the State Department and Wall Street," nor could he give "the names of those charged by him with cleaning up $60,000,000 in connection with the leak."

What Lawson apparently wanted was "an investigation of the entire stock exchange situation." The American people will, we think, be more interested in the admission by Senator STONE, made in a speech delivered yesterday, that "confidential communications with foreign Governments to the State Department have by some means found their way into the hands of men not authorized to receive them." These betrayals of confidence did not, the Missouri Senator said, concern stock-market speculation, but they "did concern the honor of the Nation."

Here is a reason that almost seems to compel an investigation. If, as Senator STONE said "confidential communications concerning the honor of the Nation" have "fallen into improper hands," and if this misconduct is to be traced to departmental employees, surely something should be done to set matters right. It is not necessary to act on Lawson's tip, since we have STONE'S statement that "things have taken place in the departments which ought not to be possible," and that the honor of the Nation is involved. Eliminating Lawson's stories altogether, there is the strongest sort of evidence tending to prove the guilt of some one—the evidence offered by Senator STONE in his speech in the Senate.

As to Lawson, it is to be said that, though he is undoubtedly a sensationalist and an egotist, he does sometimes get things right. So there may be some substance to his charges. If information got out—and this is admitted by Senator STONE—it would be strange if some men in Wall Street did not get hold of it.

This from the New York World:

A CALL FOR MR. LAWSON.

Thomas W. Lawson's theory that a majority of both Houses of Congress profited by the alleged leak to Wall Street respecting the President's peace note to Germany and Secretary Lansing's explanation of it is no doubt an exaggeration. Leaks that are public property are not leaks at all.

Nevertheless, the Boston operator, in his usual picturesque language, throws down a challenge which Congress can not ignore. Besides making the positive assertion that he knows a great deal about the affair, he expresses a willingness to testify. His insinuation that nobody at the Capital cares to pursue the matter should make a searching public inquiry the more certain.

In probing such accusations as have been made in New York and Washington in this case, it is always best to stick to probabilities. If there was a leak, and, as Mr. Lawson says, those who profited by it made $60,000,000 in two days, it is certain that not many people had the information.

It will do no good to indulge in indiscriminate aspersions upon the character of public men. The World is old-fashioned enough to believe that the preponderance of honesty among them is very great. Holding firmly to that opinion, it is confident that this scandal must be met boldly and intelligently, and since Mr. Lawson is the most vehement among its circulators, that he should be heard first, openly and fully.

This from the Syracuse (N. Y.) Post:

WHO LEAKED?

A Republican Representative wants Congress to inquire how it happened that Wall Street speculators, who have been upon intimate relations with members of the administration, had advance information about the President's peace message; and whether the prompt use made of that information was of profit only to themselves.

The inquiry involves a serious reflection upon some one in the President's official household. If there were no basis for the suspicion, the resolution of Representative WOOD would be studied insult. But the startling fact is that Wall Street operators who have been active in Democratic politics did know that the message was coming. The fact is that they could not have known excepting through one of a few men prominent in public life. The reasonable conclusion is that he who told did not do so without expectation of a share in the plunder.

The Democrats in Congress can not afford to pigeonhole the resolution of inquiry. The administration can not afford to rest under the suspicion that some one who is sufficiently important to be consulted upon its international policy is using his information to play the market. Upon the face of the situation there has been a scandalous union of official information and private profit, and the administration should, in jealous regard for its own reputation, demand a searching inquiry.

And this from the New York City Telegraph:

CONGRESS MUST NOW INVESTIGATE THE LAWSON CHARGES OF A LEAK.

It is proper to thank Thomas W. Lawson, of Boston, for one thing. Whether his charges have foundation in fact or not, he has created a situation from which neither he nor the Congress of the United States can escape without a full, complete, and restrained investigation of the recent Wall Street slump following President Wilson's peace letter. Mr. Lawson asserts that insiders, those who knew in advance that such a letter was to be sent, took $60,000,000 away from a gullible public which has no wires reaching into official departments. Representative WOOD of Indiana has introduced a resolution calling for an investigation, and Mr. Lawson will be a witness before a committee of Congress appointed to take testimony.

Mr. Lawson seems confident that he can make good. He has sent a telegram to Mr. WOOD and to Mr. HENRY, in which he denies that he has tried to evade service, and in which he further asserts that other "leaks" are impending.

The Morning Telegraph in the interest of good sportsmanship insists that the game should be played fair—that all the cards should be spread out on the table, that there should be no hocus-pocus or cold-decking in the interest of an official coterie and their friends. If any group at Washington or elsewhere took a profit of $60,000,000, some other group lost that sum, not because of bad judgment but because it was up against a "sure thing."

By all means let there be an investigation, and, in the language of Gen. U. S. Grant, "Let no guilty man escape."

And the following from the Providence (R. I.) News:

LET THE PUBLIC HAVE THE FACTS.

Congressman HENRY has no Wall Street affiliations, so his demand of the inimitable Thomas W. Lawson to make good his claim that Washington parties profited to the extent of millions by reason of a "leak" in regard to the President's peace note must be met. Congressman WOOD, a Republican, did a very proper thing in introducing a resolution to investigate certain rumors concerning this matter. His resolution is before the Committee on Rules of the House of Representatives, and Congressman HENRY is at the head of that committee which is to decide whether there should be an investigation or not. There are not a few people who believe that the real trouble is not over any leak, but because President Wilson did not first tell some men what he was going to do before he sent his note to the belligerents. Whatever the truth may be it is to be hoped that Mr. WOOD'S resolution will be indorsed by the committee on rules and that Mr. Lawson will go to Washington and tell all he knows. Because Mr. Lawson may be deemed by some folks considerable of a blusterer should not prevent his giving the public any facts that he may have. He does not dislike Wall Street a bit more than does Congressman HENRY, so there should be a showdown.

And this from the Albany (N. Y.) Argus:

Thomas W. Lawson was always apt to talk big with his mouth whenever desirable to impress innocents with his power and skill in the stock market. Whether his boasts that he had tips from Washington for advance "rigging" of the market for the smash following the President's peace note remains for the evidence to show, under the resolution of Representative WOOD of Indiana, for an investigation of the matter. Though WOOD is a Republican, any Democrat will put himself under reasonable suspicion who opposes the investigation. The indications are that there was a "rigging," that Lawson was on hand to partake of the slaughter, and that there must have been a "leak" somewhere. WOOD tells, among many other cases of the kind, how stock brokers in his home town of La Fayette had advices from New York of the forthcoming note several hours before it appeared. The men in Washington that could possibly have had the information must be a small number, and it ought not to be difficult for a searching investigation to locate the guilt; for without any undue sympathy for the victims who were sure to be shorn before long anyway, if speculative traffic in Government information can go unpunished in one case it will be an incitement to multiplication of it, even down into legislation, as in the Sugar Trust scandal 22 years ago.

These are but a few of the hundreds of editorials that have been written upon this subject, but they certainly are sufficient and should be convincing of the absolute necessity for a thorough investigation. Nothing less will satisfy the public. Nothing less should satisfy each individual Member of this House.

Mr. HEFLIN. Mr. Speaker, since the hour of meeting has been changed from 12 to 11 o'clock, a great many Members are not apprised of that fact, and in order that we may have a full attendance on this occasion I make the point of no quorum.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirty Members present, a quorum.

Mr. HENRY. Mr. Speaker, I yield 10 minutes to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON of Mississippi. Mr. Speaker, this is the most extraordinary exhibition of little politics that the Republican minority has attempted since I became a Member of this House. I had hoped that after the verdict of the American people had been rendered in November the kind of campaign that was conducted by the Republican Party not only of misrepresenting official acts of the administration but at times attacking personal character, would at least sleep for a time; but we find that it is begun again at this early day.

The first Wood resolution, No. 420, was conceived, has been nurtured, and is now attempted to be sustained in a spirit of rank partisanship. Every allegation contained in it, either by

insinuation, innuendo, or otherwise, has been clearly and conclusively shown to be without foundation. There is no man upon the minority of the Rules Committee or on that side of the aisle who will rise now in his place on this floor and say he is in favor of reporting it favorably, because those who are familiar with the hearing know the allegations therein contained are inexcusably and unjustifiably made. What is the situation?

Mr. BENNET. Will the gentleman yield?

Mr. HARRISON of Mississippi. No; not for the present.

Mr. BENNET. I rise for the purpose that the gentleman said I would not rise for.

Mr. HARRISON of Mississippi. I ask the gentleman now if anything transpired in the committee which should induce us to report favorably resolution 420, the resolution that was made privileged and referred?

Mr. BENNET. Does the gentleman ask me?

Mr. HARRISON of Mississippi. Yes; I ask you.

Mr. BENNET. Yes; I do. The evidence yesterday morning was that before Mr. Lansing had his conference with the newspaper men at all the information was in Wall Street that the President was going to send out a peace note; and I also call the gentleman's attention to the fact that when that statement came out the majority moved to conclude the hearing without trying to find out where that came from. [Applause on the Republican side.]

Mr. HARRISON of Mississippi. The gentleman has not answered my question at all. I said there was not a Member of the minority who would vote to report out the original resolution, 420, and there is not. You dare not say you will. There was in the committee a substitute motion, changing the language of the original motion in many respects, and we were asked to vote for that. You demonstrated by your action that you had abandoned the original resolution. You did not even suggest favorable action on it. You have abandoned the resolution that was referred to the committee because of its privileged character—the one now before the House. You do not dare to say, after hearing the testimony, that it should be passed; but in its stead you offer a different resolution.

Now, what is the situation? There came many witnesses before the committee. We sat there for a week, trying in every way to obtain the presence of witnesses from all over the country, trying to ascertain if there was a leak, and who, if anyone, was responsible for it and profited by it. There was the greatest liberality allowed in the procuring and questioning of witnesses. Questions that were most irrelevant and only of a political character were permitted to be asked witnesses without objection. Whenever a rumor came to us, we employed the strong arm of the Sergeant at Arms of this House to bring the witnesses before the committee, that the facts might be ascertained and the truth known. Our only desire has been to conduct the investigations in such a way that truth might triumph and justice prevail. Mr. WOOD, the author of the resolutions, came before us and stated that he had a letter in his possession that would show that Mr. Tumulty and Mr. Baruch held a conference in the Biltmore Hotel in New York City shortly before this note was published, and that Mr. Baruch played the market on knowledge obtained presumably from that conference and profited to a great extent. He practically charged the same thing against Mr. Bolling, the President's brother-in-law. He said he believed evidence could be produced of similar import against Mr. Kuhn, of Kuhn, Loeb & Co. But when we brought these men before the committee and they were sworn, we found that Mr. Tumulty had not been in New York, that he had had no conference with Mr. Baruch, that he knew nothing about the note that was being sent by the President until the newspapers had it. In other words, Mr. Speaker, the whole thing could be spelled with three little letters. We had Mr. Baruch before us. He said he had no such conference, and instead of selling stocks, as was charged by the gentleman from New York [Mr. BENNET] on the floor of the House, in support of that privileged resolution, on the 20th of December, and insinuated by Mr. WOOD, he was buying stock on that date, and that he had no information concerning this leak whatever.

Mr. Bolling stated under oath that he knew nothing about the leak, had no information of the note, and did not play the stock market at all. Every witness that was brought into the matter by the author of the resolution conclusively refuted the charges and showed them to be without foundation in fact. And upon what did the author of the resolution base it? Mr. WOOD swore before this committee that he based these charges on a letter signed by "A. Curtis," the letter being shown to be without a professional mark or letterhead, without any postmark on it, without any address, and without ascertaining anything about A. Curtis, and mark you, gentlemen, this letter came to him four or five days after he introduced the resolution charging a leak. No one knows who Curtis is, and yet on such information men high in official life are thus assailed and held to suspicion in the eyes of the world. Are you to believe any further statements by men upon such measly testimony as he produced?

Not satisfied with that, he introduced another resolution of a privileged character on words uttered by this irresponsible, frenzied four-flusher, Lawson, and makes it privileged, charging this Capitol with wallowing for 40 years in graft and corruption; charging men who have occupied places during the last 40 years in this House, and in the Senate, and in the White House, and on the Supreme Court bench with corruption, and you are aiding and abetting it when you do not follow the suggestion offered by the majority of the Rules Committee.

Now, what about Lawson? Here he sits in Boston and says, "I defy you to hold an investigation; I will prove that the Capitol has wallowed in corruption and graft for 40 years." He tried to work that bluff, and we said, "All right; we will hold an investigation." We did. We said, "Come to us and we will make you put up or shut up." Ah, the Republican members of the Rules Committee tried in every imaginable way to extract answers from him, but time after time he said in substance, "I have no first-hand knowledge about this matter. I know there was a leak, but what I want is an investigation of the stock exchanges of the country." For two days we pressed him with questions without avail. You men are being duped by him, while he sits in his hotel in this city and pays for advertisements in the papers trying to bluff Congress. I doubt if there is a member of the Rules Committee, either on the majority or minority side, after seeing him perform and hearing his testimony, who would believe him under oath, but you think you can play little, mean, nasty politics in this matter, and reap some partisan advantage from it. There is no one who believes this resolution referred to the Rules Committee ought to be favorably reported. Republicans would not vote for it, and I say to gentlemen on this side of the aisle, as one member who sat and listened to it, who was open to conviction, who desired to get facts, and who wanted the truth to be known, that there was not a scintilla of evidence before that committee to show that anybody connected with the Government had knowledge of a leak or played the stock market and profited by it. I do not believe there was a leak, but there were a thousand ways it could have gotten out through the newspapers and other sources.

Mr. Tumulty, the Secretary to the President, a man whose reputation needs no defense at my hands, who never before has been assailed in such an unwarranted manner, has proved his innocence in this matter. And Mr. WOOD, the author of the resolution, stated before the committee that if these charges, being so infamous, are not proven, we ought to clear the names of the men mentioned in the "A. Curtis" letter. I submit to Mr. WOOD now, in view of the testimony reported in the hearings, that apologies are due to Mr. Baruch, to Mr. Tumulty, to Mr. Lansing, to Mr. Kahn, and to Mr. Bolling, who were brought into the matter through this virtually anonymous letter. [Applause.]

Gentlemen on this side of the House are you going to allow them to play politics in this matter? We have tried to get evidence. For six days we have tried to extract it from the witnesses. Mr. CAMPBELL, a Republican member of the committee, asked questions, stated to Mr. Lawson that the committee had the authority to investigate the matter, and tried to get the questions answered at that hearing. The gentleman from New York [Mr. BENNET] and the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Illinois [Mr. CHIPERFIELD], of the minority, made motions to bring Mr. Lawson up in the House for contempt because he would not answer the questions. Why did you do it, if you did not think we had jurisdiction then to deal with this witness? [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CAMPBELL. Mr. Speaker, I yield 12 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, the gentleman from Mississippi [Mr. HARRISON] has sought to make his side of the House believe that the action of the minority members of the Committee on Rules and that the action that the minority will take upon this resolution to-day is purely for political purposes. Mr. Speaker, I want to read just a paragraph from an editorial in yesterday's New York World, the leading paper of this Democratic administration to-day. What do they say about this matter? They say:

When the committee had finished with the responsible witnesses it had nothing to report to the House except that it had made itself ridiculous and permitted Thomas W. Lawson to turn a grave public proceeding into a cheap and degrading farce. If the committee had

conspired with the Boston speculator to excite public contempt for Congress it could not have achieved a greater measure of success.

Unless Congress exerts its authority and dignity in the matter of this witness, it will deserve all the public derision that has been heaped upon it.

That is not the view of a Republican; that is the view of the leading Democratic newspaper of the United States. I say to you on that side that when you vote with the majority members of the Committee on Rules to-day on this resolution your vote says to Thomas W. Lawson, "Go home to Boston, you are not in contempt of the House." That is exactly the situation, and nothing more, because when that committee yesterday morning adopted a motion to report this resolution to the House, the only resolution that Lawson was called before the committee on and upon which he testified, when they made and carried that motion they said, and the chairman of the committee has repeated it this morning, that these questions that we attempted to get Lawson to answer in which he defied the committee were immaterial questions and had nothing to do with the case. It could not be anything else, because if they were material it was the duty of the committee to retain jurisdiction of this resolution, to proceed in the matter and either get answers to them or have Lawson committed for contempt. [Applause.]

Now, the gentleman from Mississippi has discussed many things which did not appear in the hearing. He has not discussed the things which did appear. I want to call attention to the matter in issue, so far as Mr. Lawson is concerned. He stated that a Member of Congress had told him certain things, and using his language:

I heard a Cabinet officer's name mentioned by a Member of Congress in connection with this leak, and mentioned in an earnest, serious manner, to show me that the whole subject was a serious affair, was a serious subject and must be treated seriously, and I agreed with him.

Further on he said:

He was mentioned in such a way that was fully as close to the leak as if he had speculated himself. He was mentioned in connection with the whole leak, and the speculation in the leak—not idly mentioned, but mentioned in a very serious way, and because it was so serious and I considered it so serious, I refused to go further with it unless it was necessary.

Mr. Lawson also testified:

I corroborated that. I had more than that. I had a reputable banker, a friend of the other banker, and a friend of mine, and I said, "What do you know about it?" And he said, "I know the banker stated to me that he not only had this account and others, but had such absolute control of a Cabinet member that he could bring him from Washington to New York or on the telephone at any hour of the day or night," and offered then and there to call him up at half past 1 in the morning to answer these questions.

Now, the committee had repeatedly sought to get Mr. Lawson to give the name of this Congressman. He refused. Members tried to get him to give these other names. He refused, and he defied the committee. Will any member of that committee say that this testimony was not material testimony? Suppose these charges are true—should they be investigated and proceeded further with or not? Mr. Speaker, up to yesterday morning, I want to very frankly say, it was my judgment that there was nothing in Mr. Lawson's statement with reference to a Member of Congress; that if that Member had been named and was called upon on the stand, he would have cleared up this matter by a denial; but, Mr. Speaker, I have reluctantly been compelled to come to the conclusion from the action of this committee in taking the course that it did, which will absolve Mr. Lawson at any time in the future without a new investigation by this House, from giving the name of this Member of Congress—I am compelled to conclude that there was a Member of Congress who stated these things to Mr. Lawson, and I am further compelled to conclude that the name of that Member of Congress belongs upon the Democratic side of this House. I do not claim for a moment that if that Democratic Congressman is called that evidence will be produced that will prove that a member of the Cabinet or anyone else was guilty of wrongdoing; but I have a right to conclude from the action of the majority that some Member of Congress did say something to Mr. Lawson, and that that Member of Congress does not care to go upon the stand.

Mr. BOOHER rose.

The SPEAKER. Does the gentleman yield?

Mr. LENROOT. For what purpose?

Mr. BOOHER. To ask a question.

Mr. LENROOT. I yield for a question.

Mr. BOOHER. Will the gentleman name to this House now the Member of Congress upon this side that he has in mind who gave that information?

Mr. LENROOT. I have no Member of Congress in mind.

Mr. BOOHER. Then the gentleman is in exactly the same position as Mr. Lawson.

Mr. LENROOT. Let us see. I will say to the gentleman that I gave to this committee the name of a gentleman and his address to whom Mr. Lawson related this conversation and in which he gave the name of this Member of Congress, and the committee had the opportunity——

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

The SPEAKER. Does the gentleman yield?

Mr. LENROOT. I do not yield—and the committee had the opportunity to call that man before it and get the name of that Member of Congress and did not do so.

Mr. RAKER rose.

Mr. LENROOT. I can not yield. Mr. Speaker, I apprehend before this debate is over that some one on the Democratic side will state, and he is at perfect liberty to state, that some of the Republican Members, myself included, doubted the jurisdiction of this committee to compel these answers, but I want to say in anticipation of that statement that we repeatedly suggested to the Committee on Rules that in five minutes they could come before this House and be clothed with the fullest authority to ask these questions or any other questions they might think pertinent to the inquiry. They could at any time have brought this matter before the House, and obtained authority from the House to require Mr. Lawson to answer these questions. What is the situation? When the committee reported this resolution, the jurisdiction of the Committee on Rules was lost. When they reported this resolution as they have, by that action they reported adversely upon every motion that was made before the committee to cite Mr. Lawson before the bar of this House for contempt. When they reported this resolution the Committee on Rules lost all jurisdiction over the subject, and Mr. Lawson at this moment is free to leave the city of Washington because of the action of the Committee on Rules.

Mr. Speaker, the Chairman stated that a subcommittee had been created to further consider this matter of contempt. The record will show that that is not true. No subcommittee was created by this Committee on Rules to consider that question. A subcommittee was created for the purpose of preparing papers in case the committee should decide to cite Mr. Lawson before the House for contempt, but when the committee acted upon this resolution, that fell to the ground as did everything else in connection with this investigation.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. CAMPBELL. Mr. Speaker, I yield the gentleman two more minutes.

Mr. LENROOT. Mr. Speaker, I want to say in closing that the gentleman from Mississippi [Mr. HARRISON] charged this was a matter of politics. I challenge any Member of this House to read the questions asked of the various witnesses by the Republican members of the Committee on Rules, and I say that any one reading that testimony, if he did not know the political affiliations of the Republican members, would not know from the reading whether they were asked by Republicans or Democrats. In the consideration of this question there has been injected into it nothing of a political issue by the minority members of the Committee on Rules.

But in so far as a political issue has been made of it it has been due solely to the amazing action of the majority members of the Committee on Rules in their attempt here and now to stifle this matter to prevent the name of this Member of Congress being revealed and give him an opportunity to testify upon the stand. [Applause.]

Mr. HENRY. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. GARRETT]. [Applause on the Democratic side.]

Mr. GARRETT. Mr. Speaker, this is a matter which has many angles and which is viewed from many different standpoints. I think it is well that in periods of stress and excitement there are those who can retain their equilibrium and apply to such propositions as these ordinary common sense. I think this House should understand clearly and definitely the particular, specific thing which is now before it and upon which it will shortly be called to vote. House resolution 429 was presented by the gentleman from Indiana [Mr. WOOD] on the floor of the House with the claim that it was a privileged resolution. It was held to be privileged by the Speaker of the House and upon motion of the gentleman from Indiana it was referred to the Committee on Rules with instructions to report within 10 days. By a subsequent resolution adopted the same day the Committee on Rules was authorized in the investigation to be made by it in the consideration of resolution 429 to send for persons and papers and to administer oaths.

The committee has concluded the preliminary investigation upon that resolution, and in accordance with the instructions of the House has made report. We recommend that the resolution be laid upon the table. The reason for this recommenda-

tion is that there has not been found a single scintilla of evidence; there has not been made a single suggestion; there has not been offered a single intimation that any Member of the House of Representatives was in any way connected with stock speculation. There is not the faintest shadow of suspicion thrown upon the House of Representatives or upon any Member thereof as to having committed any act legally or ethically culpable, and therefore there exists no possible reason for further investigation of or under House resolution 429. [Applause on the Democratic side.] We think the time has come when the curtain should be rung down and there should be an end of at least scene 1 of what has been a roaring farce, except that unfortunately it has been shot through with touches of tragedy. If there exists in the mind of any of you gentlemen an idea that you are under suspicion, permit me to assure you now that nothing has developed in the testimony to indicate a ground for your suspicion. [Laughter.] House resolution 429 was held privileged because it referred and related by intimation to Members of the House of Representatives. It was upon that ground alone that it was held to be privileged. If any of you gentlemen desire to hold yourselves under further suspicion by voting against tabling this resolution, why, of course, we have no power to prevent your doing so. [Applause on the Democratic side.] Having said that much, I should like to go a step further. I anticipated that perhaps some such denouement as this would occur when the resolution was presented. I did not like to question the good faith of gentlemen who were sponsors for it and charge that they were endeavoring to use a parliamentary subterfuge, but I did make the point of order and insist that it was not privileged. In that I was overruled, and I do not complain, because I was forcefully struck by the statement of the gentleman from Indiana in answer to a question which I put to him that he believed that he had facts in his possession that would justify an investigation. I repeat I was forcefully impressed by that, and I did not thereafter urge with great vehemence that it be held nonprivileged; but when the gentleman from Indiana came before the Committee on Rules and gave his sworn testimony he left the members of that committee in bewilderment and astonishment as to what possible basis he could have had for the statement made in answer to inquiry on the floor of the House that he believed that he had facts to justify an investigation.

The gentleman from Indiana upon his oath assured the committee that there was no political influence which controlled him in presenting the resolution, and so we were left to guess what the motive could be. I do not know what the other Members have thought, because we have not interchanged views about it, but somehow, in some way, I have been driven to the conclusion that the gentleman from Indiana's motive was his desire to enter into rivalry with another gentleman from Indiana whose occupation is the writing of comedies for the stage and fables for the newspapers. [Applause on the Democratic side.] Of course, the principal actor in this matter which has been staged was Mr. Thomas W. Lawson. Much has been said of Mr. Lawson. Opinions differ as to what should be done with Mr. Lawson. I suppose most people think he ought to be confined, but there is a difference of opinion as to where he should be confined. [Applause.] Some think in a jail, others think in an asylum, but there is this much to be said for Mr. Lawson: Again and again Mr. Lawson said before that committee, "I have no evidence that would be received in a court of justice and I decline to involve the names of men upon rumor." There are those who might profit by the example of even Mr. Lawson. [Applause on the Democratic side.] Mr. Lawson said this. He said that if there was a leak it was of no detriment to the public; that, in fact, it was of benefit to the public if there was such a thing, and he said that his whole motive, all the interviews that he had given out and all the advertising he had been doing, was not in an effort to get an investigation regarding a leak and an attempt to reflect upon any official of the Government, but it was——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY. I yield the gentleman two minutes more.

Mr. GARRETT (continuing). But he was using that—I do not quote his exact language, but the meaning—as a subterfuge in endeavoring to obtain an investigation of the stock exchange for legislative purposes. Well, if the stock exchange should be investigated for legislative purposes, and I am not denying that it should be, I have no objection to that; that ought to be done by a legislative committee of the House for legislative purposes and not mingled with idle stories and foolish rumors of scandal for which there is no basis in fact. [Applause.]

Gentlemen, these things come and go in every Congress. Again and again during my experience here we have witnessed these sensational things come, and they are forgotten. We had a few years ago what is commonly known as the Mulhall investigaton. Do you suppose there is one citizen in a hundred thousand in the United States to-day who even remembers that there was such an investigation? We are trifling with small things, with things for which there is no basis. This House can much better maintain its dignity by preserving its calmness and using its common sense. [Applause.]

Mr. CAMPBELL. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. CHIPERFIELD]. [Applause.]

Mr. CHIPERFIELD. Mr. Speaker, I quite agree with the statement of the gentleman from Tennessee [Mr. GARRETT], for whom I have a very affectionate regard, that it is time that the curtain should ring down on the first act of the play, which proves to be a farce, and it is high time that it should rise on the second act, with the people of this country viewing the stage in the full light of day when the drama is produced, "The honor of Congress."

Gentlemen, for years past you have been giving away your prerogatives and powers one by one to boards and to commissions, and to this body and to that, until to-day the Congress of the United States is hardly more than a large town meeting. But, in the name of God Almighty, in this proceeding do not give away the last vestige of the honor of the Congress of the United States, as you propose to do. [Applause on the Republican side.]

The gentleman from Tennessee [Mr. GARRETT] has said that the whole matter can be disregarded and has urged that it be dropped. I make the statement upon the authority of the evidence that I will in a moment produce that if you do that, like Banquo's ghost, it will not down, but it will rise and haunt each and every man who proposes that course of action. You may see the fire smoldering, you may see the smoke arising, you may say, "I propose to close the door of the room, because I see no flame," but in doing so, my friends, you are merely postponing the hour of the conflagration. And the house will burn, the conflagration will be exposed, and the people of the United States will have in the open the hearings that we ought to give them without their demand.

Let me show you some of the evidence in this case. I have no high regard, I am frank to say, for the honor of Thomas W. Lawson. However, I do not think it will advance the cause of this investigation to waste any time in speaking my true opinion of this man. Suffice it to say, that he is not a normal man. There is no question in my mind about that, and I want to tell you that I have put in 25 years of my life weighing evidence. As State's attorney I have sent many a man to the penitentiary until the last day of his life with less evidence than there is in this record, that there was a leak to Wall Street from Washington.

Let me call your attention to statements that were made by Mr. Lawson when he appeared before this committee and when he was put under the solemn obligation of an oath that to any man with a conscience should be binding.

When the gentleman says there is no suspicion, let me inquire, how do you remove it, and when did it vanish, and where has it gone?

Here is the statement that he made. I read from page 83. I will say to you that I will not read consecutively, for it would take too much time to cover the various points, and when I get to another page I will tell you.

On page 83 he—Lawson—said:

> I am going to proceed on that assumption: That this committee is not holding an investigation; it is not equipped to hold an investigation. I do not believe it is equipped to hold an investigation. * * * I repeat it now. One of the commonest things in Wall Street, where all of these things center, are leaks, Washington leaks, meaning by that advance information in regard to things pertaining to the Government; meaning by that those things that are of such import to the country that they immediately affect the price of the country's securities.

And if the statement is not true, then the tongue that uttered it ought to be palsied.

I mean by that—

He continues—

> leaks from the Supreme Court, advance information upon the decisions of the Supreme Court; advance information upon senatorial matters supposed to be of the most profound secrecy; advance information of the acts of Congress or its committees; advance information of Cabinet affairs; and advance information direct from the White House.

Is there no suspicion? Can it be possible that men can come and make these charges under oath and still the cover be drawn over them by the Members of the House?

It seems to me, gentlemen, that it will be the great mistake of this Congress if that is done. But there was much more to his alleged evidence.

On page 110 he said:

For instance, if a responsible banker friend of mine should say to me, as you would say to Mr. HENRY, "Such and such a banker, such and such a Senator, and such and such a Cabinet man are in an account, speculating in steel, for instance; they sold so much the other day and they split up on profits.

And then turn to page 117, we find he says:

I corroborated that. I had more than that. I had a reputable banker, a friend of the other banker, and a friend of mine, and I said, "What do you know about it?" and he said, "I know the banker stated to me that he had not only had this account and others, but had such absolute control of the Cabinet member that he could bring him from Washington to New York or on the telephone at any hour of the day or night," and offered then and there to call him up at half past 1 in the morning to answer these questions.

Mr. Lawson by that statement impunged the honor and integrity of Members of Congress and of every branch of the Government of the United States, and when pressed for answers and for information like a dishonorable man he refused time after time to give the information to the House, but said:

I have it; I will give it to another investigating committee, and I will give the name of the Senator, the Member of Congress, of the banker, and of one who is in a higher position than any of these men.

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

Mr. CHIPERFIELD. Briefly. My time is limited.

Mr. FERRIS. Would the gentleman from Illinois, an experienced prosecutor, believe Thomas W. Lawson on oath if he told the name of any Member of this Congress?

Mr. CHIPERFIELD. I would not care to pass on that question. [Laughter.]

Just a minute. I am speaking seriously. On my sense of responsibility I say that I have no partisan motive. I have tried to find the facts.

A MEMBER. But you did not get any evidence.

Mr. CHIPERFIELD. Very good. If you wish to make that kind of interruption when I am speaking, you can do so. It is all right. Let me say this: I can not pass upon the question of the honesty of Thomas W. Lawson. I was not impressed with it. I was not impressed with his testimony. But is it possible, gentlemen, that a man can come before a committee of Congress and raise his hand to God and swear that he has this information in his possession, that he will disclose to an investigating committee information that involves the honor of every Member of Congress, information that involves the honor of the Senate of the United States, information that involves the honor of a Cabinet officer, and information that involves the honor of one higher than all these, and we still refuse to conduct an investigation and to brand him either as an infamous liar who deserves no place in the company of honorable men or sustain the charge that he has made?

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

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

Mr. CHIPERFIELD. I yield.

Mr. GARRETT. I know my friend desires to be absolutely fair in statement. No statement that Mr. Lawson made would involve the honor of any Congressman, any Representative in Congress——

Mr. CHIPERFIELD. It would——

Mr. GARRETT. If a Representative in Congress told him that he knew the name of a Senator and Cabinet officer. There is no charge against any Representative.

Mr. CHIPERFIELD. There is no charge, so far as any sufficient evidence is concerned, except the scurrilous generalities of Lawson that Members of Congress are engaged in these things. There was no evidence except that he said a Member of Congress had information of infamous conduct of public officials in his possession, and that he knew his name, and that he could produce him to the committee. Therefore it puts every Member of Congress under the suspicion that he may be the one who is cognizant of these things. [Applause on the Republican side.]

The SPEAKER. Before the next Member speaks, the Chair must admonish Members that they must not sit in their seats and interject their remarks into the remarks of the gentleman who has the floor. It does not give the man who has the floor a fair chance. It creates a disturbance, and is a nuisance. That is the rule.

Another thing, the Chair asks every Member of the House to keep order here to-day. Of course everybody knows that there is a very exciting question under discussion. Keep out of the aisles, and if you want to talk, go out of doors. [Applause.]

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] is recognized for five minutes.

Mr. FOSTER. Mr. Speaker, I do not believe that any Member of this House, on either side of this aisle, will contend for a moment that resolution 429 should be adopted by this House. There were three charges, recited in this resolution, made by Mr. Lawson. One was that the Capitol had been wallowing in graft, that Members would change their bank accounts if they knew this investigation was going to come, and that there would be such a crowd at the hearings that there would not be a quorum in the House when it met on Tuesday morning, January 2.

Now, what are the facts? In answer to questions asked of Mr. Lawson he made the statement that what he meant in reference to Members being present at the hearings, with not a quorum in the House, was that they just wanted to hear what was said over there. He had no charge to make against them.

Another charge, that they would shift their bank accounts, was explained by his saying that a Member might invest some money belonging to some one else or make an investment, bought or sold some stocks or bonds, and had the proceeds of such transaction in the bank and would hurry to get that money over to whomsoever it belonged that he was doing business for, and not to his own account. So, gentlemen, I want you to understand that, in my judgment, there is not one scintilla of evidence of a charge against a Member of this House that has been sustained in resolution 429.

The only question, I will say to this House in frankness, that may arise in deciding this question in reference to a further investigation has been whether or not the House should appoint a committee that would call Mr. Lawson before them and ask him that question, "Who is that Member of Congress who told you these things?"—not these rumors that are floating around in the committee and everywhere else. Mr. Lawson says he will give the Member's name.

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

The SPEAKER. Does the gentleman yield?

Mr. FOSTER. I have but five minutes, but I will yield for just a short question.

Mr. IGOE. What I want to find out is, can we punish him for contempt now?

Mr. FOSTER. I am not a lawyer, but I have been listening to lawyers talking upon the question, and, from the experience of this House in the past in the cases that have been had for contempt, it does not seem to me, looking at it from a layman's standpoint, there is much to do with Mr. Lawson in that regard; but I hope there is. In thinking over this matter, I have prepared such a resolution as would permit the Speaker of this House to appoint a committee that would call Mr. Lawson before it and ask him the question, Who is the Member of Congress that will give this information?—not against the Member of the House, because he does not say that, but he says he will mention a Member of Congress who told him about the transactions of a Cabinet officer, a banker, and a United States Senator, We have no right to investigate, as I understand, or to attempt an investigation, if there is wrongdoing charged against a Member at the other end of this Capitol. It is their duty to investigate their own Members, and not ours; so that if Mr. Lawson can state it, and will state it, the only question in my mind is whether we should not give him that opportunity to do so. And with that view in my mind—my own view entirely, not the views of the majority of the Committee on Rules—I have prepared such a resolution in such shape that I hope it may be considered, if necessary, and that Mr. Lawson may be called before that special committee and given the opportunity to answer. But I do say that I believe, from the experience that we have had in the past, that we will get the same results in the future with that kind of a resolution.

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

Mr. FOSTER. In just a minute. But if he does mention the names, then this committee can proceed and fully investigate whether there is any truth in the charges that this man has made.

Mr. CROSSER. You say you are going to introduce such a resolution?

Mr. FOSTER. I have prepared such a resolution, with the view of introducing it if this matter is disposed of to-day.

Mr. CROSSER. It will be of some interest.

Mr. FOSTER. But I want to say to the gentleman from Ohio and those on this side of the House that, so far as I am concerned—and I think I speak for every member of the majority of the Committee on Rules—that they are willing to consider whatever resolutions may come before it in reference to this matter. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. FOSTER. May I have just a minute more?

Mr. HENRY. I yield one more minute to the gentleman, Mr. Speaker.

Mr. FOSTER. But, Mr. Speaker and gentlemen of the House——

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

The SPEAKER. Does the gentleman yield?

Mr. FOSTER. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. FOSTER. But, Mr. Speaker and gentlemen of the House, let us not besmirch the character of men or put a stigma upon men by mentioning them, as has been done in this resolution—men who, I believe from the evidence, have shown that they are innocent. But it goes broadcast to the country that this man's name has been mentioned in connection with these matters. It is a serious thing to bring up a man's name when there is no evidence to show that there is one iota of proof against that man. Let us pay no attention to the scandalmonger, wherever he may be. God knows we have all seen enough of such a creature. Let us have the truth, but not the idle words of the scandalmonger doing his dirty work in the House of Representatives or any other place. [Applause.]

Mr. CAMPBELL. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. BENNET]. [Applause on the Republican side.]

Mr. BENNET. Mr. Speaker, I decline interruptions during my time.

I desire first to answer the very proper and pertinent inquiry addressed by the gentleman from Missouri [Mr. IGOE]. I heard the gentleman's inquiry, and it is not necessary for him to repeat it.

Mr. IGOE. I just wanted to ask, if the gentleman would permit me to suggest, that some of us are interested in this thing, and we do not think it ought to be confined to the members of the Committee on Rules, and I have some more questions that I should like to ask somebody.

Mr. BENNET. I will answer the gentleman's one inquiry, which is all I can do as a member of the minority. The gentleman asked, in substance, whether the adoption of this report would foreclose any proceedings against Mr. Lawson for what occurred before the committee. From 25 years of legal experience, and having read every precedent in Hinds' Precedents relating to this subject, I say to the gentleman from Missouri and to the House, if you adopt this report, you can not then punish Thomas W. Lawson for contempt for these reasons: First, no man has ever been punished for contempt by either the House or the Senate until he was called before the committee and given a chance to purge himself of contempt; and when we adopt this resolution we lose control of the subject matter of the investigation committed to us by the House. We were directed to report within 10 days. We have reported within 10 days, and if our report is accepted we become functus officio.

In the second place, no man can be convicted for refusing to answer a question unless that question is both pertinent and material. The case of Hallet Kilbourne, the case of Anderson against Dunn, the case of Chapman, all the cases that have gone into the courts hold that.

Now, what does this report say? It says that nothing material was developed. Therefore, if you adopt this report, you adopt a report saying that there was nothing pertinent and material before the committee, and that the questions asked of Mr. Lawson were not pertinent or material to any matter of substance, and you can not convict him of contempt. Therefore, if you adopt the report of the majority of the committee, Mr. Lawson has had his opportunity to tell us where we can go, and we have consented to go. [Laughter.]

Now, I imagine the gentleman from Massachusetts [Mr. GARDNER] will develop the fact that a leak was proved, therefore I will not take time to demonstrate that; but I will demonstrate, calmly and unemotionally as a lawyer, that the conduct of the members of the majority justify the reasonable deduction that they are afraid to investigate the leak. [Applause on the Republican side.] And from that statement I hasten to absolve by name the gentleman from Kentucky [Mr. CANTRILL], because he is not. I am not surprised that not one member of the majority has read to the House one line of the testimony. I am going to read some.

The impression has been given you that Mr. Lawson will not make this public. Mr. Lawson took a proper legal ground. He consulted counsel. He informed our committee that our sole duty was to find out whether that resolution ought to be reported, and that we had no power to investigate, and he was legally correct. Then Mr. CANTRILL, of Kentucky, in a plain, blunt way, asked him this question, which is to be found on page 148 of the hearings:

Mr. CANTRILL. Mr. Lawson, yesterday, as I recall your testimony, you declined to divulge the name of this Member of Congress or this Cabinet officer to this committee on the ground that this committee was simply holding a preliminary investigation, and that this was not the proper committee to give those names to?

Now, I ask you, in a spirit of all fairness, because your answer might have some bearing on the action of this committee in making its report to the House. In case this committee favorably reports this resolution to the House, and the House adopts this resolution, and in accordance with that resolution the Speaker of the House appoints a committee to make a final and thorough investigation, will you now agree to give that committee the name of that Member of Congress and that member of the Cabinet to whom you referred in your testimony yesterday?

Mr. LAWSON. I will.

Mr. CANTRILL. You will?

Mr. LAWSON. I will.

Mr. CANTRILL. All right; that is all.

And that ought to have been all. [Applause on the Republican side.]

Mr. RAKER. Will the gentleman yield?

Mr. BENNET. I have declined to yield to the House.

Mr. RAKER. I wish to ask the gentleman a legal question.

The SPEAKER pro tempore (Mr. FITZGERALD). The gentleman declines to yield.

Mr. BENNET. We are most of us lawyers. We know that there are witnesses who can prove things and witnesses who can not prove things. The majority called about all the witnesses in Washington who could not prove anything, but they specifically refused, declined, and neglected to call the people who could prove things. [Applause on the Republican side.] Of course, if you leave out all the material witnesses, you can not make out a case. Now, who were the material witnesses? The gentleman from Indiana [Mr. WOOD] gave their names to the committee, and he gave their addresses. Here is one: Mr. McKinnon, of Thompson & McKinnon, of Chicago. The gentleman from Indiana [Mr. WOOD] stated that he received the following telegram from Oshkosh, Wis.:

Wrote you fully to-day. The message came from R. C. McKinnon, of Thompson & McKinnon, addressed to Ralph R. Hartley, manager of the branch office located here. Message came from outside wire, not from service wire, and submitted in strict confidence. Saw the message myself, but can not give it to you more accurately than stated in my letter.

S. B. FRIDAY.

Mr. McKinnon was not called.

Mr. Baruch was directed by the committee to bring his books, documents, and papers of the 19th and 20th of December. It was not done, and it was not insisted on. The Western Union and the Postal Telegraph Cos. were to bring their messages of the 19th and 20th of December. It was not done, and it was not insisted on. Furthermore, this leak occurred prior to noon on the 20th of December. The note was not given out for publication until along about 4 o'clock in the afternoon of the 20th. At half past 11 in the morning of the 20th of December that information was received in New York. There is no doubt about that. On page 38 of the record is an item which appeared in a news bulletin in New York City that morning. It said:

The renewed selling of the market is due to reports received by brokers' private wires from Washington to the effect that the administration will in the near future address to the belligerents some suggestions and proposals in regard to peace. Nothing definite is obtainable in administration circles.

Now, we brought over from New York Mr. Reilly, the man who wrote that item, and we asked him if he had any information on which to base it. He said he had. He said he received it from a newspaper man, but he was not even asked the name of the newspaper man. He said even before he received the confidential report from his own representative here the market had been commencing to break, showing that the information of this peace note, which had been guarded with the utmost care, with the usual care in the Printing Office, had been received in New York.

Why, Mr. Speaker, the situation is this: That every time the majority members of the committee came to the point where they could start to pick up the bricks necessary to trace the information directly back to Washington they stopped. Why did they stop? The majority has been very generous in exonerating ourselves, but here is what Mr. Lawson charged specifically, and his charge was not directed entirely at us; it was directed toward all the officials in Washington. Mr. HARRISON, on page 162, volume 4, asked this question:

Mr. HARRISON. Now, in this resolution, the latter part of it, it says that in the statement of December 31, 1916, you stated:

"The good old Capitol has been wallowing in Wall Street leak grafts for 40 years, wallowing hale and hearty."

You spelled that word "Capitol" with an "o." Did you mean in Washington, or in the Capitol?

Mr. LAWSON. Capitol?

Mr. HARRISON. Yes; in that building over there, or did you mean the whole city?

Mr. LAWSON. No; I meant in Washington.

Mr. HARRISON. In the whole city?

Mr. LAWSON. Yes.
Mr. HARRISON. Including them all?
Mr. LAWSON. Yes.

Here is where we—and not only we, but members of the Cabinet and the Executive—have been charged with bringing about the condition through which the people who traded on the stock exchange in the city of New York on the 19th, 20th, and 21st of December lost over $63,000,000, according to the figures taken from the New York Times. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker and gentlemen of the House, I am ready to instruct the Rules Committee or to raise a special committee to investigate the conduct of Government officials charged with violating the law with regard to "leaks" and speculation. I want an earnest and sincere investigation and not the prolongation of a farcical performance to further the partisan purposes of the gentleman from Indiana [Mr. WOOD]. He has had six days in which to make good his charge, and he has produced no testimony and given no witnesses who could or would give evidence to the committee. The man who makes a serious charge against a Government official ought to produce the evidence or withdraw the charge. The gentleman from Indiana has involved in his rumors the names of men high in authority in this country, men of high character and unimpeachable integrity, and he has failed utterly to produce one scintilla of evidence against any one of them. [Applause on the Democratic side.] The Rules Committee has a resolution before it now which authorizes an investiagtion of "leak" charges, and if any of you gentlemen on that side have any evidence to offer, come forward with it. [Applause.]

Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT] insinuates that some Member on this side is involved. Any Member of this House who makes an insinuation of that kind owes it to this House and to the country to name that man, and if he fails to do so after making the insinuation he brands himself as a man unworthy of the respect of the membership of this body. [Applause.]

Now, Mr. Speaker, any man who reads the various statements made by Thomas W. Lawson about this matter must agree that he has failed to furnish any evidence to the Committee on Rules, or to the newspapers of the country.

I call upon the gentlemen here to-day, if you know anything about these charges or anything against any Member of Congress in connection with them, I beg you to come forward and testify. But if you do not know anything, in the name of all that is decent and honest, I beg you not to injure the good names of honorable men by the use of false rumors.

If you have any testimony, give it to this House and to the country; but if you have none, quit trying to deceive the country with a contemptible play at politics.

Are you Republicans trying to embarrass the President in his efforts to bring about peace between the warring nations of the Old World? Would you have him refrain from suggesting to the nations at war that this peace-loving Nation is anxious to see peace restored because you are afraid that peace negotiations would interfere with the business of the stock exchange?

Gentlemen on the other side, let me say to you now, that if it is your purpose to besmirch this administration by such contemptible rumors as some seem willing to peddle around, you will meet with miserable failure. [Applause on the Democratic side.] Woodrow Wilson stands at the head of the majority party in the United States. He is loved and trusted by the people of the whole country, and your puny effort to play politics at the cost of truth and common honesty will be repudiated by patriots throughout the United States. [Applause on the Democratic side.]

Let me close with this statement, Mr. Speaker: If you gentlemen, any of you, can produce the evidence to establish the charges that so far rest only on rumor, I beg you to produce it or be honest enough to say that you can not do so. [Applause on the Democratic side.]

Mr. HENRY. Mr. Speaker, I yield two minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, if the man who started this propaganda, Thomas W. Lawson, were a responsible, truthful, frank man, it would be the duty of this House to follow this investigation to the very last note and find out if in truth there is anything in his several unsupported and in all probability untrue charges. There is not a man on the Committee on Rules who heard him, and I doubt if there is a man on either side of the aisle who read the testimony, who will rise in his place and say that Thomas W. Lawson dealt either with truth, candor, or frankness in any single statement he made before the committee. The other gentleman, an honored Member of this House, who is responsible in part for this investigation is the gentleman from Indiana, Mr. WOOD, and he acted on an unsupported, uncorroborated, unknown, unheard of letter from somebody named A. Curtis. I pause and ask Mr. WOOD who is A. Curtis, and where is A. Curtis? I pause and ask any Member on the Republican side who is A. Curtis, and where is A. Curtis?

Mr. BENNET. Mr. Speaker, I shall be glad to answer the gentleman's question.

Mr. FERRIS. I would like to hear what the gentleman has to say.

Mr. BENNET. A. Curtis is a gentleman in New York who wrote a letter to Mr. WOOD, dated six days after Mr. WOOD introduced his resolution, in which he said in the first line—

The Democratic majority of the House will not, I presume, permit the adoption of your resolution of inquiry.

[Laughter.]

Mr. FERRIS. The frankness and candor of the answer of the gentleman from New York [Mr. BENNET] is only equivalent to the answers of Mr. Lawson himself. [Laughter.] One word further. The attitude of the Republican side of this House in a word is this: They would ask the Congress at the short session of Congress to leave its well-known duties, the passage of the appropriation bills and getting ready to adjourn on March 4, and follow off in a weird, nonsensical investigation of Thomas W. Lawson and A. Curtis, whoever the latter may be; and fearful that some Member of the House may accept with more seriousness than the gentleman from New York [Mr. BENNET] would have them take his answer as to who A. Curtis is, I want to say that the only A. Curtis found in New York was Mr. Alexander Curtis, who came before the committee and said that he wrote no such letter. It is time to stop following off after false gods and get our appropriation bills through. It is time to ring down the curtain on this entire fiasco.

The SPEAKER pro tempore (Mr. FITZGERALD). The time of the gentleman from Oklahoma has expired.

Mr. CAMPBELL. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, I do not care what kind of a resolution we adopt, but if we do not adopt some kind of a resolution which will make Mr. Lawson either "put up or shut up," we shall deserve everything that will be said about us all through this country. There is probably not a Member from the North who has not had the experience of finding among his constituents that there is a suspicion abroad that Congressmen are crooks. I have lectured over and over again to my constituents, and I have told them that in the 14 years of my service I have only three times seen suspicious actions on the part of any of my fellow Members. I have seen looks of incredulity come over the faces of my audience, and I have realized that while they thought I was honest they believed my associates were not. Most of us have had that same experience. Most of us have had people say to us, "Oh, I know you are all right; but a lot of those fellows down in Washington are getting something out of this thing." We know that the fellows down in Washington are doing no such thing; but it is just such stupid chloroforming as is being attempted now which creates that idea in the public mind. Do I think that Mr. Lawson will reveal anything? I do not. I think he will name a Congressman as his informant of the fact that rumor connected a certain Cabinet officer with the leak. He might name me. If he did, I should deny the truth of his allegation. But suppose that it were a fact that I had given Mr. Lawson this information, and that he were to name me as his informant, what of it? I should get up and say, "Yes; I did say there was such a rumor, and what of it? It is the fact." Now, my friends, it would be a very disagreeable thing if I were a Cabinet officer to have my name mentioned in such a connection as this. Very likely a Cabinet officer's name might be mentioned. Even so, I have no doubt that that Cabinet officer would get up and convince the committee and the country at once that he knew nothing about these matters with relation to which Mr. Lawson says that some Congressman told him that some Cabinet officer was cognizant. That would end the whole matter so far as Mr. Lawson's allegations as to that Cabinet officer are concerned.

But, Mr. Speaker, this whole business has not been properly investigated. The testimony shows at least 16 men in the Government pay in Washington who knew the contents of that note before it was given to the newspaper men. Out of those 16 men only two have been interrogated by the committee. I shall proceed to enumerate them. When that note arrived in Mr. Lansing's hands—and we do not know how many people may have been consulted about it before it reached his hands—Mr. Lansing called Mr. Polk and Mr. Woolsey in consultation, and

they sent for three stenographers. Those stenographers were Mr. R. C. Sweet, Mr. H. D. House, and Mr. F. E. Vestal. Neither Mr. Polk, Mr. Woolsey, Mr. Sweet, Mr. House, nor Mr. Vestal was called before this committee to find out whether any one of them might have accidentally let something leak. The message was put into cipher by Mr. Salmon, the Chief of the Index Bureau, and his assistant, Mr. J. H. Bean.

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

Mr. GARDNER. Yes.

Mr. GARRETT. The gentleman recalls, I am sure, that the Secretary of State made the statement before the committee that he had caused an investigation to be made?

Mr. GARDNER. Yes; but I feel it would be more thorough to have had them under oath. I had forgotten for the moment, however, that the Secretary had made that statement. That makes 8. Then, the galley proof was read by John H. James, Chief of the Information Bureau, and his assistant named Duncan. That makes 10 men who knew the contents of the note after it reached Mr. Lansing and before it went to the Government Printing Office. Mr. William J. McEvoy, of the Government Printing Office, testified that he had read the note, and he is the only other witness of that whole lot who has been called, except Mr. Lansing. Mr. McEvoy said a copy preparer and two division chiefs in addition to himself had seen the note in its entirety, and that a number of compositors had seen it in fractions so small that it would be impossible for them to give an intelligent statement of its contents. There we have 14 men, only two of whom have been examined. We also know that Ambassador Willard knew about that note, because the fact appears in the testimony, and President Wilson makes the sixteenth.

Now, my friends, when I appeared before the Rules Committee I said, "I think this committee ought to go to President Wilson and say, 'Mr. President, do you object'"—at least I think I told the committee substantially this; my recollection is that it is in my evidence—"'to saying with whom you consulted?' Then summon those gentlemen with whom the President consulted and say, 'Did you by any chance let this cat out of the bag by accident?'" I pointed out to the committee that that line of investigation would start us along in the right way from one end of the line. I advised, furthermore, a simultaneous start from the other end. Investigate in New York; find out who has made money out of this fall in prices, and compare the course of the stock-market movement and get experts. One broker will tell you one thing and another broker will tell you another. Make a comparison of their views. You are not stock-market experts on the Committee on Rules. Get some experts to help you.

I understand that you sent for certain brokers' sales slips. You impounded certain accounts of the New York Stock Exchange. I am told that you asked for the commission brokers' bills of a certain party to see what his transactions actually totaled. You had all this evidence at hand, but you never examined the documents which you impounded; and therefore I say to you, Mr. Speaker, that this investigation has not been conducted in a way to find out anything. Even with a thorough investigation you would have the greatest difficulty in finding anything out. That peace note was sent to 43 different capitals—the identical message—but it was not sent in our really secret cipher. It was sent in what is known as the "blue" cipher, and the Secretary of State has told me that the key to that blue cipher is probably held by many individuals not in the service of the United States Government. Now, I am going to read my correspondence with the Secretary of State.

Mr. BENNET. Will the gentleman yield?

Mr. GARDNER. I have only a minute left, and I should like to continue.

Mr. BENNET. Is the gentleman aware of the fact that the Secretary furnished information showing it could not have gotten across the water and back again in time. That is in the record.

Mr. GARDNER. Very likely; but if the key to the cipher is in the possession of people not in the employ of the United States Government the dispatch could be deciphered here before it ever got across the water. I filed this correspondence yesterday with the Committee on Rules to be printed with my evidence. It reads as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 9, 1917.

MY DEAR MR. SECRETARY: In conversation yesterday I understood you to say that the Government has three ciphers: First, a cipher for use exclusively in communicating with our ambassadors and ministers in person; second, a cipher which is used for communicating with our embassies and legations abroad when the message transmitted is not to be delivered word for word; third, a cipher which is used for messages which are to be delivered to foreign Governments word for word.

I understood you to say that ciphers No. 1 and No. 2, as enumerated above, are well-kept secrets, but the key to cipher No. 3 is probably held by many individuals not in the service of the United States Government. I understood you to say that cipher No. 3 was used in transmitting the "Peace note" to some 43 different legations and embassies of the United States. It was necessary, if I comprehend you correctly, to use this cipher for the reason that the use of either of the other ciphers would at once have resulted in the destruction of their secrecy. I think you explained this as follows, to wit: When a message is delivered to a foreign Government word for word, it becomes an easy matter for that foreign Government to compare the aforesaid message with the coded cablegram by which it was forwarded from the United States. A comparison of the coded cablegram with the actual text of the dispatch would enable experts to discover the cipher code. For this reason, it was necessary to use a cipher about whose secrecy the State Department was not solicitous.

In reply to my question you were good enough to say that I was at liberty to communicate the above information to the Committee on Rules. Before doing so in an official manner, however, I am anxious to know whether the above statement of the case is correct. If so, I should like your permission to furnish this letter and your answer thereto as a part of my evidence before the Committee on Rules.

Very respectfully,

A. P. GARDNER.

Hon. ROBERT LANSING,
Secretary of State, Washington, D. C.

—

THE SECRETARY OF STATE,
Washington, January 9, 1917.

Hon. A. P. GARDNER,
House of Representatives.

MY DEAR MR. GARDNER: I am in receipt of your letter of the 9th relative to the ciphers used by this department. I have read your understanding of our conversation, which is substantially correct. I see no objection to furnishing a copy of your letter to the Committee on Rules, if you so desire.

Very truly, yours,

ROBERT LANSING.

Mr. GARDNER. Mr. Speaker, I ask unanimous consent to put the rest of this letter and Mr. Lansing's answer into the RECORD as a part of my remarks.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HENRY. Mr. Chairman, I will state to the gentleman from Kansas that the remainder of the time will be consumed in one address on this side.

Mr. CAMPBELL. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH]. [Applause.]

Mr. LONGWORTH. Mr. Speaker, in spite of the fact that this committee has divided upon partisan lines on this question, in spite of the fact that partisanship has been brought into this debate originally by my good friend from Mississippi [Mr. HARRISON] and later particularly by the brilliant court jester of this administration [laughter and applause on the Republican side], I approach and have approached this question entirely as a nonpartisan, as a Member of the House of Representatives, and one jealous of the honor and dignity of this House and of this Government, dominated, though it is, in every branch by the Democratic Party. The gentleman from Tennessee [Mr. GARRETT] has suggested that we reason calmly. I agree with him entirely. Let us reason calmly as to where we will be left in the event that the report of the majority of this House is accepted. Now, the facts are, Mr. Speaker, that charges, vague, it is true, but charges which have spread throughout this country, have been made involving the integrity and the character of officials high in the service of this Government. Moreover, the authority and dignity of a great committee of this House has been treated with absolute contempt. Mr. Speaker, can we afford, on the one hand, by inaction to lend any possible color to those charges, and, on the other hand, can we leave these insults unanswered?

It is charged that there was a leak, and I am afraid there has been a leak——

Mr. GORDON. Will the gentleman yield?

Mr. LONGWORTH. I regret I can not yield. I have only five minutes.

The SPEAKER. The gentleman declines to yield.

Mr. LONGWORTH. I am afraid there has been a leak, if I judge only by the peculiar antics of the New York stock market as a result of what must have been advance information. Now, my friends, it is not a remarkable thing that there should have been a leak somewhere, at some time, and by some one, considering the wonderful opportunity for gain that might come from any advance information looking to a movement in the direction of peace. It was not a question of speculation, my friends, as to what effect such a leak might have upon the stock market. It had been conclusively proven before as to just what effect the merest hint of peace would have upon stocks and the basic securities of this country. It is a regrettable and lamentable fact, but a fact, nevertheless, that to a dominating extent our present prosperity and the value of our securities is dependent

upon the prolongation of this disastrous war in Europe. [Applause on the Republican side.]

The merest hint a few days before this as a result of the German note that by some possibility there might be peace resulted in the loss of from 10 to 15 per cent of the value of practically all stocks. Did not any reasoning man therefore know that a proposal of peace or even a mere suggestion of peace coming from the President of the United States would result, as it did, in a loss of from 20 to 30 per cent in the value of the basic securities of this Nation? Now, much has been said about Mr. Thomas W. Lawson, a farmer-financier, as he describes himself, a blatherskite, and fakir, as many men believe him.

But the question we have to decide, gentlemen, is not whether his testimony before the Rules Committee was of value, or even as to whether it was credible; it is to decide whether the testimony he has agreed with a member of this committee to give and the names he has agreed to furnish will not throw light upon whether there has been a leak and who has profited by that leak. I say to you, gentlemen of this House, and I say it from a purely nonpartisan standpoint, that we can not afford to stop where we are now. We have not gained anything practical. We may gain little eventually, but we have all to gain and nothing to lose by letting in the light on this proposition. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY. Mr. Speaker, I wish to yield two minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Speaker, there has been some inquiry on the part of Members of the House as to the law pertaining to these so-called congressional investigations, and I desire, therefore, to call the attention of the membership of the House to sections 101, 102, 103, and 104 of the Revised Statutes of the United States, 1878, second edition, which during my time I shall ask to read. They are as follows:

SEC. 101. The President of the Senate, the Speaker of the House of Representatives, or a Chairman of a Committee of the Whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.

SEC. 102. Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than 1 month nor more than 12 months.

SEC. 103. No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.

SEC. 104. Whenever a witness summoned as mentioned in section 102 fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact under the seal of the Senate or House to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.

Mr. LENROOT. Will the gentleman yield?

Mr. GARD. If I have the time.

Mr. LENROOT. By taking that course you avoid requiring Mr. Lawson to give the names, but merely arraign him for a misdemeanor.

Mr. GARD. I am simply reading what the law is.

Mr. LENROOT. I would like the gentleman's construction as a lawyer. He can not purge himself of contempt under that proceeding by giving the names.

The SPEAKER. The time of the gentleman from Ohio [Mr. GARD] has expired. The gentleman from Kansas [Mr. CAMPBELL] is recognized. [Applause.]

Mr. CAMPBELL. Mr. Speaker, how much time have I?

The SPEAKER. Fourteen minutes.

Mr. CAMPBELL. Mr. Speaker, the House is to-day confronted with a grave responsibility and an important duty.

For many days rumors have been afloat and charges made that Government officials had violated the secrecy with respect to grave international questions, and that Government officials and others had profited by violating the confidence the country placed in them.

I have believed from the time these charges were first published that the importance of purging the Government of such a serious scandal was an important duty. I do not think we should rest the charges of the scandal on the statements of Thomas W. Lawson, of Boston. The charges were published and generally believed throughout the country before Lawson became prominent in connection with them. His refusal to testify to important matters that he says came to his knowledge did not leave the committee and does not leave the House without information upon which the House ought now to proceed to order a searching investigation that will clear up this whole matter and purge the Government of the United States of one of the most serious scandals that has had wide publicity with respect to our Government in half a century.

The last witness called before the Committee on Rules, the news editor of the Wall Street Journal, Mr. Reilly, testified that on the 20th day of December, at about 11.30 o'clock in the forenoon, one of his reporters brought him news that the rumor was on the Street, received over the private wire of a Washington broker, that President Wilson was about to send a peace note to the belligerent powers. This information was at once placed upon the ticker and given to the financial world by the Wall Street Journal. That testimony is undisputed and unexplained. It is in evidence that the firm with which he is connected, F. A. Connelly & Co., brokers, of Washington, have a private wire to New York. This shows the leak and imposes the duty upon the House to order the appointment of a committee to make a searching investigation as to who the leaker was and as to who the beneficiaries of the leak were.

Officials of the Government are under suspicion. An investigation should be had that will purge the Government of that suspicion, no matter who it hits.

It is important to the people that public questions should not be so conducted as to yield private profit, and the importance is magnified when such questions grow out of our international relations. Every phase of the conduct of such questions as these should be above suspicion.

The Committee on Rules early in its proceedings took steps to preserve important testimony that might be important to an investigating committee in connection with these charges. Stock exchanges and stock brokers throughout the country have been notified to preserve all their records that would have a bearing upon the names of those who took advantage of the stock market at the time the advance information as to the note was affecting the market. This testimony has not been taken. The committee was informed that records have been ordered preserved that will disclose the names of the beneficiaries of the leak, even though the transactions were not in his proper name.

I am unable to understand, Mr. Speaker, why there should be a moment's hesitation in going to the very bottom of this whole matter.

Mr. Lawson testified that he had information that he would not give to the Committee on Rules, but would give to a special investigating committee. He said the information he had was of the gravest importance. This is what he says:

Mr. LAWSON. But this Congressman, in all earnestness, stated to me the seriousness of these names becoming public, and he stated it to me so strongly that I agreed with him. So much so, that I did not believe that this investigation should go further. Now, there is the one point I want to make, that if there is a drastic investigation to ascertain and furnish these—to ascertain who were the "leakers" and who were the beneficiaries, let the results be what they may, I am willing under those circumstances to say that it would be more serious for me not to give the committee that information than it would be to give it to them.

In answer to questions in the examination, he further says:

Question. Is it the name of an official of the Government?

Mr. LAWSON (continuing). But a name the mention of which might be more serious than either of the other two. Now, when I say to you that a Member of Congress thought the situation was so serious and showed it to me to be so serious, that we should not have these things in public now—even looking at it that perhaps in 30 days they might not be as dangerous—that is the only thing that has influenced me.

Question. In what way were they dangerous—to the stock market, or to the Government, or in what way?

Mr. LAWSON. Oh, no; not the stock market; I said to the Nation and to the administration—or to the administration I will put it. But I mean dangerous in a big, broad way. They might be damaging to our national affairs; they might create situations that would be most embarrassing. Now, I mean that just as fairly as you asked me the question; and I believe now, after going through this investigation as far as we have gone, that it would be a very serious affair, the bare mentioning of it. And that is my only reason for withholding it.

At another place Mr. Lawson states in answer to a question:

Question. Now, I ask you in a spirit of all fairness, because your answer might have some bearing on the action of this committee in making its report to the House. In case this committee favorably reports this resolution to the House, and the House adopts that resolution, and in accordance with that resolution the Speaker of the House appoints a committee to make a final and thorough investigation, will you now agree to give that committee the name of that Member of Congress and that member of the Cabinet to whom you referred in your testimony yesterday?

Mr. LAWSON. I will.

Question. You will?

Mr. LAWSON. I will.

Testimony of this character may lead to other important evidence.

Now, Mr. Speaker, if the motion to lay the Wood resolution on the table is voted down, I will offer, as a substitute, the following resolution, which I send to the Clerk's desk:

Resolved, That a committee of five Representatives be appointed by the Speaker of the House to investigate and make report as to whether

anyone with the executive or legislative branches of the Government of the United States profited financially, either directly or indirectly, by the fluctuations in the stock market occurring on Wednesday and Thursday, December 20 and 21, 1916, by reason of any advance information as to the President's note of December 18, 1916, or the two interpretations concerning the said note given to the public from the office of the Secretary of State; also, by public officials between November 15 and December 23, 1916.

And for such purpose it shall have power to send for persons and papers and enforce their appearance before said committee and to administer oaths, and shall have the right to make report at any time.

That resolution goes to the bottom of the matter.

Is it not more important that the Government should be above suspicion than that any person should remain in its service?

We can not afford here to-day to shield anyone for personal or partisan consideration by refusing to make an investigation of the charges that saturate the atmosphere and throw suspicion on the conduct of the officials of the Government. [Applause.]

The SPEAKER. The time of the gentleman from Kansas has expired.

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

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HENRY. Mr. Speaker, how much time have I remaining?

The SPEAKER. Twenty-nine minutes.

Mr. HENRY. Mr. Speaker and gentlemen of the House, as a Member of this House I am not willing that this discussion shall go off upon false issues. Let us pause and take our bearings and proceed as becomes Representatives of the people.

Mr. Speaker, in a short time my career in this House will have ended, but I want to testify here to-day that I believe in the integrity and the honor of my colleagues upon both sides of this aisle.

Mr. Speaker, what is the real issue?—and the Democrats are ready to meet those gentlemen and the country on every issue that is involved in this controversy. They are not trying to suppress anything. The gentleman from Indiana [Mr. WOOD] on the 22d day of December introduced in this House a resolution, No. 420, and I want the Members to get it and consult it. In that resolution he said:

Resolved, That a committee of five Representatives be appointed by the Speaker of the House to investigate and make report as to whether or not anyone high in the administration of governmental affairs in the United States, or any relative of anyone high in authority in the administration of governmental affairs in the United States, profited financially, either directly or indirectly, by the fluctuation in the stock market occurring on Thursday, December 21, 1916, following the two contradictory interpretations given to the public from the office of the Secretary of State, concerning the note of the President of the United States, dated December 20, 1916, to the belligerent powers.

Gentlemen, that resolution is still pending before the Committee on Rules, and I turn to Mr. WOOD of Indiana and say now, "Come on with your charges and with your testimony, if you have any, and the Rules Committee is ready to investigate it."

He came and he failed. Then what happened? It occurs to the astute gentleman from Massachusetts [Mr. GARDNER] that he will abandon this resolution that was introduced, and that he will use the parliamentary machinery of the House to bring here a privileged resolution which was sent to the Committee on Rules; that he will abandon the charge that there has been a leak at the White House or in the State Department, and that he will turn and put the membership of this House under suspicion.

Now, I am not willing for these gentlemen to turn that investigation to one of themselves. And let me appeal to you Democrats here to-day to hear me while I meet these outrageous charges and this infamous political conspiracy against the Democratic administration and the Democratic Party. Ah, one ex-President, Theodore Roosevelt, in the New York Times, says that he will lend his aid and comfort and power to Mr. GARDNER and Mr. WOOD to press this investigation. Why, gentlemen, the President was answering the note of the German Government and was seeking to bring about peace. These gentlemen want to embarrass him and tie his hands. Are you willing to do it? I appeal to you as Democrats, and I appeal to you as patriotic citizens.

What did this gentleman of great parliamentary skill do? Here is your resolution 420 still pending. Take it and read it, and see how far these gentlemen have gone afield. What is the privileged resolution forced through this House by the prostitution of the parliamentary machinery of this body?

Whereas Thomas W. Lawson, of Boston, gave to the public a statement which appears in the daily newspaper under date of December 28 and 29, 1916, in which he says, amongst other things, that "If it was actually believed in Washington there was to be a real investigation of last week's leak there would not be a quorum in either the Senate or House next Monday and a shifting of bank accounts similar to those in the good old sugar investigation days;" and in another statement which appears in the daily press of December 31, 1916, he says, "The good old Capitol has been wallowing in Wall Street leak grafts for 40 years, wallowing hale and hearty."

That is the only charge to be investigated. No charge against the executive department, but an endeavor to switch it to the House of Representatives.

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

Mr. HENRY. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. HENRY. Gentlemen, the committee sat for six days and took testimony, and when it was ended you gentlemen abandoned that resolution, and the gentleman from Kansas [Mr. CAMPBELL] offered a substitute which, in effect, said that the resolution should be laid upon the table.

Mr. BENNET. Will the gentleman yield?

Mr. HENRY. No; I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. HENRY. Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT] says that the Rules Committee has ended its investigations, and that Thomas W. Lawson——

Mr. LENROOT. The gentleman from Wisconsin made no such statement. He said it had ended its investigation with reference to this resolution.

Mr. HENRY. All right. Now, gentlemen, they tried to make you believe that we have abandoned this investigation. What is the real status of this case? If Mr. WOOD has any testimony, or if you have any, bring it before the Committee on Rules; or if any Member wants to introduce another resolution and send it to that committee, we stand ready to take it up to-morrow and proceed with this investigation.

Mr. FARR. Will the gentleman yield?

Mr. HENRY. No. Now, I defy that side of the House. Introduce your resolution, or come forward with your proof if you have it. [Applause on the Democratic side.] We defy you. You can not do it. Ah, but the gentleman from Wisconsin [Mr. LENROOT], for whom I have an affectionate regard, says that he in confidence proposed to name a man to whom Lawson had talked and who would give us the name of the Congressman and the Cabinet officer.

Mr. LENROOT. The gentleman from Wisconsin did not propose that name in confidence, and the gentleman knows it.

Mr. HENRY. I am glad you release us. Then I say to you, Mr. LENROOT, I am going to give the name; and I say to you now, Mr. LENROOT, bring on Donald McDonald, of Boston, and produce him before the Rules Committee and let him testify.

Mr. LENROOT. Will the gentleman yield?

Mr. HENRY. No; I can not yield. I say, bring on your witness and he will prove nothing. I said it in the Committee on Rules, and I say it now.

Mr. LENROOT. Will the gentleman yield?

Mr. HENRY. No; I can not yield.

Mr. LENROOT. The gentleman ought not to make misstatements.

Mr. HENRY. I say more. I say that the Committee on Rules is ready to proceed; and I say that for one, as chairman of that committee, I am ready and willing, and want this House to stand back of me, and we will examine Thomas W. Lawson before the Rules Committee, and if he does not answer and we have the power I am in favor of putting him in the common jail and keeping him there. [Applause.]

Mr. LENROOT. Will the gentleman yield?

Mr. HENRY. No; I do not yield. You know that I have never said for an instant that Lawson should not be summoned for contempt. What is our power? What Member can tell here, after a casual reading of that statute, the power of Congress to deal with contempts? Thomas W. Lawson would come again, and he would say, as he said before the Committee on Rules, "If you do not broaden your investigation and make it so extensive that we can investigate the transactions on the New York Stock Exchange, I will stand mute and not answer your questions." He said, in effect, "I don't care a tinker's dam about your leak from the Executive department. What I want is an investigation of the infamies of the stock exchange." Do you gentlemen want it? Are you willing to vote for it?

MANY MEMBERS. Yes! Yes!

Mr. HENRY. All right.

Mr. CAMPBELL. I have got such a resolution, and I will offer it to-day if you vote down this resolution.

Mr. HENRY. Put your resolution in the basket, and the Committee on Rules will be glad to take it up. I am not willing

for these Republican Members here to be slandered and libeled by anyone, even——

Mr. FARR. How about Democrats?

Mr. HENRY. Oh, it is hard to slander the Democrats, because they are above suspicion. Now, Mr. Speaker, this Curtis letter came days after Mr. WOOD had introduced his resolution. We must now relegate that letter to the realms of mythological lore. No such a man as A. Curtis has been found. No one has been found who will father that infamous and libelous document produced before the Committee on Rules by the gentleman from Indiana [Mr. WOOD]. He will not father it. He is ashamed that he introduced it, I am sure. Yet you ask this committee to take such testimony as that, when you can not find your witness, and you ask them to institute an investigation.

Now, let us reassure ourselves of our ground. Here is the resolution that they want you to adopt to-day. We offer to lay it on the table, just as the Committee on Rules, in effect, did in its deliberations; as the Republicans did when they offered a substitute for it. They abandoned it. It is of as much importance to-day as the original authority will be when the moral slanders are ended in this country.

Ah, it is easy enough to say that some good person in the neighborhood has lost his honor, and besmirch the character without giving names, and have every scandal monger in the neighborhood or in the church hunt for somebody of that sort. I have no concealment to make for my colleagues. I have nothing to suppress; I am ready to go forward, if you gentlemen are, and make this investigation. I am ready to let you write any resolution you want to and put it in the basket, and I pledge my sacred word and honor that to-morrow morning the Committee on Rules will be summoned, and we will summon your witnesses and make it as broad as you please. If you have any one witness, produce him, but do not make this contemptible political fight here. [Applause on the Democratic side.] I am standing for the rights of the House. I have no abuse to heap on the head of this poor misguided creature, Thomas W. Lawson. What did he say over and over again. He said, "If you call me before any committee on earth, I can not produce one scintilla of evidence that would be competent evidence that would involve the character of a Senator, a Cabinet officer, of a Representative in Congress, or of any high ambassador to some foreign court." He said he could not do it. He said, "I have no competent evidence to offer; all I can do is to offer you hearsay evidence."

Now, gentlemen, would you have your Committee on Rules report to this House when no evidence has been adduced that you have gambled in Wall Street or on the stock exchange; that you should be investigated and let the author of the original resolution escape from the position in which he has placed himself? What do you want? If you desire an investigation, this is not the way to get it. You can have it; there is no difficulty about that. Resolution 420 is still pending, and these contempt proceedings are still pending before that committee. The gentleman from Kansas [Mr. CAMPBELL], myself, and the gentleman from Tennessee [Mr. GARRETT] are a subcommittee to formulate the procedure. I am ready, Mr. CAMPBELL——

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

Mr. HENRY. I can not.

The SPEAKER. It is against the rules for one Member to address another Member by his name.

Mr. CAMPBELL. I waive that if the gentleman will yield.

Mr. HENRY. I can not; I am ready when this debate ends to go into conference with you and to summon Thomas W. Lawson, if we have the power to bring him before the committee.

Mr. LENROOT. If we have the power!

Mr. HENRY. Does not the gentleman think we have the power?

Mr. LENROOT. Absolutely not.

Mr. HENRY. Why, then, do you criticize the committee for not trying to punish him?

Mr. LENROOT. Will the gentleman yield?

Mr. HENRY. I will yield for a moment.

Mr. LENROOT. I want to say that the committee lost its power the moment the chairman introduced his motion this morning.

Mr. HENRY. That is the slimmest reason I ever heard. Lost its power! Then introduce another resolution. We will meet you to-morrow. You know it is a quibble and you know that we have not lost the power. We can go ahead with the investigation. I do not want, gentlemen, to burden you with any lengthy argument. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has five minutes.

Mr. HENRY. I do not want to burden you with a lengthy argument, but I want to assure you that when I make a pledge to you I intend to carry it out. The gentleman from New York [Mr. BENNET] says we are afraid of an investigation.

Mr. BENNET. Will the gentleman yield?

Mr. HENRY. Yes.

Mr. BENNET. Yes; I said that and I repeat it. [Applause on the Republican side.]

Mr. HENRY. Why?

Mr. BENNET. If you are not afraid, you would have summoned McKemman and McDonald, and you would have traced this thing back to its source. [Applause on the Republican side.]

Mr. HENRY. Now, gentlemen, let me tell you that when we had finished the testimony of the last witness yesterday morning the Chair said, "Gentlemen, have you another witness that you want to subpœna or produce? And they said, "No; not one." [Applause on the Democratic side.] Why, my friend ought to be ashamed to come before this House——

Mr. BENNET. Will the gentleman yield?

Mr. HENRY. I can not yield. Look at the record. They were invited again and again to bring the witnesses, and you know it, but you did not do it. [Applause on the Democratic side.] Here is what they know. They know that to investigate from now until doomsday they would not be able to prove anything against a Senator, anything against a Cabinet officer, anything against the President of the United States, or any of his subordinate officials, and they do not want any investigation. [Applause on the Democratic side.] They know that they would fail, but they think they have a political advantage backed up by an irresponsible scandal monger who thinks he has driven the House into a fight, and they are hoping that they may get out of this thing in some sort of an honorable way.

Now, gentlemen, in conclusion—and I address my remarks not only to Democrats but to Republicans—let us here now resolve that whenever these slanders and libels are uttered against Members to-day or hereafter, we will write across the brow of the slanderers and libelers in living letters that may be read everywhere, "Slanderer, liar, coward, and villain," as some of these have proved themselves to be. I ask you to put this resolution on the table where it belongs, and any Member that will introduce a resolution and produce the witnesses, we will go forward and punish any witness who fails to answer our questions.

Mr. CLARK of Florida. Mr. Speaker, will the gentleman yield to me to ask him a question?

Mr. HENRY. Yes.

Mr. CLARK of Florida. Is it the purpose of the Committee on Rules to go forward under this other resolution and make this investigation?

Mr. HENRY. As far as the chairman is concerned, it is my purpose to go until the end of the 4th of March if anyone can produce any testimony.

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

Mr. HENRY. Yes.

Mr. FIELDS. Is it the purpose of the Committee on Rules to proceed to punish Thomas W. Lawson for contempt or make him answer the questions that he has refused to answer?

Mr. HENRY. Yes.

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

Mr. HENRY. No; the gentleman can not make my speech.

Mr. LENROOT. But the gentleman should not speak for the Committee on Rules.

Mr. HENRY. Oh, yes; you do not want to go any further; you do not think we have the power.

Mr. FIELDS. It is the purpose of the committee to do that?

Mr. HENRY. I think we have the power, and if we can not punish him here, we will send him to the district attorney here and let the grand jury deal with him and put him in jail if we can.

Mr. FIELDS. That is the purpose of the committee?

Mr. HENRY. That is the purpose of the committee.

Mr. FIELDS. Then, as I understand it, the chairman of the committee does not consider that he has surrendered any of the rights of the House?

Mr. HENRY. I surrender them? I would not surrender the rights that belong to this House for anything under the sun. I would not waive any right that belongs to you, I stand by you.

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

Mr. HENRY. I can not yield.

Mr. LENROOT. Just for one question.

Mr. HENRY. Very well.

Mr. LENROOT. By what authority does the gentleman speak for the Committee on Rules in making the statement he has made?

Mr. HENRY. By the authority that I have never known the Democratic members of this committee, or the Republican members either, to fail to do their duty when they knew it.

The SPEAKER. The gentleman from Texas has one minute left.

Mr. HENRY. Gentlemen, let me adjure you, do not be swept away by these things. Your administration is honorable, these Members are honorable, there is no reason for all of this slander and vituperation. Stand by yourselves, defend your own honor, as I know you will, and as your chairman, as your agent, as your trustee, I give you my confidence, and take you into my confidence, and pledge you my sacred word that we will fight this fight through until we have done every thing that the Democratic Party should do. [Applause on the Democratic side.]

Mr. Speaker, I move that resolution 429 do lie on the table.

The SPEAKER. The question is on the motion of the gentleman from Texas that House resolution 429 do lie on the table.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

Mr. CANTRILL rose.

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. CANTRILL. Mr. Speaker, I rise to make a request, and that request is this: I am not in exact harmony with either side of this controversy, and so voted in the Committee on Rules. I rise for the purpose of making a request to the House for not to exceed 10 minutes in which to make a statement to the House.

The SPEAKER. The gentleman from Kentucky, a member of the Committee on Rules, asks unanimous consent that the motion to table be withheld for not to exceed 10 minutes, and that he be permitted to make a statement in those 10 minutes. Is there objection?

There was no objection.

Mr. CANTRILL. Mr. Speaker and gentlemen of the House, I want to say to the House that I would not ask for this privilege at this time except that I stand in a position alone as a member of the Committee on Rules, and I did not feel that I had the right to ask either side of this controversy for time because, of course, the time should be equally divided. I want to thank the House for the privilege of making this statement. I want to state that in the Committee on Rules I voted against the proposition to lay this resolution on the table. I ought to make that statement, I think, for this reason: This Committee on Rules is not making this investigation upon its own volition. It is making the investigation under the direct order of the House. I will say that as a member of the committee and as a Member of this House, in the beginning I would not have dignified these resolutions with an investigation by the Committee on Rules, but the House of Representatives thought differently and they instructed the Committee on Rules to proceed with the investigation. The Committee on Rules in accordance with the order of the House proceeded with the investigation. It is not my purpose now to criticize any Member of this House or any member of this administration, or to criticize anyone, because there has not been one single bit of evidence, so far presented to the Committee on Rules, which would in any way incriminate any Member of Congress or any member of the administration, and as one Member of the House and as a member of the Democratic Party I am not afraid to have every member of the Democratic administration go on record before the world in any examination, anywhere, as to what he may have done. [Applause.] But the facts in the case are these: The Committee on Rules had not gone into this investigation until by a vote of the House it was directed to do so. The Committee on Rules in proceeding with this investigation has absolutely no evidence, no scintilla of evidence, to incriminate anyone except one witness, Mr. Lawson, who comes before the Committee on Rules and, by insinuations and innuendo and by indirect statements, says that he will give to another committee made in the future the name of a Congressman who said certain things about certain members of this administration, Cabinet officers and others. The motion that I entered in the Committee on Rules and what I think ought to be done is this: This Committee on Rules is your agent, acting under your advice, and it was my idea that the Committee on Rules should report back to this House that they had received absolutely no intimation except from one witness and that witness declined to give the testimony to the Committee on Rules whereby the committee and this House could act intelligently.

Now, I think that report should have been made back to this House and then let the House determine what they would do with this witness, whether or not they would force him by giving to your agent, the Committee on Rules, the power to extract this testimony from him. [Applause.] Now, I think that is the correct procedure. I think so far as the dignity of this House is concerned that there is much more involved here than this mere investigation. Let the American Congress determine to-day for all time to come whether or not some citizen, some individual in the United States, can stand up in the public press with paid advertisements and heap calumny upon Members of Congress, and then a duly authorized committee of Congress to investigate those charges are met with the defiance that he will not testify. Let this Congress to-day, if it has the power, instruct the Committee on Rules to bring back Mr. Lawson before that committee and let that committee submit in writing the questions which Mr. Lawson failed to answer before the Committee on Rules and let that committee undertake to force him to answer them, and if he does not answer them let the Committee on Rules cite Mr. Lawson before the bar of this House and let the American Congress say whether it has more power [applause] than Mr. Lawson. What kind of report do we know to make to the House? We are acting as your agent. You told us to make this investigation. We have examined witness after witness, and there is not a particle of evidence to indict any member of the Democratic administration or any Member of Congress on either side of this aisle, not a particle of evidence; but here is a witness who says that he would tell. Now force him to tell, if you have the power. [Applause.] I am not a lawyer, I am just a plain farmer, but this Congress is made up of a lot of the best lawyers in the United States. Can not you gentlemen who are lawyers draft a resolution? If you can not draft a resolution, then this Congress ought to pass a law now, as soon as possible, to force testimony to be given before the committees of Congress.

Mr. HENRY. Will the gentleman yield just a moment? If the gentleman will ask unanimous consent that that instruction be given, I am perfectly willing that it be given to the Committee on Rules. [Applause.]

Mr. BENNET. Will the gentleman yield?

Mr. HENRY. I hope my colleague will ask that.

Mr. CANTRILL. Mr. Speaker, I am simply stating what my views are on this proposition. When I conclude my views, and my time has about expired, the chairman of the Committee on Rules can make that request of the House. I am comparatively a new Member of this House.

Mr. BENNET. Will the gentleman yield?

Mr. CANTRILL. Just in a second. I have only served in this House eight years. It is not my purpose or intention to undertake to override the will of the leaders of the House on this proposition, but I want this House to understand I do not take any stock in this talk that has been handed across the aisle here in a political way or a partisan way. There is much more involved than that, and I am not going to undertake to criticize the gentleman who offered this resolution. I have my individual views on that proposition, but I think it beneath my dignity as a Member of the House to impugn his motives [applause] and to say what any man's individual opinion should be, or any Member of this House. Here are the facts in this case. I for one speak for this side of the House, and I believe it is a mistake to stop this investigation now. [Applause.] I would never have dignified it in the beginning—I want to be plain about that—never in the beginning; but since having gone into it, when a man comes before the committee and says that he will give this information to another committee, I am going to be fair to both sides of this House, if the Committee on Rules, acting as your agent, not on this side, but of the House, has authority, it should get that information. If this committee has not got this power, then give it the power. What is the use of us going to another committee or offering any other resolution? The House of Representatives can give the Committee on Rules the power now; and if you do give the committee the power, it will bring this man back before the committee. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended one minute in order that I may ask a question.

The SPEAKER. The gentleman from Texas asks unanimous consent that the time of the gentleman from Kentucky be extended one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. HENRY. Mr. Speaker, I want the gentleman to let me ask in his time unanimous consent that the Committee on Rules be directed to report to the House the records of the proceedings showing the contumacy of the witness, Thomas W. Lawson, and to report forthwith and to invoke the judgment of the House of Representatives.

Mr. CANTRILL. Now, Mr. Speaker, just a moment in my time. The request I made of the House is this, that this witness, Lawson, be recalled before the committee and that the questions that he failed to answer be submitted to him in writing.

Mr. HENRY. I will put it that way.

Mr. CANTRILL. That those questions be put to him in writing, and if he declines to answer them, then let the Committee on Rules report. [Applause.]

Mr. HENRY. I say I will put it that way. Mr. Speaker, I put the request that way.

Mr. LENROOT. Mr. Speaker, reserving the right to object, if the gentleman will include in that request a rereference of this resolution to the committee it will, of course, be in order, but otherwise the committee can have no power even for a unanimous-consent agreement.

Mr. HENRY. I make that request, too. [Applause.]

The SPEAKER. The gentleman from Texas will state his question again.

Mr. HENRY. I want the gentleman from Kentucky [Mr. CANTRILL] to hear me.

The SPEAKER. The gentleman from Kentucky [Mr. CANTRILL] will give heed to the gentleman from Texas.

Mr. HENRY. I ask unanimous consent, then, that this resolution be rereferred to the Committee on Rules, and also that the committee be directed or instructed——

A MEMBER. Authorized.

Mr. HENRY. We have the authority. That it be directed to call before the committee again Thomas W. Lawson and again ask him the questions which he refused to answer, in writing; that those questions be reduced to writing and be again propounded to the witness; and that if he fails or refuses to answer them fully and completely, then the proceedings be reported to the House in order that the Committee on Rules may ask the judgment of the House of Representatives.

The SPEAKER. The gentleman from Texas asks——

Mr. LENROOT. I would like to make one suggestion.

Mr. HENRY. Yes.

Mr. LENROOT. Will the gentleman add to that that the committee require said Lawson to answer such questions?

Mr. MANN. Mr. Speaker, I would like to make this suggestion to both gentlemen. It is perfectly proper, in my judgment, under the circumstances of these proceedings to rerefer this resolution to the Committee on Rules with instructions to report the resolution back within a limited time, but if you are going to base contempt proceedings or prosecutions for a misdemeanor upon loose talk like this in the record, you will never get very far with that. [Applause.]

Mr. SHERLEY. Mr. Speaker, if the House will permit me, I would like to make a suggestion, because I think there is considerable confusion in the minds of men touching the power of the House to deal with a situation of this kind.

Men talk about contempt proceedings. The proceeding I think that ought to be taken, if you desire to obtain from Mr. Lawson the answers to the questions that he declined to answer, is to see to it that the resolution empowering the Committee on Rules to act is sufficiently broad to make the question or questions pertinent. Then, upon the refusal of Mr. Lawson or any other witness to answer, in my judgment, the House, and probably the committee, could cause such witness to be taken into custody and held until he does answer.

Now, if the House will indulge me a moment further, there is this distinction between that sort of proceeding and what is designated as a contempt proceeding. A contempt proceeding partakes of the nature of punishment, but the other proceeding is what the courts have frequently designated as one where the person imprisoned, holds the keys to his prison, can unlock the doors by doing the thing that he is required to do.

Now, to my mind it is inconceivable that a legislative body has not the inherent power to compel the doing of anything that is necessary to the performance of its proper functions, and on that ground if you will write a proper resolution as to the subject of the inquiry, the Committee on Rules can compel a witness to answer, and, failing that, it probably, or the House certainly, can commit him until he does answer.

Mr. MANN. Mr. Speaker, if the gentleman will permit a suggestion, I do not know whether Mr. Lawson took the benefit of the advice of counsel or not. I should have a good deal of doubt about the power of the House to punish Mr. Lawson for contempt, or to require him to testify in answer to the questions that were submitted to him, under the privileged resolution which was referred with instructions to report back in 10 days. And if we are to undertake to compel Mr. Lawson to testify we ought to be fortified where we can require him to testify and not have our proceedings set aside by a court.

Mr. GARRETT. Mr. Speaker, I would like unanimous consent to proceed for three or four minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT. Mr. Speaker, if this movement——

Mr. HENRY. Mr. Speaker, that does not waive this pending motion?

The SPEAKER. No; the pending motion is to suspend.

Mr. GARRETT. Mr. Speaker, if the action which seems to be in the minds of many gentlemen is to be taken, it occurs to me that it might not be a bad idea for the chairman of the committee to ask unanimous consent that this entire proceeding may be passed over until to-morrow. Now, that will give time within which to report this resolution under the instructions of the House. I want to say that I concur as a lawyer in the ideas that have been expressed by the gentleman from Illinois [Mr. MANN]. I have not cared to enter into a discussion of those matters so far, because I have not thought that we had reached that question or would reach it at this time.

Gentlemen have come to me day after day while the Committee on Rules has been sitting and undergoing this fearful ordeal which the House imposed upon it, with the suggestion of "Why do you not send him to jail?" When their attention was respectfully called to the fact that there was some doubt as a legal proposition whether it could be done, impatience was indicated, and in some instances Members of the House who approached members of the committee concerning that were almost as insulting as Lawson himself was supposed to be.

Now, I want to say that if this House proposes to instruct the committee on this proposition, and if I am to be charged with any responsibility in connection with the report in that regard, I am extremely anxious that the instructions given by the House shall be very specific and very plain and very full. And I am under the impression that it might not be a bad idea for this matter to be passed over and give to gentlemen who desire to give instructions to the Rules Committee—and I do not want any responsibility in connection with that myself—to give the gentlemen who are desirous of instructing the Rules Committee the opportunity to prepare the instructions that they wish to be given. It is no trifling matter when an undertaking is made by the Congress to send one to prison. Lawson trifled with the House? Of course he did. The House by giving attention to it submitted its committee to his insults. [Applause.] The committee was acting as the agent of the House, and every Member of it felt the humiliation. But when gentlemen come in an effort to criticize the committee because it does not undertake to exercise a power concerning which there is great legal doubt, they should at least remember that some of us have given patient attention and thought to that question, and we hesitate to do it because we do not care to be made ridiculous by a court of the country.

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

Mr. GARRETT. I will.

Mr. MANN. The gentleman from Tennessee appreciates what is apparently the temper of the House with reference to the matter. Does he not think that the committee having this matter under investigation ought to suggest to the House any needed authority that it might have and ask the House to give it by resolution any authority which it may need which it does not now have? And does the gentleman doubt that the House will do that, as a matter of course, without hesitation?

Mr. GARRETT. If that possibly can be done it would be a very good course to pursue to do it. My suggestion is, however, that if that course is to be taken there are 300 men here, many of them lawyers, all of them men of common sense, but men who on the whole can not be expected to deal with this question in the way it is necessary that it should be dealt with here in this large body at this time.

Mr. MANN. Of course, if the gentleman from Tennessee believes that the Committee on Rules can not define the authority that it needs to make this investigation, I should think we ought to send the matter to the Committee on the Judiciary, which has had experience and which knows how.

Mr. LENROOT. Mr. Speaker, I ask for two minutes.

The SPEAKER. The Chair would inquire of the gentleman——

Mr. GARRETT. Of course, Mr. Speaker, I have not indicated that the Committee on Rules can not report to the House what it thought was the power it needed. I would not like that idea to go abroad by anything that has been said by the gentleman from Illinois [Mr. MANN]. I have no objection, however, to referring it to the Committee on the Judiciary. I will say that.

Mr. LENROOT. Mr. Speaker, I wish to proceed for two minutes.

Mr. HENRY. Mr. Speaker, I want to make a unanimous-consent request.

Mr. LENROOT. Let me make my statement first?

Mr. HENRY. All right.

The SPEAKER. The gentleman from Wisconsin asks to proceed for two minutes. Is there objection?

There was no objection.

Mr. LENROOT. Mr. Speaker, I would like to suggest to the chairman that he present his unanimous-consent request in the way that I think will give us a solution of this difficulty. If the gentleman will ask now that this resolution be recommitted to the Committee on Rules I am sure that there will not be the slightest difficulty in the committee unanimously agreeing upon a resolution to be presented to this House, giving it the full authority, and thus remove any possible doubt concerning it.

Mr. HENRY. Mr. Speaker, that is precisely what I rose to do. I ask unanimous consent, Mr. Speaker, that this resolution be recommitted to the Committee on Rules; and, pending the submission of that request by the Chair, I will state that the committee will be called to meet to-morrow morning at 10 o'clock to take up these questions.

Mr. FOSTER. Mr. Speaker, may I make a suggestion to the gentleman from Texas?

Mr. CAMPBELL. Mr. Speaker, may I suggest that it might be well to have the time extended?

Mr. FOSTER. Yes; that is what I was getting at. This committee was required to report within 10 days, and those 10 days will expire to-morrow. I suggest to the gentleman that he ask to extend the time for the report to be made to the House.

Mr. HENRY. And that it report within 10 days.

Mr. GLASS rose.

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. GLASS. To ask permission to make an inquiry of the chairman of the Committee on Rules. If it is in order, I would like to ask the chairman of the Committee on Rules what is the status of House resolution 420, which was referred to his committee? I make the inquiry, Mr. Speaker, because in my conception of the case Lawson is by no means the chief offender against the dignity and reputation of this House.

Mr. HENRY. I will answer the gentleman's question. The gentleman evidently did not hear my remarks a moment ago. That resolution is still pending, and the Committee on Rules can take it up at any time.

Now, Mr. Speaker, I renew my request.

The SPEAKER. What about; the time of reporting?

Mr. HENRY. And that the time be extended five days.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent that the so-called Wood resolution, No. 429, together with the report thereon, be recommitted to the Committee on Rules, with instructions to report within five legislative days. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

CHANGE OF REFERENCE (H. DOC. NO. 1796).

The SPEAKER. The Chair has a letter from the chief justice of the Supreme Court of the District of Columbia with reference to certain matters submitted to him. It is in the nature of a claim, and by some inadvertence it was referred to the Committee on the District of Columbia. It ought to be re-referred to the Committee on Claims. Without objection, the reference will be changed.

Mr. MANN. Well, Mr. Speaker, is that the decree in reference to the Anacostia Flats, which was transmitted some time ago—a decree in reference to the title to certain overflowed lands? I do not think that goes to the Committee on Claims. It might possibly go to the Committee on Appropriations.

The SPEAKER. It is the case of the United States against Littlefield, Alvord & Co. et al.

Mr. MANN. That is not a claim at all. That is a case where the Government is seeking to quiet the title of some lands. In quieting the title under the decree it is provided that certain sums shall be paid for buildings of some sort on the land. It is not a claim against the Government.

The SPEAKER. Without objection, it will be referred to the Committee on Appropriations.

There was no objection.

REGULATION OF IMMIGRATION.

Mr. BURNETT. Mr. Speaker, I call up the conference report on the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States.

The SPEAKER. The gentleman from Alabama calls up the conference report on the immigration bill. The Clerk will report it and read the report.

Mr. BENNET rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. BENNET. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BENNET. At what stage in the proceedings should a point of order be made against this conference report? My recollection is after the reading of the report and before the reading of the statement.

The SPEAKER. That is correct.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1266).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 10384, "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 7, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 29, 30, 31, 33, 34, 36, and 37, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "unless otherwise provided for by existing treaties, persons who are natives of islands not possessed by the United States adjacent to the Continent of Asia, situate south of the twentieth parallel of latitude north, west of the one hundred and sixtieth meridian of longitude east from Greenwich, and north of the tenth parallel of latitude south, or who are natives of any country, Province, or dependency situate on the Continent of Asia west of the one hundred and tenth meridian of longitude east from Greenwich and east of the fiftieth meridian of longitude east from Greenwich and south of the fiftieth parallel of latitude north, except that portion of said territory situate between the fiftieth and the sixty-fourth meridians of longitude east from Greenwich and the twenty-fourth and thirty-eighth parallels of latitude north, and no alien now in any way excluded from, or prevented from entering, the United States shall be admitted to the United States"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following:

"SEC. 11a. That the Secretary of Labor is hereby authorized and directed to enter into negotiations, through the Department of State, with countries vessels of which bring aliens to the United States, with a view to detailing inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers between foreign ports and ports of the United States. When such inspectors and matrons are detailed for said duty they shall remain in that part of the vessel where immigrant passengers are carried; and it shall be their duty to observe such passengers during the voyage and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers that may have become known to them during the voyage."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"All aliens coming to the United States shall be required to state under oath the purposes for which they come, the length of time they intend to remain in the United States, whether or not they intend to abide in the United States permanently and become citizens thereof, and such other items of information regarding themselves as will aid the immigration officials in determining whether they belong to any of the excluded classes enumerated in section 3 hereof."

And the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "taken up his permanent residence in this country"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and

agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "July 1, 1917"; and the Senate agree to the same.

JOHN L. BURNETT,
E. A. HAYES,
Managers on the part of the House.
E. D. SMITH,
THOMAS W. HARDWICK,
H. C. LODGE,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the House bill (H. R. 10384), regulating the immigration of aliens, submit the following detailed statement in explanation of the effect agreed upon and recommended in the conference report:

Amendment numbered 1: Amendment numbered 1 provides that the act shall be enforced in the Philippine Islands by officers of the general government thereof unless and until it is superseded by an act passed by the Philippine Legislature as authorized in the Philippine government act. The purpose of this, of course, is to avoid any conflict between this act and the recently passed Philippine government act.

Miscellaneous unimportant amendments: Amendments numbered 2, 3, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 29, 30, 31, 33, 34, 36, and 37, with respect to all of which it is recommended that the House recede from its disagreement and agree to the same, are merely changes perfecting the text by correcting clerical and grammatical errors and errors of punctuation or improving the language without materially changing its effect or bringing different provisions into textual consonance with each other. These, therefore, call for no special comment.

Amendment numbered 4: The effect of amendment numbered 4, with respect to which it is recommended that the Senate recede, would be to exclude aliens whose intention it is to return to the country whence they come, after temporarily engaging in laboring pursuits in the United States, and those who, after having been admitted to the United States, return to the country whence they came, there to reside or for the purpose of taking part in any war in which such country is involved, unless aliens of the said two descriptions were otherwise qualified for admission and came voluntarily from contiguous foreign territory to seek employment in harvesting crops. Although of apparently but slight practical value because its enforcement would necessitate the accurate ascertainment of the intention of the persons thereby affected, it would not have been difficult for the committee of conference to have agreed to the first part of this amendment (to the second there would seem to be additional obvious objections); but on the attention of the committee being directed to the fact that the entire amendment is in conflict with treaties between the United States and certain foreign countries the recommendation that the Senate recede was determined upon. While amendments numbered 23 and 28 were inserted by the Senate largely because of the insertion of this amendment they both seem useful in themselves and, with the change suggested in that numbered 28, unobjectionable.

Amendment numbered 5: Concerning the effect of Senate amendment numbered 5, with respect to which it is recommended that the House recede from its disagreement and agree to the same with amendments, it should be pointed out that two separate and distinct provisions are involved:

(a) The managers on the part of the House agree to so much of this amendment—inserted by the Senate Committee on Immigration—as substitutes for the provision contained in the bill as passed by the House excluding Hindus and persons who can not become eligible for naturalization, a provision excluding aliens who are natives of certain islands and mainland territory of Asia defined by longitudinal and latitudinal lines; but with an amendment to the Senate amendment by which a parallel of latitude is selected to form the northern boundary of the continental territory defined, so that Siberia will be excluded therefrom.

(b) So much of this Senate amendment—inserted on the floor of the Senate—as purports to be a nonrepealing clause could not be agreed to in the form in which proposed because it was found, on carefully considering its relation to other parts of the act, that much inconsistency and confusion would be created thereby. It is sufficient to point out that the matter proposed would render the next succeeding provision of the act incorrect in its reference to "the provision next foregoing," and would be in direct conflict with section 38 of the act containing a carefully drawn nonrepealing clause. Therefore the recommendation is made for the insertion, not as a separate provision but as a part of the provision excluding by geographical lines, of words calculated to accomplish the purpose the latter part of the Senate amendment has in view.

Amendment numbered 6: This amendment is closely related to the preceding one. The conclusion to recommend that the Senate recede therefrom was reached because the difficulty intended to be met thereby is solved by the suggested amendment to amendment numbered 5 fixing a northern boundary for the territory geographically defined, taken in conjunction with the exempting provision to which amendment number 6 relates.

Amendment numbered 7: The effect of this amendment, from which it is recommended that the Senate recede, would be to require that aliens who might claim exemption from the operation of the "illiteracy clause" on the ground that they were fleeing from religious persecution should show that the persecution had been such as to deny them the means or opportunity to obtain an education.

Amendments numbered 8 and 9: With respect to both of these amendments the recommendation is that the House recede from its disagreement. The principal effect of amendment numbered 8 and of the latter part of amendment numbered 9 is to remove from the law provisions calculated to encourage aliens to declare for ulterior purposes their intention to become citizens of the United States. The first part of amendment numbered 9 strikes from the bill a provision of a retaliatory nature contained therein when it passed the House, authorizing immigration officials to exclude from the United States, whenever any foreign country contiguous thereto excludes certain classes of United States citizens, similar classes of citizens of such contiguous foreign country.

Amendment numbered 22: By this amendment the Senate proposed to strike from the measure all of section 11a. When the immigration bill H. R. 6060 was under consideration in the Sixty-third Congress, the eleventh section thereof was worded substantially the same as section 11a, inserted in this measure on the floor of the House. But it was found advisable to change section 11 of that bill to read substantially as section 11 of the present measure reads, because objection had been made by certain foreign countries to the detailing of inspectors and matrons of the United States Immigration Service for duty on vessels sailing under the flags of such foreign countries. The effect of the amendment now proposed to the Senate amendment will be to authorize the Secretary of Labor to negotiate with foreign countries with a view to accomplishing the principal objects of section 11a as passed by the House.

Amendments numbered 23 and 28: One of the purposes of these amendments was to give effect to amendment numbered 4, from which, for reasons hereinbefore stated, it was concluded to recommend that the Senate recede. However, as before stated, that recommendation regarding amendment numbered 4 does not destroy the value of these two amendments and requires only a slight change in the latter of them.

Amendment numbered 32: The effect of the recommendation that the House recede from its disagreement to this amendment and agree to the same with the suggested amendment is to permit any alien who, after taking up a permanent residence in this country, sends for his wife or minor child to join him, to have such wife or child, if found on arrival to be afflicted with an easily curable disease, treated in the hospital at the station where examined until cured, or admitted if it is found that admission can occur without danger to other persons.

Amendment numbered 35: The recommendation that the Senate recede from this amendment does not involve any change in the meaning of the act. Section 3 provides for the exclusion of aliens convicted or who admit the commission of crimes involving moral turpitude and also for the exclusion of certain other carefully described classes closely related to the criminal class. But a proviso is attached to said section exempting from exclusion all of those who have been convicted, or who admit the commission, or who teach or advocate the commission of political offenses. The clause to which amendment numbered 35 relates makes it a misdemeanor to assist a member of one of the said excluded classes to enter. Of course no one could be prosecuted for assisting in the entry of one who was within the exempting clause, for such person would have a right to enter.

Amendment numbered 38: The effect of this amendment is to fix the date of the taking effect of the act as July 1, 1917.

JOHN L. BURNETT,
E. A. HAYES,
Managers on the part of the House.

Mr. BENNET. Mr. Speaker, I make a point of order against the conference report, on the ground that the conferees exceeded their authority in connection with an amendment to section 38, the amendment being No. 38, found on page 67 of the print of the bill before the House. The situation is this——

Mr. GARDNER. Mr. Speaker, if there are other points of order to which the gentleman thinks the conference report is subject I hope he will raise them at the present time, because if the Chair should rule out the conference report, it would be a pity to bring it back and each time it is presented have points of order raised against it.

Mr. BENNET. That would be sad, indeed.

Mr. GARDNER. Mr. Speaker, I wish to raise some points of order. Will the Chair have them now?

The SPEAKER. When the gentleman from New York gets through with his point of order, then the Chair will hear any other gentleman.

Mr. BENNET. It is worth while to serve in this Congress to hear the gentleman from Massachusetts raise points of order against a conference report on the immigration bill, and I will not deprive him of that pleasure.

My point of order is this: In line 19, page 67, as the bill passed the House it provided that the act shall take effect after July 1, 1916. When the bill got to the Senate the Senate struck out that date and inserted the words "May 1, 1917." To that in due course the House disagreed. When it got into conference the conferees inserted the date July 1, 1917.

The SPEAKER. Will the gentleman state those three dates again?

Mr. BENNET. The three dates are these: The House date is July 1, 1916; the Senate date is May 1, 1917; the conference date is July 1, 1917.

The present Speaker ruled on this precise point on the 2d day of March, 1915, the point being raised by the gentleman from Illinois [Mr. MANN] on page 5201 of the RECORD of March 2, 1915, being sustained by the gentleman from Massachusetts [Mr. GARDNER] in an argument on page 5202, and also by other gentlemen. The Chair sustained the point of order in a brief but luminous decision on page 5208.

The SPEAKER. Now, does the gentleman from Massachusetts [Mr. GARDNER] desire to interpose any other points of order?

Mr. GARDNER. I desire to raise two other points of order, so that we may have them all determined at once. I do this, not because I wish to delay the consideration of this conference report, but in order to make sure that at some future time these other two points shall not be brought forward to delay us in case the Chair to-day sustains the point of order of the gentleman from New York [Mr. BENNET].

First, I raise the point of order that the conferees have exceeded their authority by inserting in amendment No. 5 the following words:

> And no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States.

I raise the point of order that in inserting those words the conferees have exceeded their powers.

Mr. SABATH. What amendment is that?

Mr. GARDNER. Amendment No. 5.

Mr. BENNET. The words are found on page 2 of the conference report. They are not in the printed bill.

Mr. GARDNER. On amendment No. 22 I raise the further point of order that the matter inserted, giving the Secretary of Labor authority to enter into certain negotiations, was not within the compass of the matters of difference between the two Houses.

Mr. Speaker, I believe both the points of order that I am making are unsound. I believe the Speaker should overrule them, but I wish to be heard on them, so that all these points of order may be decided to-day and not strung along on different days.

The SPEAKER. Well, the gentleman is not saving the Chair any trouble in the premises.

Mr. GARDNER. I shall discuss my points of order from the adverse point of view if the Chair so desires.

The SPEAKER. The Chair does not need to hear any argument about it.

Mr. GARDNER. Mr. Speaker, taking the first amendment, No. 5, page 2, of the conference report, it is true that the phrase—

> And no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States—

has been inserted by the conferees. As the bill passed the House it provided for the exclusion of Hindus and persons who can not become eligible under existing law to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports or by existing treaties, conventions, or agreements that may hereafter be entered into.

The Senate struck that provision out and inserted a text in lieu thereof. I desire to call the Speaker's attention to the last four lines of the text inserted, which are as follows:

> Nothing in this act shall be construed to repeal any existing law, treaty, or agreement, in so far as such law, treaty, or agreement serves to prohibit or restrict immigration into the United States or any possession thereof.

In other words, the Senate said: "We do not like the wording of this clause excluding Hindus and other persons. We are going to put the matter in another form, which will not be offensive to anybody." So the Senate, among other things, inserted the four lines which I have just read you. In other words, according to the Senate clause all immigration laws now in existence to-day are to be continued in so far as they are restrictive laws, in so far as they exclude anybody from admission into the United States. It is often stated that at present, under what is generally called a gentlemen's agreement, Japanese coolies are excluded from coming to this country. As a matter of fact, these coolies are excluded by law and not by the gentlemen's agreement. The gentlemen's agreement simply carries out the law without friction. By the act of February 20, 1907, it was provided—

> That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

It is under that provision of law that certain coolies are excluded.

On February 24, 1913, President Wilson issued a proclamation, in which he said:

> Whereas by the act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, when the President is satisfied—

And so forth, and so forth—

> I hereby order that such alien laborers, skilled or unskilled, be refused permission to enter the continental territory of the United States.

That proclamation the President made under the law, not under the gentleman's agreement.

The SPEAKER. The Chair will suggest to the gentleman that Mr. Wilson was not President in February, 1913.

Mr. GARDNER. I should have said President Taft. Now, Mr. Speaker, the point of order is as follows: There are those who fear—I do not know how much I express their feeling correctly by saying that they "fear"—the effect of this language inserted by the conferees:

> And no alien now excluded from or prevented from entering the United States shall be admitted to the United States.

Their point is that that text will exclude certain parties whom neither the House text nor the Senate text would exclude and that therefore the conferees have exceeded their authority.

Now as to the point of order on amendment No. 22. When this bill passed the House it provided that the Secretary of Labor, whenever he saw fit, should order United States surgeons and matrons on board vessels taking aliens away from this country or bringing them into this country. The Senate felt that such a provision gave the Secretary of Labor power which he had no right to exercise outside the confines of the United States. At all events, the Senate struck out this clause which gave to the Secretary of Labor the power to put surgeons and matrons on board immigrant ships.

When the conferees got together they adopted a provision under which the Secretary of Labor is authorized to enter into negotiations through the Department of State with foreign nations for the purpose of arranging matters so that immigrant ships will, in case of necessity, carry American inspectors and matrons. When these agreements are made inspectors and matrons are to be detailed, and so forth and so on. Obviously it is true that there was no mention in either House or Senate text of any negotiations with foreign nations, nevertheless this new provision is a limitation on the power of the Secretary of Labor, and it does not introduce new matter.

On June 13, 1912, the present Speaker made a ruling, which may be found in section 942 of the Manual. In this opinion he lays down certain general principles with regard to the powers of conferees. Speaker CLARK says:

> There are two general rules governing conferences. The first is that conferees can not inject into a bill an absolutely new subject—

Obviously the question of matrons and surgeons on board immigrant vessels is not an absolutely new subject, since the House dealt with it originally—

and the second is that what they do inject into a bill must be germane.

We now come to the point of order of the gentleman from New York [Mr. BENNET], with regard to the date fixed by the conferees when this bill is to go into effect.

I have not as yet had a spare moment in which to examine narrowly the CONGRESSIONAL RECORD of March 2, 1915. If, however, on that occasion I successfully maintained, under similar circumstances, that the conferees had exceeded their powers, I am afraid that I can not make a very good argument in opposition to my own prior views on the subject. [Laughter.] But there is this to be said. In the case in question the House of Representatives passed a bill carrying for a certain purpose an appropriation of $100. The Senate inserted an amendment making it $1,000.

Mr. BENNET. That is not the decision; that is the gentleman's argument.

Mr. GARDNER. This is the argument of the gentleman from Illinois [Mr. MANN]. Will the gentleman from New York state what that precise question was?

Mr. BENNET. The question was this: The House passed a bill in which sections 1, 2, 3, and 4 took effect at a certain time. The Senate amended it and made it two years after the passage of the bill. The matter went to conference, and the conferees struck out two years and inserted three years, and the Chair held, following the very able contention of two gentlemen on the other side of the aisle, that the conferees could not go outside of the dates, that they could not go below one or above the other, and when they extended the time beyond two years they exceeded their powers, and the point of order must be sustained. What the gentleman is stating is the argument that was used at that time.

Mr. GARDNER. You say that the House provided one date for the law to go into effect, and the Senate provided a different date, and the conferees provided a third date more remote than either. When the bill which you cite was sent to conference, had the date fixed by the House or the date fixed by the Senate been already passed?

Mr. BENNET. No.

Mr. GARDNER. But when this immigration bill was committed to the conferees the date for it to take effect as originally provided in the House bill had already gone by. When we sent this bill to conference the House knew that it could not go into effect on July 1, 1916, and yet that was the date specified in the House text. The House knew that fact for the very good reason that July 1, 1916, had long since passed. Consequently, it is clear that the House knowingly sent to conference a bill containing a House provision which was null and void, just as much so as if the date of effectiveness had been left blank. Meanwhile the Senate had proposed that the bill should go into effect on May 1, 1917. The House on the one hand goes into conference with no future date of effectiveness named, and the Senate goes into conference naming the date of May 1, 1917. The conferees decided to make the act effective on July 1, 1917. I submit that this is an entirely different case from that which the gentleman from New York has cited.

Mr. MANN. Mr. Speaker, of course the rule is well settled that conferees have no authority to inject new matter into a bill, and they have no authority, as a general rule, to go below or above the amount named in the original text or in the amendment or beyond the date named in the original text or amendment where that constitutes the essence of the bill. The case cited by the gentleman from New York was the shipping bill, where it was of the very essence of the bill whether it should take effect at once or in two years or in three years or some further time. Everyone knows as a matter of convenience in the transaction of public business that it is essential in bills of this character that a date in the near future be fixed for bills to take effect. That is not the essence of the law at all; it is more a matter of convenience.

Now, this bill—I do not remember when it was introduced, but I suppose it was introduced at an early day and passed the House April 8, 1916. At that time it provided that it should take effect July 1, 1916, about three months ahead. It passed the Senate on December 14, and as amended by the Senate provided that it should take effect on May 1, about three months ahead, a convenient time for the preparation of the enforcement of the law. That is not of the essence of the law at all. That does not constitute one of the features of the law. That is more a matter of convenience in the administration of the law and preparing for its administration. The conferees provided that it should take effect on July 1, a reasonable time ahead.

Suppose that the Senate had said that the law shall take effect on January 1, it having passed the Senate on December 14. Would it not be rather foolish to say that nobody had the power to change the date when the law takes effect, if it does not take effect until after January? Yet that is the position we would be left in if the contention of the gentleman from New York [Mr. BENNET] should prevail. I think that a little common sense injected into parliamentary law is always valuable. It always has seemed to me that propositions of parliamentary law were based upon logic, following out one step after another; and following out in that way, I think the conferees had the power to change this date when this act should take effect, it not being the essence of the act at all; and while I think there are probably no decisions upon that subject I believe it would be wise for the Speaker to make one and hold that the point of order is not well taken.

Mr. BENNET rose.

The SPEAKER. Does the gentleman from New York desire to be heard simply upon the point that he raised himself?

Mr. BENNET. Mr. Speaker, I would like to be heard on one of the points raised by the gentleman from Massachusetts [Mr. GARDNER], and if the Chair has any doubt about the point I raised myself, I would like to be heard upon that. First, upon one of the points raised by the gentleman from Massachusetts. I think that parliamentary law ought to be treated seriously, and with that in view, when I came back to Congress I read and was enlightened by every decision which the present occupant of the chair has made since he came into the chair, and I find that he takes parliamentary law seriously. I am not accusing the gentleman from Massachusetts of not taking parliamentary law seriously. I want to concede at once that one of his points of order, as to which he did me the honor of making me the object of suspicion that I might raise it, is unsound, and that is the point of order that amendment No. 22 as it came from the conference violated the powers of the conferees. It does not. The conferees, I regret to say, clearly had that power, because, as the Chair has ruled three or four times in the last three Congresses, it is the subject matter that governs, and the subject matter there was the placing of immigrant inspectors and matrons on steamers, and where the House put them on definitely and the Senate struck the whole thing out the conferees unquestionably had the right to empower the Secretary to make an investigation. I do not think there is any question about that.

As to amendment No. 5, I think the gentleman from Massachusetts, purely by accident, has made a point of order that is perfectly good. Let us see what this thing is that the Senate put in. What the Senate put in is this:

Nothing in this act shall be construed to repeal any existing law, treaty, or agreement in so far as such law, treaty, or agreement serves to prohibit or restrict immigration into the United States or any possession thereof.

That is what might be called a safety provision, that if by accident they had put anything in this act which could be construed to repeal any existing law, treaty, or agreement, in so far as such law, treaty, or agreement serves to prohibit immigration into the United States or any possession thereof, that it should not have been done. That is rather clumsy legislation, but, nevertheless, the Senate put it there. The conferees adopted another form of English, covering an entirely different subject. Omitting all reference to anything in the act, they made a complete, substantive provision which would be a complete statute if it stood by itself. They omitted that language entirely and inserted a new substantive provision, as follows:

No alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States.

I call the attention of the Chair at the thre hold to the fact that the language that I have read would, standing by itself, be a complete law, while the language stricken out in the bill—

Nothing in this act shall be construed to repeal any existing law, treaty, or agreement in so far as such law, treaty, or agreement serves to prohibit or restrict immigration to the United States or any possession thereof—

is a limitation on another act. They are as far apart as the antipodes, as the North and the South Poles.

The SPEAKER. How are they dissimilar? Does not the language of the Senate and the language of the conference report come to the same thing in the end?

Mr. BENNET. No. I shall demonstrate that to the Chair by some documents issued by the Bureau of Labor. I hold in my hand immigration bulletin for November, 1916, in which is contained a list, Table No. 7, of the persons excluded from this country from July, 1916, to November, 1916, under existing

law. This language that has been put in here provides, getting it down to a particular man, that no alien—that is, none of these eleven or twelve thousand aliens—now in any way excluded from or prevented from entering the United States shall be admitted to the United States. It makes them outcasts and pariahs, so far as the United States Government is concerned, forever. The law as put in by the Senate does nothing of the sort. It simply provides that nothing in the whole bill shall be construed to repeal any existing law, treaty, or agreement, in so far as such law, treaty, or agreement serves to prohibit or restrict immigration into the United States or any possession thereof. One operates on a statute and the other operates on a person.

Mr. GARDNER. Mr. Speaker, will the gentleman permit me to ask him a question?

Mr. BENNET. In a moment. If there was not any difference, why the change in language? If the Chair wants a reason why they made the change in language, on page 8 of the same bill as it passed the Senate we find this language:

> The provision next foregoing, however, shall not apply to white persons.

So they did not need any provision in there keeping out persons; all they wanted to guard against was any change in the law. When the bill went to conference the conferees disagreed about that provision which let in white persons, and so as to make their own law apply only to Japanese and persons who had been excluded they dropped all reference to statutes and used this very apposite language to keep out the Japanese and other excluded persons:

> No alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States.

The provisions are absolutely different. I now yield to the gentleman from Massachusetts.

Mr. GARDNER. Mr. Speaker, will the gentleman state a single class of immigrants that is excluded by the wording of the conference phrase that is not excluded by the wording of the Senate phrase?

Mr. BENNET. Yes; I will. A person who comes to this country charged with being liable to become a public charge and is excluded for that reason can go back abroad and at the expiration of a year he can come again, and he is not excluded if at that time he is not liable to become a public charge. A person who comes to this country suffering from a contagious disease and is excluded for that reason can and does, as the records of the Immigration Bureau will bear out, go back to the country from which he came, is treated for the disease, recovers from it, and comes again to this country. There are two cases. Every alien who sailed out of New York Harbor to-day or yesterday, or who sails to-morrow, excluded under existing law because he is liable to become a public charge or afflicted with a contagious disease, if this law is adopted is forever excluded. We all know why this language is here. It has been brought out there is a desire on the part of certain persons in this country that the number of Japanese in this country should not be enlarged. Now, the gentleman from Massachusetts [Mr. GARDNER] detailed the history of the existing statute under which the Japanese people do not come to this country, and I want to say the fact they do not come in in a larger measure than they do is a source of high credit to the faith-keeping pledges of the Japanese Nation. This provision is very cleverly worded so as to put the forbidding clause against persons: "No alien now in any way excluded from"—that is the "gentleman's agreement" the gentleman from Massachusetts cited—"no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States"; and so it is a provision against persons absolutely and not merely a limitation upon a legislative provision. The act says:

> Nothing in this act shall be construed to repeal any existing law, treaty, or agreement in so far as such law, treaty, or agreement serves to prohibit or restrict immigration into the United States or any possession thereof.

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

Mr. BENNET. I will.

Mr. GARDNER. The gentleman says that if a diseased alien comes to this country and is excluded under the present law he goes back abroad and recovers and is entitled to admission he can come again. The gentleman is an able lawyer and we will suppose that this law passes as it comes from the conference committee. Does the gentleman think that the Commissioner of Immigration will put any such construction on that clause as would exclude a healthy laborer merely because at some prior attempt to gain admission to this country he had been suffering from a contagious disease?

Mr. BENNET. It would depend upon how good a lawyer that Commissioner General was.

Mr. GARDNER. Suppose he is as good a lawyer as the gentleman?

Mr. BENNET. If he is as good as I am, he will do what I say.

Mr. HAYES. Will the gentleman yield?

Mr. BENNET. I yield to the gentleman.

Mr. HAYES. I want to ask the gentleman if he has read the statute and does not know this statute, if it becomes a law, provides in the case the gentleman mentions that this man would not be excluded at all?

Mr. BENNET. My friend from California——

Mr. HAYES. The law permits, in another place, such persons of both classes to which the gentleman refers to make application to the immigration authorities and permits their admission. Now, no lawyer or administrator of law is going to construe one part of a statute, which is plainly not intended to reach that at all and does not with any sort of reasonable construction, to nullify another positive provision of the statute.

Mr. BENNET. Mr. Speaker, my friend from California was a good lawyer before——

Mr. HAYES. I do not claim to be a good lawyer like the gentleman from New York, but I do claim to have a little sense in matters of this kind—horse sense.

Mr. BENNET. I started to say the gentleman from California was a good lawyer before he started in on his present highly successful business and legislative career. I do not even say he has ceased to be a good lawyer, but the gentleman is somewhat biased by locality. There is a prejudice against—I will not say that—I will stop there. I do not think the people of California are highly anxious to have the Japanese people come in, and I think the gentleman from California always well represents his people. He can take that as a compliment or a criticism, as he pleases. But anyone who studies this language must say that if the two things mean the same thing, why do they change the language, and can it possibly be contended that the language of the bill as inserted by the Senate, which is the commonest sort of limitation applying to the laws and legislation, can be taken to be an equivalent of the language of the conference report, which, by the use of well-chosen words of the briefest kind, applies grimly and decisively to persons and to persons only? The gentleman says language in the other parts of the bill will let these people in, anyway. That is rather a hard criticism on the bill if you let in people in one part of the bill and keep them out in another. I think the construction of the statute, although I do not stake my reputation as a lawyer on this, is that the court would be very apt to give effect to that part of the law that was last placed in the statute as disclosed by the journals of the two Houses. I think that is a fairly reasonable construction.

Mr. Speaker, I have concluded. I know the point of order I made is well taken. If it were worth while to argue it the gentleman from Illinois is answered by the Chair. The argument of the gentleman from Illinois is in a suppositious case that this Congress might not be able to act except by a concurrent resolution.

That is what the Chair said a prior Congress was driven to by law. The Chair said:

> Unless the memory of the Chair is badly out of condition, this thing happened when the Payne bill was passed: There were certain amendments in controversy. The House fixed the rate on shoes, and so forth, at 15 per cent, and the Senate fixed it at 20 per cent. I have heard—I do not know that it is true, but from what happened afterwards I believe it to be true—that President Taft notified the conferees that if they did not cut that rate on boots and shoes to 10 per cent he would not sign the bill. I know that the House passed a resolution in order to enable the conferees to cut the rate down to 10.
>
> As far as the suggestion made by the gentleman from Georgia [Mr. CRISP] is concerned, that where everything after the enacting clause is struck out, then the conferees have carte blanche to bring in a bill; but that is not this case here. The House never did strike out everything after the enacting clause in the Weeks bill. It practically agreed to the Weeks bill, which has really been in conference only technically. But the limit of time was fixed at two years, and the conferees extended it to three years. If they could extend it beyond two years, they could extend it until the end of time. Their limit was from zero to two. In the nature of things they could not go below zero; under the practice of the two Houses they could not go higher.

Furthermore, the gentleman from Illinois [Mr. MANN] says this change in date is not a matter of substance. The facts of the bill have escaped the recollection of the gentleman from Illinois, evidently. This bill raises the head tax on aliens from $4 to $8. This change in the conference puts the time when the bill goes into effect back two months beyond the further date, that placed by the Senate. At the same time in those two months there has come into this country, and those are good months, May and June——

Mr. HAYES. The gentleman does not want to make a misstatement. The conferees extended the time two months. They gave two months more time.

Mr. BENNET. They gave two months more time to the $4 men. And, as I was about to say, assuming in those two months, May and June, there should come into this country 50,000 aliens, the conferees' change would cost the Treasury of the United States $200,000. If there was only one alien to come in, it would cost the Treasury $4. Now, $200,000 may not be a matter of substance. It is to me; it may not be to other gentlemen. At any rate, I submit it is not within the province of the Chair, and I submit it respectfully, and the Chair will agree with me, to pass on the weight of the different portions of the bill. The Chair is empowered to pass on the question of whether the conferees inserted in the bill language which they were not given the power to insert in the bill. And on this almost precise point the Chair ruled and sustained a point of order which was almost exactly similar, under almost precisely the same conditions as that raised by me. Now, in concluding, I think the point raised by the gentleman from Massachusetts [Mr. GARDNER] as to amendment No. 5 is a well-raised point, and I know that the point that is raised by myself in connection with amendment No. 38 is well raised.

Mr. KENT. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. HAYES. Mr. Speaker, unless the Chair does not desire it, I would like to address a few words to the point of order raised by the gentleman from Massachusetts [Mr. GARDNER] on amendment No. 5. I think I am making no improper statement when I say that the conferees did not insert the language which has been objected to in the place of the language to be found in lines 18 to 21, page 8, of the bill. The language inserted by the conferees, which has been read, was inserted in place of a part of the House provision which was stricken from the bill by the Senate, at the bottom of page 7 and at the top of page 8:

Hindus and persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by existing treaties, conventions, or agreements, or by treaties, conventions, or agreements that may be hereafter entered into.

As I have said, that language the Senate has stricken from the bill, and the conferees inserted in place of part of it the following:

And no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States.

The purpose and the effect of the House language was to exclude all orientals. Those are the only aliens that could possibly be operated upon by that provision. Now, the Senate struck this out and incorporated a geographical exclusion provision, which excluded all Asiatic people excepting only the coolies of Japan, and left the laboring people of Japan to be excluded by the gentlemen's agreement now in force between this country and Japan. The House conferees objected to leaving that possible avenue of immigration open in case the gentlemen's agreement should for any reason be annulled, either by the agreement of the parties, or by the act of one party, or by lapse of time; therefore we added to the language of the Senate making the geographical exclusion the words that I last read, in order to provide for exclusion in case the agreement now in force between the two nations should for any reason come to an end.

The language of the House, if the Speaker will notice, would exclude all Asiatics except those who are excluded by agreement or by treaty, and the language is so worded that if the treaty should for any reason be annulled or come to an end, immediately the language of the House bill would become effective and exclude under the law; and the language which was inserted by the conferees has precisely the same result, and no other.

The language used by the conferees is supposed to be less objectionable to those proposed to be excluded, but does not affect any class of aliens not affected by the House bill. It is therefore clearly not subject to the point of order.

The SPEAKER. The Chair is ready to rule on all three of these points. He overrules both points made by the gentleman from Massachusetts [Mr. GARDNER].

Now, on this other point, about this trouble as to time, it is unnecessary for the Chair to state that he dislikes exceedingly to knock a conference report out on a point of order, especially a conference report that involves great and interesting subjects. But it seems to the Chair that it is better to have a rule and stick to it than to have a variety of decisions about the very same point involved.

This case on the question of time is almost exactly on all fours with the decision the present incumbent of the chair rendered on the shipping bill. That was a question about time. That was a very important subject, too, and so is this one.

Mr. BURNETT. Mr. Speaker, will the Chair hear me for a moment there?

The SPEAKER. Yes.

Mr. BURNETT. That was an impossibility—the date fixed by the House and the time fixed by the conference. Therefore, it seems to me, as suggested by the gentleman from Illinois, that it is not a question of going between the lowest date and the highest date, because there is a date that does not exist. It is an impossible date with reference to the time the Senate acted upon it, and it does not fall within the rule under the decision of the Chair previously.

The SPEAKER. If any date had not been named, of course everybody knows the bill would go into effect on the day it is signed by the President.

Now, as to the shipping bill, the Chair had on his side the luminous opinion of both the gentleman from Illinois [Mr. MANN] and the gentleman from Massachusetts [Mr. GARDNER]. That was a well-considered opinion, and the Chair does not think he can improve on it, so he will read it. In this case the House fixed this date of July 1, 1916. The Senate fixed it at May 1, 1917. The conferees fix the date as July 1, 1917.

Well, it may be true, as the gentleman from Illinois states, that it is a sort of immaterial matter; but you can not have a ruling one way because the Chair or somebody else thinks the matter is immaterial and have it the other way when you think it is important. I agree with the gentleman thoroughly that there ought to be common sense injected into parliamentary law, as in everything else.

Now, on that shipping bill there were three points made against it, but there is no use to read about the two. But on the third point there was this same identical question of time, so in rendering that decision I said:

He—

That is, the Chair—

overrules the second proposition about American citizenship in section 9. He thinks that is a limitation. He sustains the point of order as to time.

And he gives these reasons:

If there is anything settled about conferences between the two Houses it is this: Where two amounts are named and the question is referred to the conferees they may oscillate as much as they please between the two extremes, but they can not go below the lower amount and they can not go above the higher amount. That applies to sums of money in appropriation bills. This has been ruled so often that it is as familiar as the multiplication table. In tariff bills, where the one House suggests one rate on any given article and the other House suggests another rate the conferees can not go below the lower and they can not go above the higher rate.

Now, everybody will admit that it is a simple regulation as to a tariff bill. If that were not true, the conferees can go out and actually make a new tariff bill.

Unless the memory of the Chair is badly out of condition, this thing happened when the Payne bill was passed: There were certain amendments in controversy. The House fixed the rate on shoes, and so forth, at 15 per cent, and the Senate fixed it at 20 per cent. I have heard—I do not know that it is true, but from what happened afterwards I believe it to be true—that President Taft notified the conferees that if they did not cut out that rate on boots and shoes to 10 per cent he would not sign the bill. I know that the House passed a joint resolution in order to enable the conferees to cut the rate down to 10.

As far as the suggestion made by the gentleman from Georgia [Mr. CRISP] is concerned, that where everything after the enacting clause is struck out then the conferees have carte blanche to bring in a bill, that is not the case here.

It is not the case now.

The House never did strike out everything after the enacting clause in the Weeks bill.

There is no use to read the rest of it. The Chair sustains the point of order.

Mr. BURNETT. Mr. Speaker, I move that the bill be sent back to the committee of conference. I move that we disagree to the amendments of the Senate and ask for a further conference.

Mr. BENNET rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. BENNET. To call the attention of the Speaker to the fact that the House having disagreed to the conference report—because under the decisions the sustaining of a point of order is the same as disagreeing—under section 6396 of the fifth volume of Hinds' Precedents the right to make a motion passes to the opposition; and I desire the floor for the purpose of making a preferential motion.

The SPEAKER. The Chair does not think that applies to the point of order. This morning, on that other matter that we had up here, if they had voted on that resolution to table the resolution and the motion had been defeated, then unquestionably the control of that resolution would have passed to the gentleman from Kansas [Mr. CAMPBELL]. But that was a different sort of thing.

The Chair recognizes the gentleman from Alabama.

Mr. BURNETT. Mr. Speaker, I move that the House further disagree to the Senate amendments and ask for a further conference.

Mr. BENNET. Mr. Speaker, I desire to be recognized for the purpose of making a preferential motion.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SABATH. Would not a motion to postpone the consideration to a certain day be in order?

Mr. MANN. The gentleman should move the previous question.

Mr. SABATH. I move the previous question on the motion to ask for a further conference and disagree to the Senate amendments.

The SPEAKER. The gentleman from Alabama moves to insist upon the disagreements of the House to the Senate amendments and ask for a conference.

Mr. BENNET. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BENNET. Is it proper, when a Member of the House is on his feet to make a preferential motion, to take him off his feet to permit another Member of the House to move the previous question on a motion of lesser degree? I notified the Chair that I desired the floor to make a preferential motion.

The SPEAKER. If the gentleman will state his preferential motion, the Chair would have some idea of what should be done.

Mr. BENNET. I will do that. I move that the House agree to the amendment of the Senate numbered 6. That motion takes precedence over the motion to disagree, because it tends to bring the two Houses together.

Mr. BURNETT. Mr. Speaker, I make the point of order that that is not preferential over a motion to disagree and ask a further conference.

Mr. BENNET. Oh, yes; it is.

The SPEAKER. Yes; it is.

Mr. BURNETT. But I had moved the previous question on my motion.

Mr. MANN. The previous question would not cut out a preferential motion.

The SPEAKER. The gentleman from New York will state his motion again.

Mr. BENNET. I move to agree to the amendment of the Senate numbered 6, which reads as follows:

White persons nor to.

The SPEAKER. The gentleman from New York makes a preferential motion to agree to Senate amendment numbered 6, which the Clerk will report.

The Clerk read as follows:

Amendment 6. Page 7, line 11, after the word "to," insert "white persons nor to."

Mr. BURNETT. Mr. Speaker, I move the previous question on that motion.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. BENNET] to agree to Senate amendment numbered 6.

Mr. BENNET. I ask unanimous consent that it may be again reported.

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

The amendment was again read.

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

The motion was rejected.

Mr. BURNETT. Mr. Speaker, now I move the previous question on my motion to disagree and ask a further conference.

The SPEAKER. The gentleman from Alabama moves the previous question on his motion to further disagree to all the Senate amendments and ask for a further conference.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Alabama to disagree and ask for a further conference.

The motion was agreed to, and the Speaker appointed as conferees on the part of the House Mr. BURNETT, Mr. SABATH, and Mr. HAYES.

COMMITTEE ON THE TERRITORIES.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent that the Committee on the Territories may have leave to sit during the sessions of the House.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the Committee on the Territories have leave to sit during the sessions of the House. Is there objection?

There was no objection.

PENSIONS.

Mr. ADAIR. Mr. Speaker, I call up the bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

The Clerk read the title of the bill.

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

There was no objection.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Rachel A. Dougherty, former widow of George F. Dougherty, late of Company C, Thirteenth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $12 per month.

The name of John I. Israel, late of Company K, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Joseph M. Ford, late of Company M, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Frank M. Douglass, late of Tenth Battery, Indiana Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Tillie C. Wood, widow of John D. Wood, late of Company E, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary E. Ryan, helpless and dependent child of Daniel Ryan, late of Company M, Second Regiment Massachusetts Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Samuel Frankenberger, late of Company D, First Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Zachariah Stephens, late of Company E, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Hanbill Combs, late of Company D, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Dyer, late of Company D, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas A. Burton, alias Thornton A. Burton, late of Company E, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C Steele, late of Company A, First Regiment, Maine Volunteer Cavalry, and Company C, Thirteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Cordelia Briggs, widow of Ansel S. Briggs, late of Company F, Thirty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jeptha Litteral, late of Company H, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles W. Bullard, late of Company H, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Matilda A. Miller, widow of Rufus Miller, late of Company M, Third Regiment Rhode Island Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elza P. Hanger, late of Company I, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Wolf, late of Company B, Twenty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Pierpoint, late of Company H, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of M. Ellen T. Harris, widow of Joseph B. Harris, late of Company D, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lyman O. Leach, late of Company C, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary Hurd, widow of William A. Hurd, late of Company E, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jennie D. Bigelow, widow of Jefferson C. Bigelow, late of Company C, and major Fifteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of John D. Vine, late of Company F, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William D. Smith, late of Company I, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Marshall C. Conroe, late of Company M, Fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alexander Swisher, late of Company I, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John F. Michael, late of Company C, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William B. King, late of Company H, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank Lauderbock, late of Company A, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cyrus Trough, late of Company C, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Clouser, late of Company I, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Derf, late of Company G, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos E. Evans, late of Company F, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Angelcernelles Wetherby, widow of James Wetherby, late of Company G, Ninth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Leander McGrew, late of Company B, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Clem B. I. Ambler, late of Company C, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry W. Wise, late of Company C, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. McCurdy, late of Company D, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alva French, late of Company C, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Daulton, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Cyrenous Dalley, late of Company C, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John C. Lloyd, late of Company B, Fifth Regiment Pennsylvania Volunteer Reserve Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Jeffers, late of Company A, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sarah M. Chandler, widow of George P. Chandler, late of Company E, Second Regiment Pennsylvania Volunteer Reserve Infantry, Companies B and F, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and Company D, Eighteenth United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The *name of* Francis Prater, late of Company I, Forty-seventh Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward P. Payne, late of Company K, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James T. Wilson, late of Company C, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hiram F. Butler, late of Company A, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of James H. Campbell, late of Company F, Thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James W. Allen, late of Company H, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary E. Wrigley, widow of James Wrigley, late of Company G, Twenty-seventh Regiment, and Company K, One hundred and seventy-eighth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas M. Patton, late of Company C, Fifty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Hanway, late of Company I, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ira A. Goodridge, late of Company G, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Huldah Melissa Fleming, widow of Francis E. Fleming, late of Company G, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $32 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of David C. Fleming, helpless and dependent child of said Francis E. Fleming, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Huldah Melissa Fleming, the name of said David C. Fleming shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Huldah Melissa Fleming.

The name of Aaron M. Van Sickle, late of Company I, One hundred and thirty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lucinda Gardner, widow of John H. Gardner, late of Company B, Fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Robert B. Tozer, late of Company D, One hundred and eighty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Platt, late of Company E, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas B. McClane, late of Company D, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $21 per month in lieu of that he is now receiving.

The name of David Gilchrist, late of Company B, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John W. Fults, late of Company D, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Collingwood Boulter, late of Company E, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lena Hilker, helpless and dependent child of Frederick Hilker, late of Company D, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Stephen F. Cassaday, late of Company C, Fifty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse Price, late of Company G, Tenth Regiment United States Colored Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Glenn, late of Company B, One hundred and twenty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph E. Stafford, late of Company D, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Emaline Catherine Lindner, helpless and dependent child of Samuel Lindner, late of Company D, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William H. Banks, late a hospital steward, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Brown, late of Company B, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas Phillips, late of Company G, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Van Auker, late of Company E, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Flesher, late of Company B, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah Shoemaker, late of Company E, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Otto G. Hauschildt, late of Company E, Twentieth Regiment New York State Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Huffman, late of Company C, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Huey, late of Company B, One hundred and eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin U. Earhart, helpless and dependent child of Francis M. Earhart, late of Company E, One hundred and seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Henriette L. Eggert, former widow of William Lehman, late of Company F, Eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Owen B. Vaughn, late of Company H, Ninety-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Case, late of Company A, One hundred and tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Nichols, late of Company F, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lewis Leib, late of Company F, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Otway C. Chase, late of Company D, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Neff, late of Company G, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mordecai M. Duke, late of Company D, Forty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Williams, late of Company H, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Marshall Furnald, late of Company E, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David Johnson, late of Company D, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Readding Everitt, late of Company B, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Aaron Ready, late of Company D, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Lee, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles W. Smith, late of Company H, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Stephen A. West, late a landsman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Punshon, late of Company F, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rose Reindl, helpless and dependent child of Wenzel Reindl, late of Company D, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Hollingsworth Gipe, late of Company C, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Ciucas, late of Companies E and F, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin F. Fry, late of Company E, Forty-third Regiment Indiana Volunteer Infantry, and Company I, Mississippi Volunteer Marine Brigade, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Margaret O'Leary, widow of John O'Leary, late of Company E, Twelfth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Welsh, late of Company B, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $21 per month.

The name of Ludlow B. Ward, late of Company K, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Ross, late of Company A, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry J. Knapp, late of Company H, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin F. Storer, late of Company A, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jacob Booth, late of Company B, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of William C. Douglas, late of Company E, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo Pendland, late unassigned, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Wolfgang, late of Company D, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Curtis C. Griffin, late of Company G, Sixty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph B. Hanawalt, late of Company C, One hundred and forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James R. Collins, late of Company F, Third Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry W. Redman, late of Company D, Seventh Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William W. Prather, late quartermaster sergeant Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Petra G. Cordova, widow of Senobio Cordova, late of Graydon's Independent Company, New Mexico Mounted Infantry, and pay her a pension at the rate of $20 per month.

The name of Charles O. Manley, late of Fifth Independent Battery, Illinois Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles S. Hubbard, late of Company K, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Donnelly, late of Company C, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Daniel O. Root, late of Company H, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Philip McKinney, late of Company B, One hundred and sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliott M. Lydick, late of Signal Corps, United States Army, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alpheus P. Gray, late of Company B, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Lloyd, late of Company F, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of George G. Sherlock, late of Company I, Fourth Regiment, and Company I, Twelfth Regiment, Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Philip H. Sipe, late of Company K, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos Potter, late of Company C, Ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles E. Bradish, late of Company C, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis H. Lake, late of Company I, Sixteenth Regiment New York Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert J. Bingaman, late of Company F, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin D. Russell, late of Company M, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Dolson, late of Company C, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Critchfield, late of Company A, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Cornelius McCafferty, late of Company D, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles Robinson, late of Company D, Second Regiment Pennsylvania Provisional Cavalry, and Companies B and M, First Battalion Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Virgil A. Phillips, late of Company A, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph L. True, late of Company H, Twenty-second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Houston Lemon, late of Company I, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Nay, late of Company E, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Wardle, late of Company G, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Saint Claire Fechner, late of Company K, Fifth Regiment, and Company E, Ninth Regiment, Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel Huddleston, late of Company C, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Frederick Brunner, late of Company E, Ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward N. Webb, late of Troop F, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christopher Dehlen, late of Company D, Second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $21 per month.

The name of Elbridge Diltz, late of Company M, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Charles F. Walters, late of Company B, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Annie M. France, helpless and dependent child of William France, late of Company F, One uhndred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James A. Thompson, late of Company K, Twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elmer S. Battin, late of Company K, Forty-third Regiment Indiana Volunteer Infantry and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry O. Nickerson, late of Company M, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel E. Edmundson, late of Company C, Forty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lewis W. Mills, late of Company H, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Livingstone, late of Company F, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert R. C. Grantham, late of United States Signal Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Larkin, late of Company F, Seventieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Rowland S. True, late a landsman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Azor M. Nixon, late of Company B, Eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Laura S. Pritchard, widow of John E. Pritchard, late of Company G, One hundred and third Regiment, Company I, Seventy-eighth Regiment, Company D, One hundred and fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John C. Young, late of Company G, Forty-first Regiment, and Company K, Forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William C. Barnett, late of Company H, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William R. Smith, late of Company C, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harmon Blackburn, late of Company F, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Wallin, late of Company I, Seventh Regiment, and Company C, Forty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Shoup, late of Company K, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Cullens, late of Company F, Ninety-second Regiment, and Company G, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Andrew Kerr, late of Company B, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Belle P. Wolfe, widow of William J. Wolfe, late of Eighteenth Battery, Indiana Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of David M. Crow, late of Company D, Fifty-second Regiment Kentucky Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ledyard E. Benton, late of Company A, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Melissa Ann Lett, widow of Daniel Lett, late of Company C, Fifth Regiment United States Colored Infantry, and pay her a pension at the rate of $12 per month.

The name of Morris W. Hackman, late of Company G, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Shequin, late of Company A, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of J. Harrison Rennard, late of Company K, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Delight A. Allen, widow of Augustus M. Allen, late of Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $32 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Burt Allen, helpless and dependent child of said Augustus M. Allen, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Delight A. Allen, the name of Burt Allen shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Delight A. Allen.

The name of George R. Peacock, late of Company F, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George H. Cheek, late of Company D, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaiah E. Lawrence, late of Company E, One hundred and sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Curtis, late of Battery C, Third United States Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Conkie, late of Company I, Seventieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hattie A. McGuire, widow of George F. McGuire, late of Company I, Fifty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alethea L. Sands, widow of Charles J. Sands, late of Company G, Thirteenth Regiment, and Company M, Sixth Regiment New York Heavy Artillery, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Margaret McEvoy, widow of William McEvoy, late of Company D, Permanent Party, General Service Recruits, United States Army, and pay her a pension at the rate of $12 per month.

The name of William H. Brown, late of Company G, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Daniel Culver, late of Fifth Battery and Seventh Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John N. Kirkendall, late of Company G, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary E. Flippo, widow of George J. Flippo, late of Company F, Twelfth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $32 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Bennett A. Flippo, helpless and dependent child of said George J. Flippo, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary E. Flippo, the name of said Bennett A. Flippo shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the death of said Mary E. Flippo.

The name of John Cragan, late of Company F, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lucy W. Lockwood, widow of George M. Lockwood, late of Company F, Thirty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Martin Cade, late of Company E, Fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John F. Scofield, late of Company I, Seventy-third Regiment, and Company B, Twenty-ninth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David Freid, late of Company B, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis R. Culp, late of Company K, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Wilhelm, late of Company B, First Battalion, and Company B, One hundred and eighty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin Buehler, late of Company B, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Bogardus, late of Company K, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George N. Taylor, late of Company B, Twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lewis Paul, late of Company H, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bernard Hardy, late a seaman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Stephenson, late of Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Helen L. Huff, widow of William H. Huff, late of Company C, Seventeenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Flora Ettie Huff, helpless and dependent child of said William H. Huff, the additional pension herein granted shall cease and determine: *And provided further*, That, in the event of the death of Helen L. Huff, the name of said Flora Ettie Huff shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Helen L. Huff.

The name of Egnitz Rensing, late of Company C, Fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Pitsar Ingram, late of Company D, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Pierson, late of Company C, Second Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Helena G. Marso, widow of Nicholas Marso, late of Company K, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alanson Tilden, late of Fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Miller, late of Company K, Fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. Carr, late of Company I, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Kightlinger, late of Company I, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles H. Williams, late of Company F, Fifty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Herman Schroeder, late of Company K, Fifty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Taylor, late of Company G, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James M. Pulver, late of Twelfth Independent Battery, Ohio Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Michael M. Walters, late of Company I, Seventy-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Josiah H. Gordon, late of Company B, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James E. McCracken, late of Company A, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ellen A. Richardson, widow of George Richardson, late of Company G, Twenty-seventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry A. Glenn, late of Company E, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert Smith, late of Company E, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gardner W. White, late of Company F, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Douglass Luce, late of Forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John B. Gillaspie, late of Company G, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edmond Ames, late of Company H, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Benjamin B. Griffith, late of Company F, One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ulysses A. Clayton, late of Company H, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Waters, late of Fourth Regiment, Tennessee Mounted Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Horace F. Calkins, late of Company F, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Rufus H. Slaymaker, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eliza A. Platt, widow of Isaiah Platt, late of Company G, Third Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Leonard Tressel, late of Company I, One hundred and twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Tice, late of Company K, Twenty-first Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James W. Hester, late of Company C, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elias Yerger, late of Independent Battery D, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Levi S. Moss, late of Company B, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John E. Whipple, late of Company F, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alexander W. Wells, late of Twelfth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George McByers, late of Company K, One hundred and twenty-fourth Regiment, and Company I, Thirty-third Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Heller, late of Company K, Eleventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Martha E. Moore, widow of Byron R. Moore, late of Company C, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William G. Richey, late of Company C, One hundred and fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles Young, late of Company C, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Barbaretta Weekly, widow of James A. Weekly, late of Company F, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George R. Bowker, late of Company L, Fourteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $15 per month.

The name of Barbara Reineck, widow of Daniel Reineck, late of Company G, Eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of James B. Erskine, late of Company B, First Regiment, and Company A, Thirty-first Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary Klopp, widow of Jacob Klopp, late of Fourth Independent Battery, Ohio Light Artillery, and Company H, Sixth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Tobias H. Foltz, late of Company H, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred W. Marshall, late of Company A, Thirtieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oscar Johnson, late of Second Independent Battery B, New Jersey Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. Watson, late of Company H, Thirtieth Regiment Indiana Infantry, and One hundred and forty-ninth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel E. Keller, late of Company G, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Peter Roberts, late of Company B, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George T. Lowry, late of Company G, First Regiment Michigan Sharpshooters, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lewis H. Palmer, late of Company G, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Wright, late of Thirty-third Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel B. Shadle, late of Company A, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Romanzo A. Coats, late of Company K, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Byron D. Brown, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel Hough, late of United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Martin V. B. Wyman, late of Company H, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. Spaulding, late of Company D, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Cranston, late of Company C, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John F. Phillips, late of Company C, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Albert Bennett, late of Company A, Twenty-fifth Regiment New York State Militia Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of James Dodwell, late of Battery I, First Illinois Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph C. Cunard, late of Company A, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elijah Smallwood, late of Company G, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Victor E. Burnham, late of Company B, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Augustus F. Groff, late of Company F, Seventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hezekiah Bradds, late of Company C, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Knowles, late of Company K, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Taylor, late of Company I, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Miller, late of Company F, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Levi Hoy, late of Company D, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Orrilla S. Jones, widow of Frederic Jones, late of Company C, Forty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Eliza Wilson, widow of George T. Wilson, late of Company H, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles R. Miltenberger, late of Company G, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alice Jerome, widow of Peter Jerome, late of Company E, Fourth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ethan A. Mowrer, late a seaman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oscar W. Stone, late of Company M, Fifteenth Regiment New York Cavalry, and Company M, Second Regiment New York Provisional Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. Newton, late of Company D, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin Keen, late of Company C, Forty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Hobbs, late of Company D, Twenty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Michael Fivecoate, late of Company L, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Plumb, late of Company G, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel Gaines, late of Company L, Ninth Regiment Missouri State Militia Cavalry, and Company G, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Franklin R. Beamon, late of Company D, First Regiment United States Veteran Engineers, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Nathaniel Gott, late of Battery F, Second Regiment Missouri Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Perry J. Hainey, late of Company A, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alfred C. Mullinax, late of Company I, Second Regiment Missouri Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Solomon Kessinger, late of Company F, Twenty-fourth Regiment, and Company C, Twenty-first Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William R. Gray, late of Company F, Eighth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Jones, late of Company C, Ninety-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Isaac N. Estep, late of Company M, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Miller, late Unassigned, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Medley, late of Company G, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Eramus Bucy, late of Company D, First Regiment, and Company G, Second Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dorothy Fisher, widow of John Fisher, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Benjamin Aplin, late of Company C, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Felix Dodd, late of Company G, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Grant, late of Company C, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward H. Williams, late of Company I, One hundred and seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret Umphenour, widow of Francis M. Umphenour, late of Company D, Twentieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alfred D. Collier, late of Company K, First Regiment, and Company D, Forty-fourth Regiment, Iowa Volunteer Infantry, and

pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elsie A. Mahana, widow of Richard M. Mahana, late of Company A, First Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Robert C. Cowell, late of Company D, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William W. Hudson, late of Company M, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Marion Vandiver, late of Company B, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Otto Höhn, late of Twelfth Battery, Wisconsin Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew C. Perkins, late of Company K, Twenty-fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza Moshier, widow of Philip Moshier, late of Company K, Sixteenth Regiment New York Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William W. Keen, late of Company F, Eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Gibson, late of Company K, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John H. Stratton, late of Company G, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William J. Platt, late of Company E, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Israel Sheppard, late of Company B, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Hanes, alias George Hanes, late of Company F, Ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. H. Sheppard, late of Company H, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of James S. Frizzell, late of Company H, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Moyer, late of Company A, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Cochrane, late of Company A, Third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Norman L. McCausland, late of Company I, Eleventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James Young, late of Battery H, First Regiment West Virginia Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel H. Sloan, late of Company L, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel A. Robertson, late of Company D, First Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Aristine H. Wells, widow of Francis V. B. Wells, late of Company F, Seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Nance, late of Company D, Ninth Regiment United States Colored Heavy Artillery, and Company K, One hundredth Regiment United States Colored Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel W. Vanpelt, late of Company E, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward G. Hall, late of Company I, Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth Roland, widow of Henry Roland, late of Company E, Two hundred and fifth Regiment Pennsylvania Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel Tolbert, late of Company E, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Levi Coon, late of Company E, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lucy C. Collin, widow of Joseph R. Collin, late of Company H, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John T. Collin, helpless and dependent child of said Joseph R. Collin, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Lucy C. Collin, the name of said John T. Collin shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Lucy C. Collin.

The name of Arberry Estes, late of Company C, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elias T. Newnam, late of Company C, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Orvis, late of Company D, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of John R. Woods, late of Company G, Seventy-second Regiment Illinois Volunteer Infantry, and Company I, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli Mathews, late of Company D, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joshua Blakely, late of Company E, Eighth Regiment United States Veteran Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lucinda J. Jay, widow of William A. Jay, late of Company F, Eighth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Laura A. Rice, helpless and dependent child of Edward C. Rice, late of Company C, Sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Enos Snodgrass, late of Company I, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Silas M. Starkey, late of Company H, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. Klumph, late of Company A, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry C. Shepherd, late of Company K, First Regiment West Virginia Infantry, and Company D, Second Regiment West Virginia Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lloyd Criswell, late of Company G, Second Regiment West Virginia Veteran Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Emily W. Lothrop, widow of Elias A. Lothrop, late of Company B, Eleventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Noah Hardy, late of Company C, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph E. Burkhart, late of Company A, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Minerva C. McMillan, helpless and dependent child of James W. McMillan, late of Twenty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Eugene B. Eastman, late of Company H, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William W. Day, late of Company F, Sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William A. Griner, late of Company E, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William W. Townley, late of Company D, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Luther Sealey, late of Company B, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anderson Amis, late of Company I, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William W. Bailey, late of Company D, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henrietta Nokes, widow of Oscar Nokes, late of Company F, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Shadrack Combs, late of Company M, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jeremiah Hall, late of Company C, Eighty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 814. Rachel A. Dougherty.
H. R. 856. John I. Israel.
H. R. 1109. Joseph M. Ford.
H. R. 1370. Frank M. Douglass.
H. R. 1439. Tillie C. Wood.
H. R. 1503. Mary E. Ryan.
H. R. 1697. Samuel Frankenberger.
H. R. 1803. Zachariah Stephens.
H. R. 1807. Hanbill Combs.
H. R. 1809. Joseph Dyer.
H. R. 1813. Thomas A. Burton, alias Thornton A. Burton.
H. R. 1886. John C. Steele.
H. R. 1910. Cordelia Briggs.
H. R. 2012. Jeremiah Hall.
H. R. 2017. Jeptha Litteral.
H. R. 2045. Charles W. Bullard.
H. R. 2152. Matilda A. Miller.
H. R. 2651. Eliza P. Hanger.
H. R. 2695. Henry Wolf.
H. R. 2702. John Pierpoint.
H. R. 2859. M. Ellen T. Harris.
H. R. 3726. Lyman O. Leach.
H. R. 3818. Mary Hurd.
H. R. 4066. Jennie D. Bigelow.
H. R. 4366. John D. Vine.
H. R. 4374. William D. Smith.
H. R. 4540. Marshall C. Conroe.
H. R. 4836. Alexander Swisher.
H. R. 4848. John F. Michael.
H. R. 5015. William B. King.
H. R. 5056. Frank Lauderbock.
H. R. 5424. Cyrus Trough.
H. R. 5465. William H. Clouser.
H. R. 5536. John Derf.
H. R. 5544. Amos E. Evans.
H. R. 5573. Angelcernelles Wetherby.
H. R. 5594. Leander McGrew.
H. R. 5656. Clem B. I. Ambler.
H. R. 5754. Henry W. Wise.
H. R. 5845. George W. McCurdy.
H. R. 6244. Alva French.
H. R. 6268. Robert Daulton.
H. R. 6722. Cyrenous Dalley.
H. R. 6749. John C. Lloyd.
H. R. 6974. John Jeffers.
H. R. 6979. Sarah M. Chandler.
H. R. 7067. Francis Prater.
H. R. 7249. Edward P. Payne.
H. R. 7279. James T. Wilson.
H. R. 7470. Hiram F. Butler.
H. R. 7524. James H. Campbell.
H. R. 7525. James W. Allen.
H. R. 7663. Mary E. Wrigley.
H. R. 8104. Thomas M. Patton.
H. R. 8161. Thomas Hanway.
H. R. 8214. Ira A. Goodridge.
H. R. 8308. Huldah Melissa Fleming.
H. R. 8445. Aaron M. Van Sickle.
H. R. 8454. Lucinda Gardner.
H. R. 8590. Robert B. Tozer.
H. R. 8633. Albert Platt.
H. R. 8699. Thomas B. McClane.
H. R. 8742. David Gilchrist.
H. R. 8860. John W. Fults.
H. R. 8885. Collingwood Boulter.
H. R. 8948. Lena Hilker.
H. R. 8971. Stephen F. Cassaday.
H. R. 9160. Jesse Price.
H. R. 9289. Andrew Glenn.
H. R. 9447. Joseph E. Stafford.
H. R. 9561. Emaline Catharine Lindner.
H. R. 9592. William H. Banks.
H. R. 9629. Henry C. Brown.
H. R. 9787. Thomas Phillips.
H. R. 9799. Charles Van Auker.

H. R. 9881. George W. Flesher.
H. R. 10105. Josiah Shoemaker.
H. R. 10217. Otto G. Hauschildt.
H. R. 10418. George Huffman.
H. R. 10523. John Huey.
H. R. 10540. Benjamin U. Earhart.
H. R. 10592. Henriette L. Eggert.
H. R. 10611. Owen B. Vaughn.
H. R. 10709. Charles E. Case.
H. R. 10735. Joseph Nichols.
H. R. 10806. Lewis Leib.
H. R. 10978. Otway C. Chase.
H. R. 11008. John A. Neff.
H. R. 11017. Mordecai M. Duke.
H. R. 11041. William H. Williams.
H. R. 11318. Marshall Furnald.
H. R. 11396. David Johnson.
H. R. 11494. Readding Everitt.
H. R. 11553. Aaron Ready.
H. R. 11602. George Lee.
H. R. 11688. Charles W. Smith.
H. R. 11740. Stephen A. West.
H. R. 11802. John H. Punshon.
H. R. 11887. Rose Reindl.
H. R. 12082. Hollingsworth Gipe.
H. R. 12157. Joseph Clucas.
H. R. 12236. Benjamin F. Fry.
H. R. 12322. Margaret O'Leary.
H. R. 12373. William Welsh.
H. R. 12382. Ludlow B. Ward.
H. R. 12522. George H. Ross.
H. R. 12598. Henry J. Knapp.
H. R. 12683. Benjamin F. Storer.
H. R. 12898. Jacob Booth.
H. R. 13128. William C. Douglas.
H. R. 13248. Alonzo Pendland.
H. R. 13306. George W. Wolfgang.
H. R. 13367. Curtis C. Griffin.
H. R. 13460. Joseph B. Hanawalt.
H. R. 13509. James R. Collins.
H. R. 13596. Henry W. Redman.
H. R. 13626. William W. Prather.
H. R. 13647. Petra G. Cordova.
H. R. 13686. Charles O. Manley.
H. R. 13739. Charles S. Hubbard.
H. R. 13779. William Donnelly.
H. R. 13799. Daniel O. Root.
H. R. 13930. Philip McKinney.
H. R. 13965. Elliott M. Lydick.
H. R. 14004. Alpheus P. Gray.
H. R. 14048. George Lloyd.
H. R. 14272. George G. Sherlock.
H. R. 14282. Philip H. Sipe.
H. R. 14356. Amos Potter.
H. R. 14371. Charles E. Bradish.
H. R. 14609. Lewis H. Lake.
H. R. 14691. Robert J. Bingaman.
H. R. 14828. Franklin D. Russell.
H. R. 14885. William Dolson.
H. R. 14911. John Critchfield.
H. R. 14958. Cornelius McCafferty.
H. R. 14988. Charles Robinson.
H. R. 15028. Virgil A. Phillips.
H. R. 15085. Joseph L. True.
H. R. 15104. Houston Lemon.
H. R. 15192. John Nay.
H. R. 15220. St. Clair Fechner.
H. R. 15223. Joseph Wardle.
H. R. 15272. Samuel Huddleston.
H. R. 15323. Frederick Brunner.
H. R. 15369. Edward N. Webb.
H. R. 15377. Christopher Dehlen.
H. R. 15405. Elbridge Diltz.
H. R. 15409. Charles F. Walters.
H. R. 15486. Annie M. France.
H. R. 15487. James A. Thompson.
H. R. 15495. Elmer S. Battin.
H. R. 15500. Henry O. Nickerson.
H. R. 15587. Samuel E. Edmundson.
H. R. 15596. Lewis W. Mills.
H. R. 15659. James Livingstone.
H. R. 15689. Robert R. C. Grantham.
H. R. 15693. Thomas Larkin.
H. R. 15727. Rowland S. True.
H. R. 15803. Azor M. Nixon.
H. R. 15861. Laura S. Pritchard.
H. R. 15891. John C. Young.
H. R. 15919. William C. Barnett.
H. R. 15945. William R. Smith.
H. R. 15960. Harmon Blackburn.
H. R. 16005. John T. Wallin.
H. R. 16021. Samuel Shoup.
H. R. 16022. William H. Cullens.
H. R. 16057. Andrew Kerr.
H. R. 16059. Belle P. Wolfe.
H. R. 16082. David M. Crow.
H. R. 16084. Ledyard E. Benton.
H. R. 16164. Melissa Ann Lett.
H. R. 16189. Morris W. Hackman.
H. R. 16214. James A. Shequin.
H. R. 16224. J. Harrison Rennard.
H. R. 16242. Delight A. Allen.
H. R. 16246. George R. Peacock.
H. R. 16273. George H. Cheek.
H. R. 16333. Isaiah E. Lawrence.
H. R. 16336. James Curtis.
H. R. 16339. John Conkie.
H. R. 16450. Hattie A. McGuire.
H. R. 16488. Alethea L. Sands.
H. R. 16496. Margaret McEvoy.
H. R. 16517. William H. Brown.
H. R. 16518. Daniel Culver.
H. R. 16538. John N. Kirkendall.
H. R. 16539. Mary E. Flippo.
H. R. 16596. John Cragan.
H. R. 16616. Lucy W. Lockwood.
H. R. 16626. Martin Cade.
H. R. 16720. John F. Scofield.
H. R. 16724. David Freid.
H. R. 16725. Francis R. Culp.
H. R. 16728. William H. Wilhelm.
H. R. 16731. Martin Buehler.
H. R. 16732. John H. Bogardus.
H. R. 16773. George N. Taylor.
H. R. 16784. Lewis Paul.
H. R. 16786. Bernard Hardy.
H. R. 16835. Thomas Stephenson.
H. R. 16863. Helen L. Huff.
H. R. 16877. Egnitz Rensing.
H. R. 16898. Pitsar Ingram.
H. R. 16909. George W. Pierson.
H. R. 16927. Helena G. Marso.
H. R. 16965. Alanson Tilden.
H. R. 17003. Henry Miller.
H. R. 17032. John W. Carr.
H. R. 17035. Alexander Kightlinger.
H. R. 17039. Charles H. Williams.
H. R. 17100. Herman Schroeder.
H. R. 17109. Joseph Taylor.
H. R. 17134. James M. Pulver.
H. R. 17152. Michael M. Walters.
H. R. 17241. Josiah H. Gordon.
H. R. 17266. James E. McCracken.
H. R. 17274. Ellen A. Richardson.
H. R. 17325. Henry A. Glenn.
H. R. 17332. Robert Smith.
H. R. 17335. Gardner W. White.
H. R. 17434. Douglass Luce.
H. R. 17449. John B. Gillaspie.
H. R. 17529. Edmond Ames.
H. R. 17538. Benjamin B. Griffith.
H. R. 17552. Ulysses A. Clayton.
H. R. 17614. Thomas Waters.
H. R. 17726. Horace F. Calkins.
H. R. 17738. Rufus H. Slaymaker.
H. R. 17776. Eliza A. Piatt.
H. R. 17862. Leonard Tressel.
H. R. 17866. William H. Tice.
H. R. 17885. James W. Hester.
H. R. 17891. Elias Yerger.
H. R. 17903. Levi S. Moss.
H. R. 17911. John E. Whipple.
H. R. 17919. Alexander W. Wells.
H. R. 17918. George McByers.
H. R. 17921. William Heller.
H. R. 17931. Martha E. Moore.
H. R. 17935. William G. Richey.
H. R. 17945. Charles Young.
H. R. 17948. Barbaretta Weekly.
H. R. 17955. George R. Bowker.
H. R. 17959. Barbara Reineck.
H. R. 17973. James B. Erskine.
H. R. 18005. Mary Klopp.
H. R. 18023. Tobias H. Foltz.
H. R. 18024. Alfred W. Marshall.
H. R. 18028. Oscar Johnson.
H. R. 18031. John W. Watson.
H. R. 18032. Samuel E. Keller.
H. R. 18033. Peter Roberts.
H. R. 18034. George T. Lowry.
H. R. 18035. Lewis H. Palmer.
H. R. 18037. William H. Wright.
H. R. 18043. Samuel B. Shadle.
H. R. 18045. Romanzo A. Coats.
H. R. 18048. Byron D. Brown.
H. R. 18049. Daniel Hough.
H. R. 18052. Martin V. B. Wyman.
H. R. 18054. George W. Spaulding.
H. R. 18067. William H. Cranston.
H. R. 18070. John F. Phillips.
H. R. 18072. Albert Bennett.
H. R. 18091. James Dodwell.
H. R. 18096. Joseph C. Cunard.
H. R. 18101. Elijah Smallwood.
H. R. 18106. Victor E. Burnham.
H. R. 18107. Augustus F. Groff.
H. R. 18108. Hezekiah Bradds.
H. R. 18110. John Knowles.
H. R. 18111. George W. Taylor.
H. R. 18114. John Miller.
H. R. 18137. Levi Hoy.
H. R. 18147. Orrilla S. Jones.
H. R. 18154. Eliza Wilson.
H. R. 18158. Charles R. Miltenberger.
H. R. 18176. Alice Jerome.
H. R. 18178. Ethan A. Mowrer.
H. R. 18179. Oscar W. Stone.
H. R. 18200. John W. Newton.
H. R. 18201. Franklin Keen.
H. R. 18202. James Hobbs.
H. R. 18203. Michael Fivecoate.
H. R. 18204. Samuel Plumb.
H. R. 18205. Samuel Gaines.
H. R. 18206. Franklin R. Beamon.
H. R. 18207. Nathaniel Gott.
H. R. 18210. Perry J. Hainey.
H. R. 18218. Alfred C. Mullinax.
H. R. 18219. Solomon Kessinger.
H. R. 18220. William R. Gray.
H. R. 18221. William Jones.
H. R. 18222. Isaac N. Estep.
H. R. 18226. George W. Miller.
H. R. 18268. John A. Medley.
H. R. 18305. Erasmus Bucy.
H. R. 18308. Dorothy Fisher.
H. R. 18311. Benjamin Aplin.
H. R. 18325. Felix Dodd.
H. R. 18348. Charles Grant.
H. R. 18350. Edward H. Williams.
H. R. 18352. Margaret Umphenour.
H. R. 18360. Alfred D. Collier.
H. R. 18386. Elsie A. Mahana.
H. R. 18394. Robert C. Cowell.
H. R. 18402. William W. Hudson.
H. R. 18464. Marion Vandiver.
H. R. 18478. Otto Höhn.
H. R. 18479. Andrew C. Perkins.
H. R. 18496. Eliza Moshier.
H. R. 18556. William W. Keen.
H. R. 18557. Samuel Gibson.
H. R. 18559. John H. Stratton.
H. R. 18583. William J. Platt.
H. R. 18610. Israel Sheppard.
H. R. 18612. John Hanes, alias George Hanes.
H. R. 18614. William H. H. Sheppard.
H. R. 18615. James S. Frizzell.
H. R. 18616. Joseph Moyer.
H. R. 18621. John Cochrane.
H. R. 18653. Norman L. McCausland.
H. R. 18690. James Young.
H. R. 18691. Samuel H. Sloan.
H. R. 18692. Samuel A. Robertson.
H. R. 18700. Aristine H. Wells.
H. R. 18701. Henry Nance.
H. R. 18702. Samuel W. Vanpelt.
H. R. 18703. Edward G. Hall.
H. R. 18751. Elizabeth Roland.
H. R. 18793. Samuel Tolbert.
H. R. 18803. Levi Coon.
H. R. 18839. Lucy C. Collin.
H. R. 18841. Arberry Estes.
H. R. 18842. Elias T. Newman.
H. R. 18858. Henry C. Orvis.
H. R. 18859. John R. Woods.
H. R. 18887. Eli Mathews.
H. R. 18929. Joshua Blakely.
H. R. 18931. Lucinda J. Jay.
H. R. 18974. Laura A. Rice.
H. R. 19007. Enos Snodgrass.
H. R. 19008. Silas M. Starkey.
H. R. 19026. John W. Klumph.
H. R. 19038. Henry C. Shepherd.
H. R. 19046. Lloyd Criswell.
H. R. 19098. Emily W. Lothrop.
H. R. 19110. Noah Hardy.
H. R. 19141. Joseph E. Burkhart.
H. R. 19170. Minerva C. McMillan.
H. R. 19172. Eugene B. Eastman.
H. R. 19343. William W. Day.
H. R. 19365. William A. Griner.
H. R. 19366. William W. Townley.
H. R. 19367. Luther Sealey.
H. R. 19384. Anderson Amis.
H. R. 19456. William W. Bailey.
H. R. 19550. Henrietta Nokes.
H. R. 19756. Shadrack Combs.

Mr. FOSTER took the chair as Speaker pro tempore.

The Clerk read as follows:

The name of Hanbill Combs, late of Company D, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. ADAIR. Mr. Speaker, I offer a committee amendment. On page 3, line 3, strike out the figures "40" and insert the figures "50."

The SPEAKER pro tempore. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend on page 3, in line 3, by striking out "40" and inserting "50."

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

Mr. ADAIR. I will.

Mr. STAFFORD. Will the gentleman explain to the House the reason which actuated the committee in making that change, and what policy it pursues when making these increased allowances above the amount provided by the general law?

Mr. ADAIR. I will say to the gentleman from Wisconsin that when the committee considered this bill there was some evidence on the way that had not reached the committee, and the Member introducing the bill was instructed to present to the committee as soon as it arrived the additional evidence showing that this claimant required the constant attention and care of another person, and after the bill was printed that evidence was placed in the hands of the committee.

Mr. STAFFORD. Then, as I understand the gentleman, every soldier requiring the constant attendance of another person for his care receives a pension of $50?

Mr. ADAIR. That depends on the length of his service, but if the service was reasonably long, we give him $50 a month.

Mr. LANGLEY. If the gentleman will permit me, the testimony shows that this soldier is totally blind, and has been for a number of months, in addition to being otherwise physically disabled.

Mr. SLAYDEN. Hold old is he?

Mr. LANGLEY. Seventy-five years old.

Mr. STAFFORD. How long must a man have served in order to obtain $50 under these circumstances?

Mr. ADAIR. If his service was a year or more, the committee have been giving $50 a month, if he has no other income and his condition is such that he requires the constant care and attendance of another person.

Mr. STAFFORD. What other amounts are allowed, where an applicant is in such a condition?

Mr. ADAIR. From $40 a month to $50 a month, depending upon the length of service.

Mr. SLAYDEN. Is not this an unusual amount to give?

Mr. ADAIR. No; it is not an unusual amount in cases where a man is helpless and requires the attention of another person, and is blind.

Mr. SLAYDEN. Has this been the practice?

Mr. ADAIR. It has been the practice right along.

The SPEAKER. The question is on the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

On motion of Mr. ADAIR, the following committee amendments were offered, severally considered, and agreed to:

Page 8, strike out lines 9, 10, and 11, as follows:

"The name of Robert Daulton, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

Page 23, strike out lines 19, 20, 21, and 22, as follows:
"The name of William Dolson, late of Company C, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."
Page 36, in line 11, strike out the name "Pitsar" and insert "Pitzer."
Page 49, line 19, insert the dollar sign before the figures 36.
Page 51, line 17, strike out the word "Eramus" and insert the word "Erasmus."

Mr. ANTHONY. Mr. Speaker, I move to strike out the last word. I would like to ask the chairman or some member of the committee if it is true that the Committee on Invalid Pensions has adopted a rule under which the committee will not consider special bills for members of soldiers' homes?

Mr. ADAIR. There is no rule of that kind adopted by the committee.

Mr. ANTHONY. Why does your committee, then, refuse to consider bills for soldiers who are members of the soldiers' homes? I have had several bills turned down on that pretext. If your committee has adopted a policy of refusing to do it, I think you ought to include it in the printed rule so that this House and the country may know.

Mr. ADAIR. I have just stated that so far as I know no rule of that kind has been adopted.

Mr. ANTHONY. I have had communications from the committee regarding bills which they claimed were turned down on that ground.

Mr. ASHBROOK. There has been no rule adopted to that effect, but we have adopted that policy; that is the policy of the committee.

Mr. ANTHONY. That is the understanding on the part of the committee?

Mr. ASHBROOK. Yes.

Mr. ANTHONY. Why should it not then be printed in the rules of the committee?

Mr. ASHBROOK. I think it should.

Mr. ANTHONY. Well, Mr. Speaker, I want to protest against a rule of that kind, because it works unjustly against deserving soldiers who are members of soldiers' homes. On the face of it it looks as if it was all right, that these men are receiving certain privileges from the Government and are apparently from that standpoint not deserving of increased pensions, but I want to say to the House that the majority of the members of the soldiers' homes are there suffering from ailments, or crippled to a degree which incapacitates them from earning a livelihood, and makes them more deserving of pensions than many who are outside the homes. I think it is unfair and unjust.

Mr. ASHBROOK. If the gentleman will permit me, does he not believe that inasmuch as the soldiers are occupying homes, getting their board and lodging and the attendance of a physician, that they ought not to be entitled to as large pensions as those who are outside the homes?

Mr. ANTHONY. There is some justice in the gentleman's argument in some instances perhaps, but most of them come to the home because they can not maintain themselves outside on the pensions they receive, and they come for medical treatment. They would like to live outside. I would like to see the most deserving members of our soldiers' homes receive sufficiently increased pensions so that if they wished they could live outside instead of being forced to stay in a soldiers' home, and then be deprived of an increase of pension for that reason.

Mr. ASHBROOK. So far as my knowledge goes the majority of the soldiers who are inmates of the homes have no families that could care for them; they go there because they have no homes of their own. It seems to me that the soldiers in the homes are better cared for than those who are not there.

Mr. ANTHONY. If you granted the members of the soldiers' homes the same pensions that you do the man outside in the majority of cases they would leave the home and no longer become a burden on the Government.

Mr. ASHBROOK. If there could be some guaranty that the soldier would do that I would be in favor of granting him the same pension.

Mr. ANTHONY. Let me put it this way. If the veteran would state that if he is granted an adequate increase of pension that he would leave the home, would that make any difference?

Mr. ADAIR. It has not been the experience at Marion, Ind., that those who receive the larger pensions leave the home after they receive the pensions.

Mr. ANTHONY. I think it is unjust discrimination, and I am in hopes the committee will liberalize its position in reference to many deserving soldiers who have been compelled to enter a soldiers' home.

Mr. SULLOWAY. Mr. Speaker, I will say that so far as my observation is concerned—and I have been on the committee some time—that substantially all of these men when in the homes, if they were given the pensions that they ought to have, would take care of themselves outside. They do not like to be held as prisoners or paupers. It has been my effort to raise the pension to what it ought to be and let them take care of themselves if they want to. They are entitled to their rights here, and should not be told that they are to be shut up somewhere else, and that they are just as well off. Perhaps some of us would be better off shut up somewhere else, but as a matter of fact it is an iniquitous way to do business.

Mr. ANTHONY. Mr. Speaker, I am glad to hear the gentleman from New Hampshire say that, and I believe it is the right policy for the committee.

The Clerk concluded the reading of the bill.

The SPEAKER pro tempore (Mr. FOSTER). The question is on the engrossment and third reading of the bill.

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

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

BRIDGES ACROSS ALLEGHENY RIVER, PA.

Mr. ADAMSON. Mr. Speaker, I call up the bill (S. 7536) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the borough of Warren and township of Pleasant, Warren County, Pa., which is on the Speaker's table, and ask the Chair to lay it before the House, a similar House bill being upon the calendar.

The SPEAKER pro tempore. The Chair lays before the House the bill S. 7536, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Western New York & Pennsylvania Railway Co., a railroad corporation organized and existing under the laws of the States of New York and Pennsylvania, be, and it is hereby, authorized to reconstruct, maintain, and operate a bridge and approaches thereto across the Allegheny River on the location of the existing structure and suitable to the interests of navigation, partly in the borough of Warren and partly in the township of Pleasant, county of Warren, and State of Pennsylvania, in accordance with the provisions of the act entitled, "An act to regulate the construction of bridges over navigable waters, approved March 23, 1906."

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

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

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

By unanimous consent a similar House bill (H. R. 19296) on the House Calendar, was laid on the table.

Mr. ADAMSON. Mr. Speaker, there is another bill of the same nature on the Speaker's table (S. 7538) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in Glade and Kinzua Townships, Warren County, Pa., and I ask the Chair to lay that before the House, and that a similar House bill (H. R. 19297) on the calendar be laid on the table.

The SPEAKER pro tempore. The Chair lays before the House the bill S. 7538, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Western New York & Pennsylvania Railway Co., a railroad corporation organized and existing under the laws of the States of New York and Pennsylvania, be, and it is hereby, authorized to reconstruct, maintain, and operate a bridge and approaches thereto across the Allegheny River, on the location of the existing structure and suitable to the interests of navigation, in Glade and Kinzua Townships, county of Warren, and State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

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

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

A similar House bill, H. R. 19297, was laid on the table.

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

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19410, the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill, with Mr. CRISP in the chair.

The CHAIRMAN. When the bill was last under consideration there was an amendment pending, offered by the gentleman from Indiana, Mr. Cox, which the Clerk will report.

The Clerk read as follows:

Page 10, line 23, strike out all of lines 23, 24, 25, on page 10, and lines 1, 2, 3, 4, 5, 6, 7, and down to the word "grade" in line 8, page 11.

Mr. COX. Mr. Chairman, on yesterday I inserted in the RECORD a letter addressed to me by the Postmaster General as to what the cost would be if this amendment is not agreed to. That letter will be found on page 1229 of the RECORD. It is proposed to increase the salaries of 7,610 clerks in the first-class post offices, at a cost of $705,825, and of 2,037 clerks in the second-class post offices, at a cost of $176,350, making a total increase of $882,175. The post-office clerks are a very competent and efficient class of men. They do splendid work; but I undertake to say that as a class they are the most favored class of all of the employees in the Government. They are paid higher salaries than the employees working in any other department of the Government. They are paid salaries from 15 to 30 per cent higher than are paid to the employees by private employers in that line of work. I do not guess at those figures at all. I speak authoritatively on the point when I make the statement, especially if men in the high financial world know what it costs them to run and operate their business. It is only a few years ago—four or five—that the Committee on Appropriations called in before it the heads of some of the largest concerns in the United States, heads of railroads and great banking and manufacturing institutions, and heard those men compare the wages they were paying to their employees with what the Government was paying its employees; and I make the statement that the employees of the Government, and especially in the Post Office Department, are paid from 15 to 30 per cent higher wages than the private employers pay for a similar line of work. I do not know as yet whether this 5 and 10 per cent increase will be added, because I do not know whether a rule is coming in, nor do I know what the Senate will do when the bill gets over there. In order to meet that proposition, and in order to get something into the RECORD that some one somewhere, either at this end or the other end of the Capitol, will read, as well as over the country, I shall put into the RECORD a letter written to me by Mr. Koons, the First Assistant Postmaster General, as to how much the 5 and 10 per cent increase, if incorporated into this bill, will add to it. The amount it would add is $13,195,940.

This bill carries automatic promotions to the amount of $2,800,000, and that, together with the 5 and 10 per cent increase, if added to the bill, would increase the appropriation for the Post Office Department by the sum of approximately $16,000,000. That letter, with the permission of the committee, I shall insert at this point:

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, January 6, 1917.

Hon. W. E. COX,
House of Representatives.

MY DEAR MR. COX: In response to your recent inquiry as to the amount of money it will require if the amendment which has passed the Committee on the Post Office and Post Roads to increase the salaries of all postal employees whose salaries do not exceed $1,800 is enacted into law, I wish to advise in order to meet this increase in compensation it will require approximately $25,000 for the office of the Postmaster General, $6,320,940 for the Bureau of the First Assistant, $1,650,000 for the Bureau of the Second Assistant, and $5,200,000 for the Bureau of the Fourth Assistant, or a total of $13,195,940. In addition to this, the bill already provides for increases to the amount of $2,800,000 to take care of the automatic promotions, or a total of approximately $16,000,000 will be needed to take care of both items.

Sincerely, yours,

J. C. KOONS,
First Assistant Postmaster General.

The argument has been made here time and again, session after session, that the Government ought to be a model employer; that it ought to at least pay its employees as much as private concerns pay theirs, and for the benefit of the Members of the House who have heretofore made that argument I am going to ask leave again in a few moments to incorporate another tabulation in the RECORD which completely overthrows that argument. The Member of this House who believes for one moment that the Government does not pay its employees higher wages, at least at initial employment, than do private manufacturers is totally mistaken.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COX. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, I asked the Second Assistant Postmaster General to give me a tabulation showing what the railway postal clerks and department clerks were earning at the time they went upon the eligible list—that is, in private employment. Of course, he could not give them all, but I have in my hand the names of 150 men who are now upon the eligible list from the States of Texas, Missouri, California, and Pennsylvania, four representative States, in different sections of the country, representing different economic conditions. These men are now on the eligible list, waiting to be called as departmental clerks in the post offices of the first and second classes and city letter carriers in cities of the same classes.

Now, to the Members who believe that the Government should be a model employer, I think if you will read this statement after I put it in the RECORD, you will come to the conclusion that the Government is a model employer if you mean by that term the Government should pay its employees as much as private employers pay them. When they take the civil-service examination for these places of railway postal clerks and departmental clerks they are required to state the amount of wages they were earning at private employment. Mr. Chairman, but few—you can count them on the fingers of one hand—of these 150 men were getting as much in private employment as they get at the initial employment when they go to work for the Government. This report shows that these 150 men were earning at the time they stood the civil-service examination and went upon the eligible list from $1.50 a day to $15 per week. Now, this list is the highest one upon the eligible list from these four States, and the wages they were earning in private employment at the time they stood the civil-service examination, I repeat, ranged all the way from $1.50 per day to approximately $15 per week. Now, I am not saying that is enough. No; I wish it were possible that all the laborers of this country could receive higher wages and higher salaries than they do in private employment. But as a rule I take it that employers are humane, that they pay their employees all they can afford to pay. That is my notion about it. I put this in or make this statement to meet the argument that has been made upon the floor of the House for the increase of these salaries upon that ground.

Now, gentlemen, are we prepared to deliberately vote out of the Treasury of the United States $880,000? Are you prepared to do it? Do you propose to get any better service for it? Oh, no; that is not the purpose that you vote it, for you are getting as good service as you will ever get, and you are getting good service, there is no question about that. Upon what ground, then, do you propose to vote this increased salary to-day of $880,000? Upon the ground of the high cost of living? Is that the ground upon which you put it? Do you believe you are doing justice or right to the laboring people back in your districts who are working for $1.50 a day by imposing this tax upon them to pay these increases in salaries?

Mr. EMERSON rose.

Mr. COX. I can not yield. There is not a Member on the floor of this House but if you look back to the respective districts you can count by the scores if not by the thousands people who are earning $1.50 and $2.50 a day. Why, the average farm laborers of this country are only earning $120 a year, or $10 per month. The average wages paid to school-teachers throughout the United States is only $456 a year, and yet the proposition comes before this House to increase the salary of 7,000 or 8,000 employees to the extent of passing a charge upon the Treasury of the United States of upward of $880,000. Can we Democrats consistently vote it? Can any Democrat, charged with the responsibility of collecting and disbursing the revenues of this Government, run his arm into the Treasury of the United States to that extent?

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. COX. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting the matter indicated.

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

The matter referred to is as follows:

Railway Mail Service eligibles.

TEXAS.

Name.	Address.	Occupation.	Salary.
.....	Cleburne.....	Laborer.....	$50 per month.
.....	Denison.....	Clerk, railroad office.....	$70 per month.
.....	Corsicana.....	Student.....	
.....	Hamlin.....	School-teacher.....	$75 per month.
.....	Denison.....	Cashier.....	Do.
.....	....do.....	Grocer clerk.....	$10 per week.
.....	Sweetwater.....	Farmer.....	
.....	....do.....	Student.....	
.....	Alanreed.....	School-teacher.....	$85 per month.
.....	Dallas.....	Bookkeeper.....	$75 per month.
.....	Speegleville.....	Clerk.....	$720 per annum.

Railway Mail Service eligibles—Continued.

TEXAS—continued.

Name.	Address.	Occupation.	Salary.
.....	Cisco.....	School-teacher.....	$65 per month.
.....	Spur.....	Rural delivery service.....	
.....	Wells.....	Mill foreman.....	Do.
.....	Fort Worth.....	Street railway motorman...	$90 per month.
.....	Dallas.....	Order clerk.....	$12 per week.
.....	Canyon.....	.....	
.....	Vigo Route, Tulia.	School-teacher.....	$75 per month.
.....	North Fort Worth	Fireman.....	$65 per month.
.....	Canyon.....	Groceryman.....	$40 per month.
.....	Lyons.....	School-teacher.....	$60 per month.
.....	Greenville.....	Laborer.....	
.....	Fort Worth.....	Assistant to bookkeeper....	$40 per month.
.....	Stamford.....	Hotel hall-boy.....	$20 per month.
.....	Fort Worth.....	Porter.....	$55 per month.
.....	Sherman.....	Grocery clerk.....	$50 per month.
.....	Fort Worth.....	Car repairer.....	$750 per annum.
.....	Houston.....	Collector.....	Commission.
.....	San Antonio.....	Machinist apprentice.....	$10 per week.
.....	McDade.....	School-teacher.....	$60 per month.
.....	Marfa.....	Assistant railroad agent....	Do.
.....	Waco.....	Stenographer.....	$50 per month.
.....	Houston.....	Street railway conductor...	$55 per month.
.....	Annona.....	Farmer.....	
.....	Seabrook.....	Student.....	
.....	Denison.....	Mail weigher.....	$3 per diem.
.....	San Marcus.....	.....	
.....	Texarkana.....	Cotton sampler.....	$50 per month.
.....	Wichita Falls....	Farmer.....	
.....	Somerville.....	Clerk.....	$75 per month.
.....	Denison.....	Electrician.....	$85 per month.
.....	Ledbetter.....	Farmer.....	
.....	Henderson.....	Hotel clerk.....	
.....	San Antonio.....	Carpenter.....	$3.60 per diem.
.....	Ben Wheeler.....	Farmer.....	
.....	Scurry.....	.....do.....	
.....	Denison.....	Substitute letter carrier....	
.....	San Antonio.....	Porter.....	$40 per month.
.....	Myra.....	Farmer.....	
.....	Beaumont.....	Lumber checker.....	$15 per week.

CALIFORNIA.

.....	Verdi, Nev.....	Sawmill hand.....	$2.75 per day.
.....	Yermo.....	Clerk.....	$20 per week.
.....	Los Angeles.....	Paper maker.....	$100 per month.
.....	.....do.....	Conductor.....	25 cents per hour.
.....	San Francisco.....	Not employed.....	
.....	Oakland.....	Tracing clerk.....	$60 per month.
.....	San Francisco.....	Realty salesman.....	$100 per month.
.....	.....do.....	Clerk.....	$40 per month.
.....	San Diego.....	Student.....	
.....	Pasadena.....	Dry cleaner.....	$18 per week.
.....	Oakland.....	Ad. compositor.....	$4.85 per day.
.....	Redlands.....	Not employed.....	
.....	Los Angeles.....	Student.....	
.....	Compton.....	Draftsman.....	$8 per week.
.....	San Francisco.....	Subclerk, Post Office Department.	$65 per month.
.....	Richmond.....	Machinist.....	40 cents per hour.
.....	Los Angeles.....	Motorman.....	$75 per month.
.....	Stockton.....	Deliver-wagon driver.....	$90 per month.
.....	San Francisco.....	Clerk.....	$50 per month.
.....	Oakland.....	Lumber clerk.....	$3.75 per day.
.....	Dinuba.....	Contractor.....	
.....	Alameda.....	Not employed.....	
.....	Los Angeles.....	Wagon man.....	$65 per month.
.....	Tropico.....	Not employed.....	
.....	San Diego.....	Elevator boy.....	$35 per month.
.....	Berkeley.....	Clerk.....	
.....	Agnen.....	Nurse.....	$55 per month.
.....	Los Angeles.....	Shirt cutter.....	$15 per week.
.....	Vallejo.....	Cook.....	$80 per month.
.....	Los Angeles.....	Not employed.....	
.....	Oakland.....	Carpenter.....	$5 per day.
.....	Huntington Park.	Clerk.....	$720 per year.
.....	Sacramento.....	Upholsterer.....	$6 per day.
.....	Los Angeles.....	Electrician.....	$18 per week.
.....	.....do.....	Nor employed.....	
.....	San Fernando.....	.....do.....	
.....	Le Grand.....	.....do.....	
.....	Riverside.....	Mechanic.....	$16 per week.
.....	Eureka.....	Extra brakeman.....	$92 per month.
.....	San Francisco.....	Express messenger.....	$85 per month.
.....	Oakland.....	Not employed.....	
.....	Los Angeles.....	Rancher.....	$25 per month.
.....	.....do.....	Packer.....	$55 per month.
.....	Oakland.....	Machinist.....	$18 per week.
.....	Fresno.....	Auto repairing.....	40 cents per hour.
.....	San Francisco.....	Real estate business.....	$80 per month.
.....	Los Angeles.....	Carpenter.....	$90 per month.
.....	San Francisco.....	Not employed.....	
.....	.....do.....	Clerk.....	$480 per year.
.....	Sacramento.....	Conductor.....	$3.07 per day.

MISSOURI.

.....	Water Grove.....	Teacher.....	$765 per annum.
.....	La Plata.....	Clerk in store.....	$45 per month.
.....	St. Louis.....	Cashier and salesman.....	$25 per month.
.....	Kansas City.....	Office clerk.....	$14 per week.
.....	Miami.....	Not employed.....	
.....	Willston.....	.....do.....	
.....	King City.....	.....do.....	

Railway Mail Service eligibles—Continued.

MISSOURI—continued.

Name.	Address.	Occupation.	Salary.
.....	Kansas City.....	Correspondent.....	$16 per week.
.....	.....do.....	Teacher.....	$65 per month.
.....	Shrewsbury Park.	Heating contractor.....	No salary.
.....	Winfield.....	Teacher.....	$50 per month.
.....	Humansville.....	Not employed.....	
.....	St. Joseph.....	Clerk.....	$60 per month.
.....	Nevada.....	Student.....	
.....	Zincite.....	Teacher.....	$70 per month.
.....	Bertrand.....	.....do.....	$71.50 permonth.
.....	St. Louis.....	Clerk.....	$12 per week.
.....	Oregon.....	.....do.....	$75 per month.
.....	Moberly.....	Farmer.....	
.....	Fairfax.....	Post-office clerk.....	$30 per month.
.....	St. Louis.....	Not employed.....	
.....	Kansas City.....	.....do.....	
.....	Savannah.....	Private secretary.....	$125 per month.
.....	Cross Timbers....	Not employed.....	
.....	Kansas City.....	Cigarmaker.....	$15 per week.
.....	Joplin.....	Not employed.....	
.....	Liberty.....	Grocery clerk.....	$40 per month.
.....	St. Louis.....	Laundry driver.....	$10 per week.
.....	.....do.....	Checker.....	$50 per month.
.....	Carrollton.....	Not employed.....	
.....	Kansas City.....	Roofer.....	25 cents per hour.
.....	.....do.....	Barber.....	$1,000 per year.
.....	Morrison.....	Telegrapher.....	$64.50 per month.
.....	St. Louis.....	Stenographer.....	$32 per month.
.....	Kansas City.....	Not employed.....	
.....	.....do.....	Machine operator.....	$89.25 per month.
.....	.....do.....	Orator clerk.....	$50 per month.
.....	St. Louis.....	Clerk.....	$15 per week.
.....	Lucerne.....	Rural carrier.....	$88 per month.
.....	Bonne Terre.....	Not employed.....	
.....	St. Louis.....	.....do.....	
.....	.....do.....	.....do.....	
.....	Kansas City.....	Student.....	
.....	Unionville.....	Locomotive fireman.....	$85 per month.
.....	St. Louis.....	Butcher.....	30 cents per hour.
.....	Kansas City.....	Lumberman.....	$12 per week.
.....	Elvins.....	Clerk.....	$65 per month.
.....	Easton.....	Farmer.....	
.....	Kansas City.....	Meat cutter.....	$20 per week.
.....	Springfield.....	Not employed.....	
.....	Kansas City.....	Ticket clerk.....	$65 per month.
.....	.....do.....	Not employed.....	

PENNSYLVANIA.

.....	Annville.....	School-teacher.....	$48 per month.
.....	Philadelphia.....	Salesman.....	$20 per week.
.....	Kunkletown.....	School-teacher.....	$50 per month.
.....	Johnstown.....	Railroad foreman.....	24 cents per hour.
.....	Danville.....	Nurse.....	$40 per month.
.....	Washington, D. C.	Copyist (department).....	$720 per year.
.....	Kreamer.....	Baggage porter.....	$1.86 per day.
.....	Washington, D. C.	Commercial teacher.....	$55 per month.
.....	McKeesport.....	Unemployed.....	
.....	Philadelphia.....	Drafting.....	$15 per week.
.....	Easton.....	Gymnasium director, Young Men's Christian Association.	$45 per month.
.....	Front Run.....	Unemployed.....	
.....	Malvern.....	Carpenter.....	$2.50 per day.
.....	Steelton.....	.....	
.....	Friedensburg.....	Working at home.....	
.....	Honey Grove.....	School-teacher.....	$40 per month.
.....	West Milton.....	.....do.....	$65 per month.
.....	Lost Creek.....	Clerk.....	$660 per year.
.....	Harrisburg.....	Bookkeeper.....	$832 per year.
.....	Lancaster.....	Bookkeeper and stenographer.	$12 per week.
.....	Llewellyn.....	School-teacher.....	$900 per year.
.....	Lebanon.....	.....do.....	$45 per month.
.....	Turtle Creek.....	Clerk.....	$660 per year.
.....	Easton.....	Bookkeeper and stenographer.	$55 per month.
.....	Erie.....	Shipping clerk.....	$50 per month.
.....	.....do.....	Clerk and stenographer.....	Do.
.....	Hegins.....	School-teacher.....	$60 per month.
.....	Pittsburgh.....	Unemployed.....	
.....	Linglestown.....	Stenographer and clerk.....	$58 per month.
.....	Pittsburgh.....	Railroad clerk.....	$60 per month.
.....	Macungie.....	Ribbon weaver.....	$15 per week.
.....	Virginsville.....	School-teacher.....	$50 per month.
.....	Pittsburgh.....	Unemployed.....	
.....	Elizabethtown....	Bookkeeper.....	$40 per month.
.....	Millersburg.....	Newspaper agent.....	$25 per month.
.....	Millerstown.....	School-teacher.....	$40 per month.
.....	Easton.....	Silk weaver.....	$16 per week.
.....	Philadelphia.....	Mailing clerk.....	$14 per week.
.....	.....do.....	Unemployed.....	
.....	.....do.....	Clerk.....	$10 per week.
.....	.....do.....	Baggageman.....	$63.60 per month.
.....	Corry.....	Butter cutter.....	$12 per week.
.....	Harrisburg.....	Salesman.....	$20 per week.
.....	Steelton.....	Student.....	
.....	Leechburg.....	Weighman.....	$2.25 per day.
.....	Ambridge.....	.....	
.....	Parkesburg.....	Laborer.....	$0.166 per hour.
.....	Juniata.....	Tank maker.....	$3.50 per day.
.....	Blue Ridge Summit.	Fire insurance.....	Independent.
.....	Philadelphia.....	Salesman.....	$15 per week.
.....	Johnstown.....	Farmer.....	

Railway Mail Service eligibles—Continued.

PENNSYLVANIA—continued.

Name.	Address.	Occupation.	Salary.
.....	Pittsburgh	Assistant railroad foreman.	$89.80 per month.
.....	Philadelphia	Bookkeeper	$14 per week.
.....	Stroudsburg	Unemployed	
.....	Girard	....do	
.....	Pittsburgh	Clerk	$65 per month.

Departmental clerk eligibles.

PENNSYLVANIA.

Name.	Address.	Occupation.	Salary.
.....	Reading		
.....	Washington, D. C.	Substitute clerk (post office)	35 cents per hour.
.....	....do	Student	
.....	Franklin	Editor and manager	$1,200 per annum.
.....	Forest City	Teacher	$2 per diem.
.....	Philadelphia		
.....	Washington, D. C.		
.....	Royersford	Student	
.....	Robesonia		
.....	Wernersville	Teacher	$65 per month.
.....	Lehighton	Painter	$2 per day.
.....	Camden, N. J	....do	25 cents per hour.
.....	Tresckow	Teacher	$85 per month.
.....	Burgettstown	....do	$55 per month.
.....	Washington, D. C.	Clerk	$12.50 per week.
.....	Woodbury		
.....	Washington, D. C.	Messenger (War Department).	$660 per annum.
.....	Chicora		
.....	Sassamansville	Teacher	$40 per month.
.....	West Reading	Clerk (post office)	$800 per annum.
.....	Philadelphia	Shipper	$9 per week.
.....	Shoemakersville	Student	
.....	Washington, D. C.	Clerk (Bureau of Lighthouses).	$1,000 per annum.
.....	....do		
.....	McAlisterville	Laborer	
.....	Terre Hill	Teacher	$50 per month.
.....	Philadelphia	Clerk	$7.50 per week.
.....	Altoona	....do	$14 per week.
.....	Tamaqua	Substitute letter carrier	35 cents per hour.
.....	Philadelphia	Clerk	$57.70 per month
.....	Witmer	Student	
.....	Lewisburg	Unemployed	
.....	Kulpmont	Engineer	$65 per month.
.....	Ereildoun	Laborer	$1.50 per day.
.....	Jackson Center	Unemployed	
.....	Norristown	Working for brother	
.....	Hastings	Teacher	$55 per month.
.....	Youngsville	Salesman	$15 per week.
.....	West Point	Student	
.....	Olean	Bookkeeper	$45 per month.
.....	Northpoint	Student	
.....	Reading	Knitter	$15 per week.
.....	Philadelphia	Clerk	$27 per month.
.....	Scranton	Atheletic instructor	$620 per year.
.....	Prospect	School-teacher	
.....	Harrisburg	Student	
.....	Pittsburgh	Clerk	$12 per week.
.....	Philadelphia	Grocery clerk	$8 per week.
.....	Port Trenorton	School-teacher	$50 per month.
.....	Fogelsville	....do	$55 per month.
.....	New Brighton	....do	$100 per month.
.....	Philadelphia	Cost clerk	$12 per week.
.....	Washington, D. C.	Department clerk	$900 per year.
.....	....do	Department messenger	$540 per year.
.....	....do	Letter carrier	30 cents to 40 cents per hour.

CALIFORNIA.

.....	Elsinore	Student	
.....	Santa Clara	Messenger	$720 (departmental).

MISSOURI.

.....	St. Joseph	Clerk	$900, field service.
.....	Kansas City	Collector	$520, field service.
.....	St. Louis		
.....	Washington, D. C.	Student	
.....	Edgar Springs	Manager and owner stock farm.	
.....	Springfield		
.....	Kansas City		
.....	....do	Student	
.....	1318 Rhode Island Avenue NW., Washington, D. C.	Assistant preacher	$50 per month.
.....	Caledonia	Farmer	
.....	1202 Staples Street, NE., Washington, D. C	Assistant messenger	$720 (departmental).
.....	Kansas City	Clerk	$45 per month.
.....	Maryville	Musician	$10 per week.
.....	Kansas City	Clerk	$45 per month.

Departmental clerk eligibles—Continued.

TEXAS.

Name.	Address.	Occupation.	Salary.
.....	Texarkana	Teacher	$1,000 per annum.
.....	Murchison	....do	$70 per month.
.....	Cicero	....do	$70 per month.
.....	Forth Worth	Manager-clerk	$15 per week.
.....	San Antonio	Student	
.....	Sabinal	....do	
.....	Tyler	Tax assessor	
.....	Commerce	Teacher	$85 per month.
.....	San Antonio	Sales manager	$80 per month.
.....	Austin	Student	
.....	Kirkland	Teacher	$1,000 per annum.
.....	Weatherford	Student	
.....	Sealy	Bookkeeper	$60 per month.
.....	Sherman	Student	
.....	Whitewright	Reporter	$60 per month.
.....	Washington, D. C.	Messenger	$660 (departmental).
.....	Moody	Farmer	

IDAHO.

.....	Boise	Bank custodian	$900 per annum.

UTAH.

.....	Ogden	Unemployed	

OREGON.

.....	Fresno, Cal	Photographer	$20 per week.
.....	Washington, D. C.	Clerk (mail, weighing division, Post Office Department).	$900 per annum.
.....	Portland	Clerk (Wells-Fargo)	$40 per month.

WASHINGTON.

.....	North Yakima	Internal, Revenue Department, storekeeper.	$3 per diem.
.....	Washington, D. C.	Assistant librarian (George Washington University).	
.....	Orting	Notary public	$600 to $2,400 per annum.
.....	Tacoma	Newspaper circulating manager.	$400 per annum.
.....	Seattle	Solicitor	
.....	Washington, D. C.	Student	

Mr. MADDEN. Mr. Chairman, I ask permission to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Chairman, the men who enter the Postal Service in the class of employment provided for in the section to which the gentleman has just referred do so through the passage of an examination. After passing the examination they are appointed as substitute clerks or carriers. As a substitute every man is obliged to report every day for duty for a period of not less than three years on an average. During his period of substitute service he may report every day for a week without obtaining any employment, and every day that he is obliged to report, if he lives in a large city where he lives any distance away from his employment, he must pay car fare back and forth. The average compensation earned by these men during their period of substitute service is about $400 a year. After they are appointed regularly they begin at $800, and if the record of the man justifies it at the end of another year he gets $900, and then at the end of another year he gets $1,000, and at the end of another year $1,100, and it has been the policy of Congress to appropriate for 75 per cent of the men in the $1,100 grade to go to $1,200 in first-class offices and in the second-class offices it has been the policy to appropriate for 75 per cent of the men to go to $1,100, and the average compensation earned by those men in the first nine years of their service, including their substitute service, amounts to $742 a year, not a very large sum. During all the period of their employment in the Postal Service they are obliged to give from two to three hours of their time without pay after they have done their day's work to the study of schemes which will enable them to distribute the mail. They distribute to every section of the Union. When a man has studied a scheme and committed it to memory, covering a county, he is compelled then to take on a new county and so on until they study a scheme for an entire State, and ultimately he is obliged to have memorized every post office in the United States in order that he

may be able to perform the functions of the office to which he has been appointed.

I submit that this is not ordinary employment. It is extraordinary employment. It is an employment that requires tenacity of purpose, it requires physical force, it requires mental ability, it requires patriotism, and, after all, with all these studies, these men are required to work 8 hours within 10 hours of a single day. They are required to be on call for 10 hours, during a period of which they are obliged to work 8 hours. They are not only obliged to work for that length of time, but 70 per cent of all the work of the men in the department is night work. They are obliged to work under artificial light. They never see the sunlight. During years of service these men are hidden away in the darkness of these great post-office buildings, working under artificial light. Many of them lose their eyesight as the result of their service. They become proficient in the work in which they are employed and they lose knowledge that is of any use to them in any commercial pursuit outside of the post office. They are valuable to the Government of the United States on account of their long experience, and they are of no value whatever to themselves in any other work whatever. And it is because of the fact that they learn nothing in their employment that makes them useful in the commercial life of the Nation that the Government of the United States ought to give more consideration to them than it has given in the past. The law of 1907 provided for the compensation which is carried in this section of the bill. It left the matter of promotions discretionary with the Congress. The Congress has not exercised that discretion until within the last year; then for the first time it exercised the discretion to the extent of 5 per cent promotions of the men from $1,200 to $1,300 and from $1,300 to $1,400 in the first-class post offices; and for the first time since the enactment of the classification act, in 1907, last year it exercised the discretion which the law gave to it to promote 5 per cent of the men from $1,100 to $1,200 a year in second-class offices. This provision of the bill is not only just but it is humanitarian. It ought to go further, and it would be more just if it went further. We are conferring no favors on the men who are to receive the salaries provided for in this section of the bill.

Mr. BLACK. Will the gentleman yield?

Mr. MADDEN. Yes, sir.

Mr. BLACK. You stated the section of the bill last year provided for a portion of 5 per cent in second-class offices from $1,100 to $1,200 and 5 per cent from $1,200 to $1,300 in first-class offices. That provision that is incorporated in the bill provides this year for a 25 per cent promotion as to these respective classes?

Mr. MADDEN. Yes, sir; that is what it does. I believe it ought to go further. I believe that all the men in the $1,200 grade who are entitled to promotion ought to go to $1,300. Instead of 25 per cent of them, I believe all the men in the $1,300 grade ought to go to $1,400.

Mr. GORDON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GORDON. You have introduced a bill that raises everybody that is getting $1,200 to $1,500, have you not?

Mr. MADDEN. I have introduced the bill which reclassifies the men in the Postal Service, and I believe that if that bill could be enacted into law it would be beneficial to the Postal Service.

Mr. GORDON. Answer the question. Does not your bill provide for raising all the $1,200 carriers to $1,500?

Mr. MADDEN. It provides that the men shall enter the service, when they become regularly appointed, at $1,000; that they shall go automatically to $1,100, $1,200, $1,300, $1,400, and $1,500, and I believe the compensation provided in that bill is just and reasonable. It is justified by the work they do.

We ought to popularize the Postal Service. It reaches every home in the land. The American people think of the Post Office service as the most popular service in America. They have confidence in the men who carry the mail, confidence in the men who distribute the mail. There is no more patriotic class of men in America than the men who are employed in the Postal Service. They are entitled to the best consideration that the Government can give, and I regret that this item does not carry more recognition of the merit of these men than is provided in the section now under discussion. I believe the item is meritorious, because it does long-deferred justice to a patriotic class of men who, in season and out of season, have uncomplainingly responded to the call of duty. These men never grumble. They are on guard all the time. They are ready to give everything there is in them to the Government service and to popularize the postal branch of the Government to such an extent that everybody in the United States will say "All hail to the men of the Postal Service." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAGUE. Mr. Chairman, I agree with all that my colleague on the committee [Mr. MADDEN] has said in relation to this amendment. I believe it is a just one, and I believe it does one thing that should be done in every branch of the Federal service, in that it wipes out the preferential class, those who may have power enough, those who may have friendship enough, with the ones who are to control the promotion in the different branches of the service. And that is accomplished in this bill, Mr. Chairman. Now, the question has been brought up here about the comparison of the service rendered with that of private capital. Mr. Chairman, there is no comparison. When a man enters the service of the Post Office Department of the Government of the United States, and after he has once reached the maximum wage, he can never go higher. He can never advance. He is there, if he stays in the service, for all time, or until Congress sees fit to raise the maximum wage.

Comparison has been made by my colleague from Indiana [Mr. Cox] as to the amount of wage he receives when he enters the service. He says the average entrance salary of those who apply for service in the Government is $1.50 a day.

Mr. COX. The gentleman wants to quote me right. I said it ranges from $1.50 a day to approximately $15 a week.

Mr. TAGUE. Mr. Chairman, I will make the correction. He said from $1.50 a day to $15 a week. The men entering the service are young men, from the ages of 18 to 21, just starting out in life. He neglected to bring out the point that these men are ready to labor and to labor earnestly, that they are obliged to pass a physical as well as a mental examination, and then give a test during the entire service in the Government employ that would never be requested or exacted of them by any private employer.

Where is there a private employer who will take his employees and compel them to take home, night after night, tests, as the men in the Post Office Service are required to do? Where is there an employer who will register the work of those men upon tests that they are compelled to make in their own time?

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

Mr. TAGUE. Yes.

Mr. GORDON. Do you think these post-office employees are required to submit to a higher test than the school-teachers?

Mr. TAGUE. Yes, Mr. Chairman; I assert that the men who work in the post offices are required to undergo tests more severe than are imposed upon those who are required to labor in private employment, no matter what it is.

Mr. MEEKER. Mr. Chairman, will the gentleman yield there?

Mr. TAGUE. Yes.

Mr. MEEKER. Does not the gentleman think that the salaries that are paid to the public-school teachers are a national disgrace?

Mr. TAGUE. Mr. Chairman, I do not know what they pay in the gentleman's city, but we took from the gentleman's State of Ohio a man who was drawing a salary of $5,000, and in our city we pay him a salary of $10,000 a year.

Mr. COX. Does the gentleman know that the average salary paid to school-teachers in the State of Massachusetts is $456 a year?

Mr. TAGUE. No. I am not ready to believe that until it is shown to me in figures, and round figures.

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

Mr. TAGUE. In a moment. I know this much, Mr. Chairman, that in the city which I have the honor to represent in part the average wage of the school-teacher is nearer $900 than $456.

Mr. COX. I am taking the average for the State of Massachusetts. If the gentleman will read the RECORD of December 21 he will find a bulletin put in the RECORD of that date concerning the salaries paid to school-teachers in his own State.

Mr. FESS. If the school boards fail to recognize the service of school-teachers, is that a reason why the Government should fail to recognize the services of its employees?

Mr. TAGUE. No. That is one instance where the Government does not give sufficient recognition to the value of the services of those who faithfully perform their duties, and there is no class of people who perform more faithful and honorable duties to the public than do the school-teachers. I am ready to vote to that class of our public servants the same as I am ready to do in the case of the employees in the Postal Service. I would give to them a deserved wage, and a wage which they should receive from the date of their entrance. [Applause.]

Mr. MOON. Mr. Chairman, all debate under the rule on this section, as I understand it, is exhausted. I call for a vote.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from New York moves to strike out the last two words.

Mr. BENNET. Mr. Chairman, I hope that the amendment suggested by the gentleman from Indiana [Mr. Cox] will not not prevail. These salaries are not too large, and then I think the gentleman has overlooked——

Mr. MOON. Mr. Chairman, did the Chair rule on the point made?

The CHAIRMAN. The gentleman from New York offered an amendment to the amendment, by moving to strike out the last two words.

Mr. MOON. Oh, very well, if he offered an amendment.

Mr. BENNET. As I was about to say, Mr. Chairman, these salaries of themselves are not too large, and I feel sure that the majority of the committee will vote down the amendment suggested by the gentleman from Indiana. I think that he feels that way also. I give him the credit of having a goodness of heart which he sometimes successfully conceals [laughter], and I feel that he will really not feel badly if we vote him down.

Mr. COX. I want to say to the gentleman that I am sincere in this amendment. I do not want the Members of the House to have any other idea.

Mr. BENNET. The gentleman is sincere, but sometimes his real tenderness of heart enables him to withstand with equanimity the defeat of an amendment of that kind. [Laughter.] Not only is the section itself right, but it is necessary, because——

Mr. MOON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. MOON. I just want to make the point of order that the gentleman is not speaking to his amendment.

Mr. BENNET. Oh, yes; I am.

Mr. MOON. I will leave it to the Chair to decide.

Mr. BENNET. And I leave it to the Chair. [Laughter.]

Mr. MOON. The gentleman's amendment was to strike out the last two words. Let us have the debate on the last two words, then

The CHAIRMAN. The gentleman from New York will proceed.

Mr. BENNET. The last two words, Mr. Chairman, as I am told, are the words "as follows." I desire to speak two or three moments on the words "as follows." The word "follows" is a very important word. As I started to say to the gentleman from Indiana and to the committee, the really important thing about this section is what follows. [Laughter.] What does follow? I will tell you what follows.

Mr. MOON. Does not the gentleman think the important thing about this matter is the last two words, "as not"? That is the gentleman's amendment.

Mr. BENNET. Some one told me that my amendment was to strike out the words "as follows." [Laughter.]

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to have the amendment of the gentleman from Indiana reported again.

Mr. BENNET. And I ask to have my amendment again reported.

Mr. MOON. Mr. Chairman, I ask unanimous consent that the gentleman from New York may proceed for five minutes. I do not want this rule violated and the debate extended beyond five minutes.

The CHAIRMAN. The Chair will state that, as it is well known, under general debate the Member entitled to the floor is permitted to discuss any subject he sees fit to discuss under the rules of the House. Under the five-minute rule there can be allowed one speech in favor of the amendment and one against the amendment, and under the five-minute rule the Member must confine himself to the amendment pending before the committee.

The Chair can do nothing except call the attention of the membership to the rules of the House and to ask the Members to observe those rules. The gentleman from Tennessee [Mr. MOON] asks unanimous consent that the gentleman from New York [Mr. BENNET] be permitted to address the committee for five minutes. Is there objection?

There was no objection.

Mr. BENNET. I thank the committee. As I was about to say when I was struggling with some difficulty to ascertain what my amendment was, the important part of the whole situation is what follows after an employee runs up the ladder on this particular provision. This provision applies to special clerks and salaries up to $1,400. In and above $1,200 are what are known as the supervisory grades, and without at all mitigating my friendship for the grades below the $1,200 grade, I want to call attention to the fact that if you do not keep this provision in, you close the door of hope for ultimate promotion to every clerk below the $1,200 grade, and you deprive the clerks who are to be promoted here from enjoying their opportunity for ultimate promotion above $1,200.

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

Mr. BENNET. Certainly.

Mr. COX. Does not the gentleman know that these employees are automatically promoted, $100 a year until they get to $1,000, one class of them, those who work in the second-class post offices, and those who work in the first-class post offices are automatically promoted until they get to $1,100, and the whole body of them are gradually promoted in that way?

Mr. BENNET. I do not think the 75 per cent part is in the classification act.

Mr. COX. Of course it is in the classification act.

Mr. BENNET. I was not aware of it. But that has nothing to do with what I was calling attention to, and that is the absolute lack of attention that is given to fairness, decency, and justice in connection with the salaries in the supervisory grades above $1,200. I come from a large city, in which there are many of these men who occupy positions where they literally handle millions for $1,300 and $1,400 in salaries, a service for which, if they were working for the gentleman from Illinois [Mr. MADDEN], who is known to be an employer of high-priced men, they would receive as their pay anywhere from $2,000 to $5,000. If these men are not promoted from $1,200 to $1,300 and from $1,300 to $1,400, you cut off all chance for promotion. There has not been half enough done in any year for the supervisory force in any of the large post offices, and we are leaving the large administration of the greater affairs of our post offices throughout the land to the fidelity, which is seldom abused, of men who stay in the service, where they are underpaid, far more underpaid, than in any other branch of the Postal Service.

I realize that this will not be an entirely popular speech with my friends, the letter carriers, and the clerks who get anywhere from $800 to $1,200. But I will have to take a chance on that. I am in favor of increasing them, too, and always have been; but no one up to this time—possibly because the supervisory employees are few—has laid their case before the House, excepting the gentleman from Illinois [Mr. MADDEN], while I was out of Congress, and I had forgotten that for the moment. As representing in part the largest postal city of this country, I want to say frankly to the House of Representatives that however we may reasonably and honestly differ, and we do, as to the compensation paid to men receiving $1,200 or less, for the kind of positions that these clerks are promoted to fill from these grades of special clerks at $1,200, $1,300, and $1,400 a year, the pay that they get for the work they do as compared with what men get for similar work outside, is a disgrace to the Government of the United States; and there is no Government that I dare mention in public with which we can compare our conduct.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Indiana [Mr. Cox].

The question being taken, on a division (demanded by Mr. Cox) there were—ayes 7, noes 68.

Accordingly the amendment was rejected.

The Clerk read as follows:

And provided further, That hereafter when the needs of the service require the employment on holidays of "special clerks" in first and second class post offices, they shall be allowed compensatory time on one of the 30 days next following the holiday on which they perform such service.

Mr. BUCHANAN of Illinois. Mr. Chairman, I offer the following amendment.

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

The Clerk read as follows:

Amendment by Mr. BUCHANAN of Illinois: Page 11, line 26, insert: "*Provided,* That when emergencies or the needs of the service require letter carriers in the City Delivery Service and clerks and special clerks in first and second class post offices to work in excess of eight hours a day, for such additional services they shall be paid at a rate of 50 per centum higher than their salaries as fixed by law."

Mr. COX. I reserve a point of order on the amendment.

Mr. BUCHANAN of Illinois. Mr. Chairman, I do not believe the point of order would be well taken against this amendment. The Congress has passed laws for the purpose of creating an eight-hour day. This amendment is for the purpose of having that eight-hour day applied. The effect is to stop unnecessary overtime work by employees. I maintain that this will not increase the expenditure of the Government, but perhaps it will reduce it, because when you permit men to work 10, 12,

and 14 hours it does not tend to efficiency of workmanship, and is a poor business method.

Mr. Chairman, the fact is that this will add to the efficiency of the service of the Post Office Department, for the reason that it can be shown that unnecessary overtime work decreases efficiency. I do not care much about the emergency part of it, if it is an emergency; but unfortunately the Post Office Department has seemed to desire to practice that sort of economy which presses down the hardest on the back of the man who is the hardest worked and the poorest paid.

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

Mr. BUCHANAN of Illinois. Yes.

Mr. BLACK. Can the gentleman cite a single instance during the present Democratic administration where the salary of a single postal employee has been reduced?

Mr. BUCHANAN of Illinois. I was not talking about their salaries being reduced. I was talking about their being overworked and speeded up; and there are instances where they have been reduced, for that matter. I can not name them, but I can recall this to the mind of the gentleman, that in the first session of this Congress we passed a resolution to restore to their positions—that is, from $1,100 to $1,200—post-office collectors who had been reduced by the Postmaster General. There can be hundreds of cases cited. I do not happen to have them at hand.

Mr. COOPER of Ohio. In regard to the question of the gentleman from Texas (Mr. BLACK), there was called to my attention not long ago the case of an old gentleman who had been working in the Post Office Department for 25 years as a mail clerk, whose salary had been reduced from $1,400 to $1,200 a year.

Mr. BLACK. Will the gentleman yield there?

Mr. BUCHANAN of Illinois. If I can get my time extended I will yield; yes.

Mr. BLACK. I want to ask the gentleman from Ohio if he knows anything about the administrative reasons for that reduction in salary?

Mr. COOPER of Ohio. It seems that the old gentleman whom I spoke of could not pass a certain examination that the department required him to take. Therefore, after being in the service for 25 years, they reduced his salary $200 a year.

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

Mr. BUCHANAN of Illinois. Yes.

Mr. MOON. I do not like the suggestion in the question of the gentleman from Ohio, that the department has reduced improperly the salary of any man. Evidently the case the gentleman has referred to is the case of an inefficient clerk who had passed the period of life where he was of no value to the service. It might have been proper to dismiss him, and it was a mercy to reduce his salary.

Mr. COOPER of Ohio. Does the gentleman think that the Government ought to throw a man into the scrap pile after he has served 25 years?

Mr. MOON. It is not a question of the salary that we should give him, it is a question of discipline and the efficiency of the service, and it is nonsense to talk about reducing his salary when he has passed the period of efficiency.

[The time of Mr. BUCHANAN of Illinois having expired, he was granted 5 minutes more.]

Mr. BUCHANAN of Illinois. Mr. Chairman, I do not desire to challenge the motive of any Member of Congress or any official of the administration, but those who are exercising their efforts to keep the Government employees from receiving an adequate wage, and especially those who prevent the laws being applied that have been passed by this Congress, such as the eight-hour-a-day law, which was passed for the purpose of securing an eight-hour day, ought not to succeed. We ought not to permit any department of the Government to employ men over eight hours, not even for economy, except in cases of emergency. On the question of the eight-hour day I would like to call your attention to what the President of the United States says, and while it is true that this was said some time before the last election and he may lose interest in regard to this matter at this time, and I doubt if he would if he understood the administration of the Post Office Department, yet this is what he said:

> We believe in the eight-hour law because a man does better work within eight hours than he does within a more extended day, and the whole theory of it, a theory which is sustained by abundant experience, is that his efficiency is increased, his spirit in his work has improved, and the whole moral and physical vigor of the man is added to.

This amendment that I have offered is for the purpose of securing the application of the eight-hour day, and instead of working postal employees overtime—which they are opposed to—they could put the substitutes to work, which would give them a greater income and would be beneficial both to the regular employees of the Postal Service as well as to the substitutes. Therefore I contend that this is an important amendment and should be adopted by the House. I ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

The extension of remarks is as follows:

WASHINGTON, D. C., *January 9, 1916.*

Hon. FRANK BUCHANAN, M. C.,
Washington, D. C.

MY DEAR MR. BUCHANAN: I wish to enlist your support of an amendment to the postal appropriation bill which has for its purpose the minimizing of overtime work for clerks, special clerks, and city letter carriers, and giving these Government employees the benefit of the eight-hour law enacted by Congress August 24, 1912.

The amendment embodies the same idea as that contained in your bill (H. R. 19293). It proposes to establish a wage scale of time and a half for all work in excess of eight hours, solely for the purpose—and I wish to emphasize this—of eliminating unnecessary overtime.

Under no circumstances should this amendment be confused with the salary-increase agitation. It is not an effort to obtain additional wages by increasing the rate of overtime pay; it is an effort to confine the day's work in post offices to eight hours by fixing a penalty for work in excess of that period.

Existing law provides that overtime work be paid at a proportionate rate of the daily wage. In many instances this rate is lower than that for substitute and auxiliary clerks and carriers. As a result the regular clerks and carriers are forced to work overtime while the substitutes are deprived of work which is rightfully theirs. This injustice would be corrected by establishing a wage rate of time and a half for all regular clerks and carriers for work in excess of eight hours. The department would then restrict overtime to actual emergencies, which the law originally contemplated, and the regulars and substitutes would both be benefited.

The following editorial in the July, 1916, issue of the Union Postal Clerk, states the facts on the subject of overtime:

"Just as we fought for our eight-hour law, the antigag law, the workmen's compensation law, and now for retirement, so will we strive to confine, as far as practical, the day's work for every clerk in the service within eight hours.

The necessity for a wage differential in favor of overtime work is apparent in offices like Chicago and Cleveland, where periodically the regular clerks are forced to toil excessively long hours. Apparently, in the absence of having to pay the penalty of a higher wage rate, the department prefers to work its distributers overtime rather than employ an adequate substitute force. This operates to the disadvantage of both classes of employees—one is compelled to work too long and the other gets little or no work. A higher rate of pay for overtime would insure the regular clerk an eight-hour day and insure the substitute a larger and steadier income. Both classes of employees would benefit and the service efficiency would be improved.

"Until a premium is put on overtime the temptation to work the expert clerks excessively long hours will always be present. It is unjust to penalize a man for his expertness; yet that is what is done when skilled distributers are kept at their tasks for more than eight hours. But there is no use for us to moralize about the injustice of it. Neither does it profit us to argue that a man's efficiency wanes after eight hours of mail distribution. The boss would rather have a tired regular at 40 cents than a sub at 35 cents an hour. If, however, he must pay the regular 60 cents—almost the price of two subs—then the regular will go home on time and the sub will get the emergency work to which he is rightfully entitled.

"When we make overtime expensive it will cease. A 50 per cent wage differential for work in excess of eight hours will minimize this service and insure an eight-hour day to the clerks. The fight for it is on!"

An editorial in the November issue of the same paper cites the deplorable conditions existing then, and still existing, in the Chicago office:

"Damaging proof of the baneful effects of overtime on postal workers is shown in the increased sick benefits paid by the Chicago Post Office Clerks' Union during those periods when the department forces its clerks to work extra hours.

"Taking the month of March, 1915, as an example, we find that the Chicago union paid approximately $450 in sick benefits. The overtime for that month amounted to 50 hours. In March, 1916, with 65 hours' overtime, the sick benefits totaled $590.

"These financial statements of the Chicago union are the best barometer of office working conditions. When conditions are normal sick benefit payments drop to a minimum, but when the speeding up and the extra hours of duty are added the clerks break under the strain, requiring enforced lay-offs and medical attention to recuperate.

"Mr. Koons, First Assistant Postmaster General by the exigencies of politics, has dismissed the complaint of the Chicago clerks as of no consequence. 'It is just another attack on the department by Flaherty,' is his retort.

"If he would take his eyes off the departmental balance sheet and his mind off the expected surplus long enough to examine the Chicago mailing division time sheets and the union's sick-benefit payments he might realize the seriousness of our overtime complaint. He would find that he, a political adjunct of an administration that is seeking vindication at the polls largely on its labor legislative record, is denying, because of indifference or stupidity, an eight-hour day to at least 1,000 clerks in Chicago and thousands in other large offices.

"While the Chicago situation is most aggravated, a similar condition exists in many other offices. We find the harassed, overworked, speeded distributers being driven to physical exhaustion by as hard and implacable a set of administrative taskmasters as was ever given temporary authority over humans."

SOUGHT AID OF PRESIDENT.

The excessive amount of overtime demanded of the postal employees was so great and the complaints so widespread that I, realizing the futility of further appeals to the department, addressed an open letter to President Wilson, under date of October 6, 1916, asking his aid in bringing relief from the intolerable condition. The letter follows:

"DEAR SIR: After fruitless efforts to have the officials of the Postal Department relieve thousands of post-office clerks of excessive overtime service, I am making this appeal to you.

"The working hours of post-office clerks are governed by a law passed by the Sixty-second Congress on August 24, 1912, which provides in substance that clerks in first and second class post offices shall be required to work not more than 8 hours a day within 10 hours, and for work in excess of 8 hours a day within 10 hours, and for work in excess of 8 hours, they are paid in proportion to their salaries as fixed by law.

"This law contemplated that only in emergencies should more than 8 hours be required. Yet in many of the large post offices, notably New York, Chicago, Boston, Cleveland, etc., the clerks are forced daily and nightly to work 10, 11, and even 12 hours.

"One need not, I am sure, point out to the injustice of this. You very happily expressed yourself on this subject in a recent speech to a gathering of New Jersey business men, saying: 'We believe in the eight-hour law because a man does better work within eight hours than he does within a more extended day, and the whole theory of it, a theory which is sustained now by abundant experience, is that his efficiency is increased, his spirit in his work has improved, and the whole moral and physical vigor of the man is added to.'

"These words have a direct application to a post-office mail distributer. He works mostly at night, at top speed, at high tension, performing an important work requiring constant vigilance. To compel long hours of overtime service from this class of workers is inhumane; it is also poor business policy, resulting in errors in distribution when the overtaxed brain refuses to respond and in the physical breakdown of the worker.

"In the Chicago post office alone, 800 clerks have averaged 105 hours overtime during the first six months of this year. The bulk of this was crowded into the last four months of that period. Since July the conditions have grown steadily worse, until at the present time, with the preelection and the usual heavy fall mailings in full swing, thousands of clerks are complaining of their hardships.

"The responsible department officials are seemingly indifferent to the plight of the clerks. The remedy is within their hands to apply if they so desire. The current appropriation measure for the Postal Service made possible the appointment of 1,300 additional clerks. Despite the boasted gain in receipts and the ever-increasing volume of work, but few of these appointments have been made. Postmasters are clamoring for help, the clerks are longing for relief, and yet the department officials refuse to recognize the need of keeping the working force recruited to an efficient working standard.

"If possible I ask you to have an investigation made, independent of the Postal Department's influence, of the working conditions of the clerks in the post offices I have mentioned. While no reasonable objection can be made to overtime work in the Postal Service when actual emergencies exist, there is very strong objection to the habitual violation of the spirit of a law designed to give to post-office clerks the benefits of an eight-hour day. Your investigation will disclose a condition to which I know you are opposed. The Postal Department officials have placed you in the untenable position of advocating a principle in private employment—the eight-hour day—which is not in effect in Government employment, solely because of a desire for a greater postal surplus.

"Asking you to take action to relieve the post-office clerks of this intolerable, undesired, and arduous overtime service which is sapping the strength and vitality of thousands of faithful, trained service experts, I am,

"Respectfully, yours,

"THOS. F. FLAHERTY,
"Secretary-Treasurer."

SECOND PROTEST SENT.

My letter to the President was referred to the Postmaster General, but no noticeable effort was made to correct the abuses of which the complaint was made. Under date of October 24 I again wrote the President:

"President WOODROW WILSON,
Asbury Park, N. J.

"DEAR SIR: With further reference to my letter to you of October 6, receipt of which was acknowledged October 8, I have to inform you that the Postmaster General, to whom my letter was referred, has made no noticeable effort to correct the abuses to which I called your attention, namely, the additional hours of labor forced upon post-office distributers in violation of the spirit of our eight-hour law and in contravention of your own admirable views on the advantages of confining the workday to eight hours.

"The post-office distributers in many of the larger offices are compelled to work excessively long hours under exceedingly trying conditions, frequently at night and always at high tension. This overtime work imposed upon these men is due entirely, I insist, to the unwillingness of the Postal Department officials, because of a mistaken zeal for a larger postal surplus, to recruit the clerical force up to a proper standard.

"Congress has made it possible for the department to increase the clerical force of the service by the appointment of 1,300 additional clerks, yet, despite the obvious need of augmenting the force before the holiday rush, less than half of this number have been appointed.

"I again respectfully urge you to make an investigation independent of the Postal Department officials, who have been aware of these conditions for months but have failed to act. An examination of the time sheets of the New York, Chicago, Boston, Philadelphia, Cleveland, Memphis, and many other offices will impel you, I think, in view of your stand on the eight-hour-day principle, to insist upon the administrative officials of the Postal Department correcting this grievance by confining overtime for distributers to actual emergencies.

"Respectfully, yours,

"THOS. F. FLAHERTY,
"Secretary-Treasurer."

ANOTHER APPEAL TO THE DEPARTMENT.

In a memorial submitted to the Postal Department on November 15, 1916, the executive committee of the National Federation of Post Office Clerks asked that unnecessary overtime be eliminated and suggested the establishment of a higher wage rate for work in excess of eight hours as the surest preventive of overtime. The memorial reads:

OVERTIME.

"Due to the recent rapid expansion of the Postal Service and to the failure of the department to recruit its clerical force to the proper strength, thousands of clerks, especially distributors, are forced to work excessively long hours. While it is true these men receive overtime pay, prorated according to their salaries, it is equally true that they prefer a straight eight-hour day, except only in emergencies. To force men to work in excess of eight hours day after day is contrary to the letter and spirit of our eight-hour law.

"Inasmuch as distributors must devote time after working hours to scheme study, it necessarily follows that excessive overtime works to the disadvantage of the service in interfering with the study of the clerks and also works to the disadvantage of the clerks in subjecting them to penalties for failing to qualify on scheme examinations when there is no time for preparation.

"We heartily indorse the declaration of President Wilson made in reference to this subject, 'We believe in the eight-hour law because a man does better work within eight hours than he does within a more extended day, and the whole theory of it, a theory which is sustained now by abundant experience, is that his efficiency is increased, his spirit in his work is improved, and the whole moral and physical vigor of the man is added to.'

"These words have a direct application to a post-office mail distributor. He works mostly at night, at top speed, at high tension, performing an important work requiring constant vigilance. To compel long hours of overtime service from this class of workers is inhumane; it is also poor business policy, resulting in errors in distribution when the overtaxed brain refuses to respond and in the physical breakdown of the worker.

"We ask the department to issue explicit instructions to postmasters to observe the letter and spirit of the eight-hour law by confining overtime to actual emergencies.

EXTRA PAY FOR OVERTIME.

"We believe that in order to insure the proper administration of our eight-hour law, there should be a penalty for all work in excess of eight hours in the form of added compensation. This is not an attempt to secure an additional wage, but rather an effort to insure an eight-hour day. Under the present law it is less costly to require extra service of the regular employees than to put on auxiliary men, thus working a hardship on both classes of employees—the substitutes and the regulars. If extra compensation had to be paid to the regular men, there would be less disposition to work them overtime. We therefore urge the establishment of a time-and-a-half rate of pay for all work in excess of eight hours."

You will see from the foregoing that we have made every effort to minimize overtime service and to confine it to actual emergencies, but seemingly without success. In practically all of the large post offices the regular clerical force, especially the distributors, are at this time working in excess of eight hours. We feel this condition will continue to exist unless the Congress enacts the legislation embodied in this amendment—the establishment of a higher rate for overtime service.

Asking your earnest cooperation in this attempt to insure to the postal workers the benefits of an eight-hour workday, I am,

Very truly, yours,

THOS. F. FLAHERTY.
Secretary-Treasurer National Federation of Post Office Clerks.

Mr. MOON. Mr. Chairman, the point of order has been reserved, and I ask that the amendment be again read.

The amendment was again reported.

Mr. MOON. I think, Mr. Chairman, that is subject to the point of order.

Mr. BUCHANAN of Illinois. I would like to ask the gentleman on what ground?

Mr. MOON. Because it changes existing law.

Mr. BUCHANAN of Illinois. In what way?

Mr. MOON. If it does not change it, why does the gentleman want it?

Mr. BUCHANAN of Illinois. It only provides for overtime pay.

Mr. MOON. Yes; it is an increase of salary; and, then, again, it is not germane to this section.

Mr. COX. I make the point of order.

The CHAIRMAN. The amendment in question changes existing law in that it increases the pay of the employees working in excess of eight hours. It is not in order on an appropriation bill, and therefore the Chair sustains the point of order.

Mr. HOWARD. Mr. Chairman, I move to strike out the last word. I want to inquire of the chairman of the committee if under the compensatory provision it was ever intended that a man who takes this time should be made in reality to perform an equivalent amount of service in some other way. Let me illustrate. I have been informed by carriers in my home office at Atlanta, for instance, they work on Sunday or a holiday, and the superintendent of mails comes and says you take your compensatory time on such and such a day. He takes that time, but instead of employing a substitute, an extra man, which I understand the law intended, they divide the route of this man up among two or three different carriers and make them perform the service. He goes back to work the next day, and one of the others is designated for his compensatory time, and the man off the day before will perform extra service. In reality, if the law is administered in every post office in this country as it has been in the city of Atlanta, the compensatory time provision in the postal laws has been absolutely nullified by the administration features imposed in this office by the superintendent of mails, probably without the permission of the postmaster.

Mr. MOON. Mr. Chairman, the gentleman from Georgia [Mr. HOWARD] must know that the chairman of the committee does not know whether the law has been violated in Georgia or not.

Mr. HOWARD. I do not mean that. I meant to ask the gentleman, so that I could get it into the RECORD, whether or not he had any information in respect to the matter. He has been so long upon the committee and is so familiar with this legislation that I wanted an expression from him as to whether

or not the framers of that law ever intended that men who received compensatory time for working on Sundays and holidays should in reality pay it back to the Government by extra service.

Mr. MOON. The intention of the law was that they should have exactly what is provided; that when they did work for a specific time they should have compensatory time therefor. That I understand has been the policy of the administration. That is the regulation of the department and the intention of the law, and I presume it has been carried out.

Mr. HOWARD. Mr. Chairman, my object in making this observation at this point was to call the attention of Congress to the fact that of my own knowledge, obtained from reliable men in the service, that law has been violated and is being violated, and I do not say that it is being violated with the knowledge of the executive heads in the city of Washington; but I know that men who receive compensatory time in the office in the city of Atlanta are made to really repay that to the Government in extra services performed instead of their employing substitutes.

Mr. MOON. If the gentleman or any of his constituents are having trouble along that line, it is purely a matter of administration and should be referred to the department at Washington, for it is not a question for legislation.

The Clerk read as follows:

For compensation to printers, mechanics, and skilled laborers, 22, at $1,200 each; 4, at $1,100 each; and 31, at $1,000 each; in all, $61,800.

Mr. BENNET. Mr. Chairman, I move to amend by inserting, after the word "holidays," the words "or holy days," on page 11, line 23.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 11, line 23, by inserting, after the word "holidays," the words "or holy days."

Mr. COX. Mr. Chairman, on that I reserve the point of order.

Mr. BENNET. Mr. Chairman, I want to ask the chairman of the committee a question. In the large cities there are a number of clerks of the Jewish or Hebraic people, who have certain holy days like Yom Kippur and others, which days they observe strictly. By the necessities of the service some of them are required to work on their holy days, and always will be so long as there are so many Hebrews in the service. Would there be any practical way of working out a proposition by which a man who is required to work on one of his holy days and has no particular objection to working on our Sunday could get some compensatory time if he is required to work on his own holy day?

Mr. MOON. Mr. Chairman, I do not know of any way by which the Government can arrange to settle these religious questions as between the people who work for it. I think we had better let them alone to settle that question themselves. If they do not want to work on certain days, they need not work on those days, but that would be a question between the Government and them. I do not think we ought to provide by statute that a man who believes that Saturday is Sunday and who does not want to work on that day, or who believes that Wednesday is a holy day—something like unto the Congressmen here in respect to "Holy Wednesday"—ought to expect to have the matter adjusted for him by statute. I do not believe that that is a question with which we ought to deal.

Mr. BENNET. I am not dogmatic about it. I am simply asking for information.

Mr. MOON. I do not know of any way by which we can handle the question and inject a religious feature into the statute.

Mr. BENNET. I knew of no way, but I hoped that probably the gentleman might. I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

For compensation to watchmen, messengers, and laborers, 1,825, at $900 each; in all, $1,639,500.

Mr. BLACK. Mr. Chairman, I reserve the point of order on the paragraph, consisting of lines 4 to 6, inclusive, on page 12 of this bill. And in this connection I wish to make the following statement: At the meetings of our Committee on the Post Office and Post Roads, which were held when we were framing the appropriation bill for the fiscal year of 1917, the Post Office Department submitted for our consideration an estimate of 900 watchmen, messengers, and laborers, at $720 each, and 900 at $840 each, aggregating an expenditure of $1,350,000. In connection with this item and during the course of the hearings we had before our committee a gentleman representing this class of postal employees, and we accorded him a full hearing, and after hearing that representative of these employees we changed the item which had been submitted by the department so as to make all of the 1,800 of these watchmen, messengers, and laborers receive $840 a year each, thereby increasing the appropriation bill $108,000. This was at the last session of Congress, and was, as I have stated, a part of the appropriation bill for the fiscal year of 1917. Now, there was no objection to it in the House and no point of order was made at the time the bill was considered, and it went through, with the approval of the House. I wish to state I favored the item and advocated it in our committee, and as I now recall the matter, it met with the unanimous support of the members of our committee. But now this year, for the appropriation bill for the fiscal year 1918, the Post Office Department did not submit any estimates for any increase in this item as to salary, but asked for $1,530,000 to pay these men $840, same as we provided in the bill at the last session of Congress. Not only did the Post Office Department not submit any estimate for any increase, but so far as I have information, these employees were not asking for any increase. But our committee took judicial knowledge of the high cost of living and upon our own initiative and without being asked to do so increased this item to $900 a year for each of these employees. Since that provision was voted upon and made a part of this bill an amendment has received the favorable consideration of our committee providing a horizontal increase of all these salaries carried in the bill of from 5 to 10 per cent, the same as was put upon the Agricultural appropriation bill and the legislative, judicial, and executive appropriation bill. This 5 and 10 per cent amendment is familiar to the membership of the House, and I will not pause to discuss it at this time.

Now, let us analyze this situation as to the item I am discussing. We increased the salaries of 900 of these men last year 16⅔ per cent, as I have previously explained. If we go ahead and increase these salaries again this year from $840 to $900, this is 6¼ per cent more increase. Then if we add on the 10 per cent which is provided in the amendment which is to be offered, what will be the result? We will have 900 of these men receiving an increase of 33 per cent in the last two years; we will have 900 more receiving an increase of 16¼ per cent; and I feel constrained, Mr. Chairman, in view of these facts, to make this point of order. I feel it my duty to do this, because when the committee acted favorably upon the increase of $840 to $900 for each of these men we did not have before us the 5 and 10 per cent horizontal increase. We did not have that in mind, and it had not even been mentioned in the committee. If we go ahead and increase these employees from $840 to $900 each, it will amount to an increase of $108,000, and then if we go ahead and increase the item 10 per cent more under the horizontal raise, that will be $163,950 more, making this one item of increase $271,950, and therefore I feel it to be my duty to make the point of order. I am in favor of making one increase, but not both of them.

The CHAIRMAN. Will the gentleman kindly state his point of order?

Mr. BLACK. My point of order, Mr. Chairman, is that this paragraph of the bill changes the existing law. The law now provides that these employees shall consist of four classes, graded in even hundreds of dollars from $400 to $700 a year; but these salaries have been increased in appropriation bills from year to year, without any point of order being made, and I would not make the point of order now, except that a double increase is about to be made, which even the employees themselves are not requesting. I therefore make the point of order.

Mr. MOON. Mr. Chairman, as to the number of clerks changed and the total amount of this section the point of order is probably well taken, and I do not care to discuss that, but I want to appeal to the conscience and good sense of my friend from Texas [Mr. BLACK] and to that regard and sympathy he ought to have for his fellow men in reference to questions of this sort. Here are men getting $840 a year. Well, everybody knows, particularly in the large cities, that that is a very small amount of money for them. It is but a pittance that this committee raised the amount—just $60 a year—giving it to all instead of a few. It does not amount to a great deal. The gentleman suggests that we will pass the 5 and 10 per cent increase. Now, the gentleman perhaps knows that that will be subject to the point of order and that a point of order will be made upon it unless we have a rule, and of course that will go out. I want to say this to the gentleman from Texas, that I believe that he ought to withdraw his point of order in the interest of these laboring people here. It is wrong to make a point of order where so little is involved to the Government and so much to the poor laboring people of this country. The gentleman ought to allow that to pass, and this little pittance of a

few dollars ought to go to them. Now, I will say this to him. If when we reach the other section containing the 5 and 10 per cent increase and that increase is made I will be willing to go back to this section and ask that it be stricken out. For the present I want him to withdraw that point and let these laboring people, who are getting less than any other class of Government employees, at least get pay enough to live upon, particularly in these great cities. [Applause.]

Mr. BLACK. Mr. Chairman, I am perfectly agreeable to any one of these increases being made, either the one from $840 to $900 or the increase of 10 per cent, which I have heretofore mentioned as being sure to be offered as an amendment to this bill later on; and if I can get unanimous consent that this item be passed without prejudice to my point of order, and that I may have the privilege to renew it in event the 10 per cent provision goes upon the bill before it is finally adopted, then I will gladly pass it for the present, because I want these men to have one or the other of these increases, but I do not feel justified as a member of this committee in consenting to both of such increases; and unless I can get that unanimous consent I shall have to make the point of order right at this time.

The CHAIRMAN. The Chair will submit any request of the gentleman.

Mr. BLACK. Then, Mr. Chairman, I ask unanimous consent that this item be passed without prejudice to my point of order, and that I may have the privilege of renewing the point of order in the event that the 5 and 10 per cent increase amendment is incorporated upon the bill before final passage.

Mr. MOON. Mr. Chairman, I would ask him to put it in different shape. Let this item pass the House now, and let us have a unanimous-consent agreement to go back to it and reduce the amount back to what it is now in the event the 5 and 10 per cent proposition passes.

Mr. BLACK. All right; that suits me.

The CHAIRMAN. The gentleman from Tennessee [Mr. MOON], the chairman of the committee, asks unanimous consent that this item be considered as passed, with the understanding that if an amendment be added to the bill adding the horizontal increase of 5 and 10 per cent, the gentleman from Texas shall have the right to recur to this item and make a point of order against it. Is there objection? [After a pause.] The Chair hears none.

Mr. AYRES. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. AYRES: Page 12, line 20, after the words "one thousand," insert, as a new paragraph, the following:

"That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than $1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to the employees who are appropriated for in the act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein."

Mr. COX. Mr. Chairman, I make the point of order on that on the ground that it changes existing law.

The CHAIRMAN. Does the gentleman from Kansas [Mr. AYRES] desire to be heard on the point of order?

Mr. AYRES. I do not, Mr. Chairman. I presume it is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order. It changes existing law.

Mr. MOON. Then, I understand, we do not recur to this section?

Mr. BLACK. The rule may be brought in.

The CHAIRMAN. The understanding of the Chair, and the way the Chair stated the request of the committee was, in the event an amendment was adopted to this bill providing for a 5 and 10 per cent increase, they should recur to this item and the gentleman from Texas [Mr. BLACK] should be permitted to make a point of order against it.

Mr. BLACK. That is true.

Mr. MOON. That is the way I understood it.

The Clerk read as follows:

For compensation to clerks in charge of contract stations, $1,170,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

I regret to find that this appropriation has been increased only $10,000. All of us coming from the large cities who are acquainted with this character of work know that the work of these clerks in contract stations, usually in drug stores, has multiplied enormously with the increase of the postal business of the country. When you inquire at the department whether there is any available fund for establishing new ones they inform you that they are without funds; and yet the department estimates but $10,000 additonal for the pay of these employees in contract stations when the work in many instances has multiplied ten, twenty, thirty, and, in some instances, fifty fold. I recall that this item has not been a favored item with the Post Office Department. Their policy has been to shave down the allowances accorded to these proprietors of drug stores who perform work of a much greater value than is paid for by the small allowances they receive of from $50 to $1,000. There are but a few who receive the high allowance of $1,000. Those are mostly in the larger cities of New York, Chicago, and Philadelphia. The majority are below $300. And yet the department does not recognize the efficient work performed by these proprietors in charge of stations, but each year changes the rule of payment by requiring more service for the same allowance. It is not fair to them. They are doing work five and ten times the value of what they are paid. If the work performed by these drug-store proprietors was performed by Government clerks, it would require an appropriation of $10,000,000 or $15,000,000 a year. The department fails to recognize fairly the services of these drug-store proprietors.

Mr. MOON. I take it, Mr. Chairman, that the department is pretty well acquainted with the value of the services of the drug-store clerks, as well as any other employee. The truth about it is that they are generally all a little overpaid—everybody that works for the department, except a few laborers.

Mr. STAFFORD. Mr. Chairman, if the gentleman were at all acquainted with the character of work performed at these drug-store stations, he would not make that bald statement.

Mr. MOON. I have this to say about it, Mr. Chairman: I reckon I know as much about that as the gentleman from Wisconsin. If I did not, I would know precious little about it. [Laughter.]

Mr. STAFFORD. I accede to the last proposition.

Mr. MOON. There was an unexpended balance of $54,000 on this item last year, and the First Assistant Postmaster General, testifying before the committee, asked for an increase of only $10,000, and said that that was all that was needed. Our committee is not in the habit of giving this department more money than it has asked for.

Mr. STAFFORD. Mr. Chairman, many times at the hearings before the Committee on the Post Office and Post Roads it has been stated by the First Assistant Postmaster General that their policy was to cut down the allowances made to these proprietors of contract stations and to get them at the very lowest possible rates. It has been conceded that the work performed by these drug-store proprietors could not be performed by Government employees for less than five times what is being paid to them. And yet the gentleman from Tennessee, just because they do not have any of these stations in the little district represented by him, makes that statement, which is unfounded in fact.

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

Mr. STAFFORD. I will yield to the chairman of the committee.

Mr. MOON. The gentleman from Wisconsin, I presume, is speaking from his experience in the city where he lives?

Mr. STAFFORD. No; I am relying on the testimony that has been given before the Post Office Committee in years past.

Mr. MOON. I do not know as to the years past, but in the present year only $10,000 more is asked, and last year the department had $54,000 left over.

Now, that is a question of administration and policy that we can not settle here by the increase of an appropriation or the decrease of it. We must look to what the department says it needs, unless somebody can show otherwise.

Mr. STAFFORD. I am not criticizing the committee. I commenced my statement by criticizing the department for not recognizing this service and for cutting down the allowances.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For temporary and auxiliary clerk hire and for substitute clerk hire for clerks and employees absent with pay at first and second class post offices and temporary and auxiliary clerk hire at summer and winter resort post offices, $2,300,000.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 12, after line 17, insert the following:

"*Provided*, That hereafter the Postmaster General is authorized to grant to post-office clerks and other employees in first and second class post offices and letter carriers in the City Free Delivery Service and letter carriers in the Rural Free Delivery Service not to exceed two weeks' sick leave in any one year with pay."

Mr. MOON. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The gentleman from Tennessee makes a point of order on the amendment. The Chair will hear the gentleman from New York.

Mr. BENNET. Mr. Chairman, the amendment just read was offered for the purpose of granting a measure of relief to postal employees who are compelled to give up their work on account of sickness. These employees live on a wage from which they can store up but little to protect them against disease and mishap. Proper convalescence is necessary to the sick individual that he may regain his damaged health and be again of the value equal to his former value to the service in which he is engaged.

When the Post Office appropriation bill was under consideration in the first session of the Sixty-fourth Congress, I offered an amendment to that bill similar to the one I have now proposed. A point of order was raised against the amendment, which was sustained by the Chair, and the House did not have an opportunity to vote on it.

Senator WADSWORTH, of New York, offered this amendment to the Post Office appropriation bill in the Senate, and it was agreed to by that body but omitted from the bill by the conference committee. Senator BANKHEAD, chairman of the Committee on Post Offices and Post Roads, wrote the Postmaster General for an opinion on the amendment and received the following reply:

* * * The employees of the executive departments in the District of Columbia and certain employees of the Federal Government outside of the District of Columbia as well are entitled under the law to leave of absence with pay on account of sickness, in addition to the leave of absence with pay authorized for the purpose of vacation. In the case of the employees of the executive departments within the District of Columbia, the law authorizes 30 days' leave of absence with pay for vacation and a maximum of 30 days with pay in addition on account of sickness. The different treatment of the two classes of employees has no basis of logic or reason, except that in conferring additional benefits and privileges to the employees of the Federal Government Congress is guided by the condition of the Public Treasury. With particular reference to the employees of the Postal Service, new benefits and privileges in the way of increased compensation and improved conditions of employment have been authorized by Congress gradually during the recent years, in accordance with the same principles and tendencies which have governed the improvement of working conditions in private employment, and these additional benefits and privileges have been accorded in proportion as the condition of the postal finances and the increasing efficiency of the postal organization would permit.

It seems to me that, although the provision for leave of absence with pay on account of illness, as provided for in Senator WADSWORTH'S proposed amendment, is sound in principle, it would be inexpedient at this time for Congress to give favorable consideration to it because of the condition of the Public Treasury.

This statement of the Postmaster General should be sufficient proof that this amendment should be enacted into law.

The Canadian letter carriers are paid for all bona fide sickness up to 12 months in any one year, and if unable to resume their duties at the end of 12 months it is usual to pension them.

Sickness among postal employees is responsible for an annual wage loss that is enormous. It is a deplorable condition, and when properly understood and given full publicity will result in a public demand for a remedy. The whole burden of sickness now falls on the employees, and the only relief they get is through the fraternal organizations of the employees that maintain sick-benefit relief funds. The city letter carriers are paying benefits to the members of their association of approximately $6,000 a month. In the city of New York the local association of letter carriers paid to its members in that city during 1916 in sick and death benefits a sum in excess of $30,000.

Wage studies show that the slender savings of workingmen are inadequate to meet the burden of sickness. A recent investigation of 700 sick wage earners by the Russell Sage Foundation disclosed that, in addition to using up savings, the deprivation of income was met (1) by relief societies; (2) by relatives and friends, who were undermining their own health and strength in order to help others; (3) by employers and trade-unions; and (4) by borrowing money, taking in lodgers, sending the wife to work, committing children to institutions, and moving to cheaper quarters—all of which tend to reduce the standard of living and to multiply sickness.

It is contended that to a great extent the conditions under which postal employees perform their work is largely responsible for the sickness which assails them. Insanitary, poorly lighted, and badly ventilated workrooms, the speeding-up system, and the working of overtime undermines the vigor and resisting power of the employees and lead to illnesses which are purely occupational.

The enactment of the Federal workmen's compensation law will stand to the credit of the Sixty-fourth Congress as one of the most constructive pieces of progressive legislation ever placed on the statutes. If the history of this class of legislation in the several States is followed out, it will result in safeguards being thrown around the Federal employees that will reduce from one-half to two-thirds of the accidents that were formerly considered inevitable.

It is my opinion that in order to protect the health of these employees it will be necessary to enact legislation that will insure their earnings against sickness. Pending the enactment of health insurance legislation I believe it is the duty of Congress to remedy existing and aggravated conditions that menace the health of the postal employees, and for this reason I am sorry that the gentleman from Tennessee insists on the point of order.

I think I might possibly persuade some chairmen, but I have my doubts about persuading the present chairman; he is so well versed in parliamentary law. I would like to contend that it is a mere limitation, but I fear it is an attempt to control the discretion of the Postmaster General. Therefore I am constrained to concede the point of order. [Laughter.]

The CHAIRMAN. The point of order is sustained.

Mr. BENNET. I ask unanimous consent to extend my remarks in the RECORD.

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:

For rent, light, and fuel for first, second, and third class post offices, $5,900,000: *Provided*, That the Postmaster General may, in the disbursement of the appropriation for such purposes, apply a part thereof to the purpose of leasing premises for the use of post offices of the first, second, and third classes at a reasonable annual rental, to be paid quarterly for a term not exceeding 10 years; and that there shall not be allowed for the use of any third-class post office for rent a sum in excess of $500, nor more than $100 for fuel and light, in any one year: *Provided further*, That hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, stations, or nonaccounting offices of any post office for the transaction of such postal business as may be required for the convenience of the public: *Provided further*, That no first, second, or third class post office shall be made a nonaccounting office: *And provided further*, That the Postmaster General shall have authority hereafter, in his discretion, to reestablish as a post office of the second or third class any post-office station which has been heretofore or may hereafter be established by reason of the discontinuance of such post office; and the appropriations made in this act are made available for the necessary expense of conducting such reestablished post office of the second or third class. The salary of the postmaster at such office shall be based on the gross receipts of the station for the previous calendar year.

Mr. TOWNER. Mr. Chairman, I make a point of order on that section, on the paragraph from and after line 20, on page 13, and including all the rest of the paragraph, as being new legislation and not in accordance with existing law and in contravention of existing law. I presume that the chairman will admit that it is subject to a point of order.

Mr. MOON. I want to suggest, Mr. Chairman, that this is a section that will save the keeping of about 115,000 accounts of the Government, and save probably a million or two dollars. But it is new law. If the gentleman does not want to make that saving by refusing the consideration of it, let the section go out of the bill.

Mr. TOWNER. I know that the gentleman claims that.

Mr. MOON. The gentleman knows that.

Mr. TOWNER. No; I do not know anything of the kind.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RANDALL. Mr. Chairman, will the gentleman reserve his point of order?

The CHAIRMAN. The Chair has ruled.

Mr. MOON. I ask that the Clerk read.

The Clerk read as follows:

For pay of letter carriers at offices already established, including substitutes for letter carriers absent without pay, and for the promotion of all of the letter carriers in first-class post offices from the fifth to the sixth grade and for the promotion of all of the letter carriers in second-class offices from the fourth to the fifth grade and for the promotion of 25 per cent of the letter carriers in second-class offices from the fifth to the sixth grade, City Delivery Service, $40,550,000.

Mr. EMERSON. Mr. Chairman, I move to amend in line 22, page 14, by changing the figures "$40,550,000" to "$44,605,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. EMERSON: Amend, on page 14, in line 22, by striking out the figures "$40,550,000" and inserting the figures "$44,605,000."

Mr. COX. I reserve a point of order on that amendment.

The CHAIRMAN. The Chair will hear the gentleman from Indiana on the point of order.

Mr. COX. I think it changes existing law. This item is for the pay of letter carriers, including substitutes, and for the promotion of letter carriers in first-class post offices from the fifth to the sixth grade, and in second-class offices from the fourth to the fifth grade, and so forth. The act of 1907 classified these carriers and divided them up into so many classes, from one to five. This amendment can only serve one possible purpose, and that is to increase their salaries.

Mr. EMERSON. About 10 per cent.

The CHAIRMAN. If the Chair understands the amendment, it simply increases the total amount appropriated from $40,550,000 to $44,605,000.

Mr. COX. That is true. This is a lump-sum appropriation.

The CHAIRMAN. Does the gentleman from Indiana take the position that if this amendment is adopted the department will be required to expend this amount?

Mr. COX. I do not know whether they will be required or not. They may. I am not willing to let them have that chance unless the Chair overrules the point of order.

The CHAIRMAN. The Chair is of the opinion that the amendment does not require the department to expend that amount. If the Chair believed that they would be required to expend it, he would sustain the point of order, but he does not think the amendment will require the department to expend the amount, and therefore the Chair overrules the point of order.

Mr. MOON. Mr. Chairman, I would like to ask the gentleman who offered this amendment why he wants that $4,000,000 more?

Mr. EMERSON. Mr. Chairman, I will ask the chairman of the committee why he asks me that question?

Mr. MOON. I am asking the gentleman the question because I want to get at the sense of his proposition.

Mr. EMERSON. To be honest about it, Mr. Chairman, I offer this amendment so that the department may use this money to increase the salaries of letter carriers 10 per cent.

Mr. MOON. We have not passed any proposition of that sort yet. Suppose we wait until we do that.

Mr. EMERSON. No; I think the time to make the appropriation is now.

Mr. MOON. If we do not put into the bill any authorization of the increase, what is the gentleman going to do about it then?

Mr. EMERSON. If the House votes in the $4,000,000, we will have the money to do it with.

Mr. MOON. I hope the gentleman will not indulge in that sort of argument, because the increasing of this amount without doing anything else will not be of any effect. If the House should adopt a rule making the 5 and 10 per cent increase in order, and then should adopt that amendment to the bill, the chairman of the Committee on the Post Office and Post Roads would undertake to have this bill adjusted so as to meet that legislation. I want to say to the gentleman, though, that if that is what he wants to accomplish, this $4,000,000 will not be enough to cover this bill. It is going to take about $16,000,000 to cover the appropriations throughout the bill that will be needed if we pass the 5 and 10 per cent horizontal increase. So I think it would be better to wait until we see whether we pass that or not, and if we do, authorize the Clerk to adjust the figures to meet that emergency. I hope the committee will not vote for this amendment.

Mr. EMERSON. I take this position, that if any class of Government employees deserve an increase, it is the letter carriers. They work in a revenue-producing department, a practically self-sustaining department. I understood the gentleman from Tennessee to say that there is a surplus in the Post Office Department. Now, this is brought in entirely in the interests of these letter carriers, who work long hours and work overtime without extra compensation.

Mr. MOON. I know what the gentleman is after; but suppose he gets that $4,000,000 put in here, it can not be expended unless we provide by law for its application.

Mr. EMERSON. That can be taken care of later on.

Mr. MOON. The gentleman ought not to undertake to provide in advance for an appropriation until we agree that we are going to need it.

Mr. EMERSON. There is nothing in this paragraph that states how this money shall be spent; it can be used to increase the salaries of the letter carriers, who deserve it.

Mr. MOON. No; but there is no use in adding that $4,000,000 to the bill unless there is some further action which makes it necessary.

Mr. EMERSON. I think we should provide for it now, and thus show our friendship for the men who do the hardest work in the Government service.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. EMERSON].

The question being taken, on a division (demanded by Mr. EMERSON) there were—ayes 1, noes 30.

Accordingly the amendment was rejected.

The Clerk read as follows:

For pay of substitutes for letter carriers absent with pay and of auxiliary and temporary letter carriers at offices where city delivery is already established, $4,100,000.

Mr. HULBERT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the bottom of page 14 insert a new paragraph, as follows:

"That paragraph 2 of section 5 of the act approved August 24, 1912, entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes,' be, and the same is hereby, amended so as to read:

"'That in cases of emergency, or if the needs of the service require, letter carriers in the City Delivery Service and clerks and special clerks in first and second class post offices can be required to work in excess of eight hours a day, and for such additional services and for all services performed after the lapse of 10 consecutive hours between the starting time and finishing of their schedules of duty, they shall be paid at double the rate of their salaries as fixed by law.'"

Mr. MOON. Mr. Chairman, I make a point of order on the amendment.

Mr. HULBERT. Will the gentleman reserve the point of order?

Mr. MOON. Very well.

Mr. HULBERT. Mr. Chairman, this amendment differs from that offered by the gentleman from Illinois [Mr. BUCHANAN] in that the amendment he submitted provided for an increase of 50 per cent of the salary paid to any carrier or clerk for such period as he might be compelled to work over the regular eight hours. The carriers and clerks are honorable, patriotic, and conscientious men, who have no disposition to shirk their duty or avoid any proper responsibility, but they want an assurance of fair treatment. It is unavoidable and proper that they should be expected to work overtime under conditions of emergency. This proposed amendment provides that a carrier or clerk who shall have worked in excess of 10 consecutive hours shall be paid double time for such excess. It is an "economical penalty," designed to compel the department to authorize the employment of substitutes to dispatch the increasing business that can reasonably be anticipated.

On December 19 last I introduced H. R. 19187, which is, in substance, the amendment that is now offered to accomplish a reduction of the minimum of unnecessary amount of overtime required of postal employees, because the complaint has become general that excessive overtime is demanded of clerks and carriers. The very purpose for which the eight-hour law was enacted is being defeated by the manner in which it is being ignored. I understand, for instance, that it is a common practice in certain post offices—provoked, I suppose, by this wave of departmental economy—to request the men to appear at the office in advance of their regular reporting time and put in from a half to two hours before "ringing in" and to continue after they have "rung out" at the end of eight hours, until the particular work in hand is finished. As no record is made of this "overtime," the men receive only their normal pay for the regular hours registered. A protest from a carrier or clerk would minimize his prospects of a favorable recommendation for a promotion or increase of pay.

It would be better and less expensive if the department would adhere to the strict letter of the law and employ substitutes for the necessary overtime. They can be secured at less cost than would be paid to the regular employees for the overtime, if properly accounted for; the great army of substitutes would obtain beneficial training and experience; and a better spirit would be created among the men regularly employed. So that, as a matter of fact, this amendment, instead of placing any additional burden upon the Government, is in reality a means of saving money and promoting efficiency.

Of course, I do not expect the point of order will be waived, and therefore no opportunity will be afforded the Members of this House to express themselves upon this amendment at this time; but it will have served the purpose of bringing this deplorable condition to the attention of Congress, and I give notice that I propose to follow it up and demand a full hearing before the committee. It was not long ago that we were called upon to legislate what was supposed to be an eight-hour day for certain railroad employees. It seems to me that Uncle Sam would do well to set a more noble example by compelling his departmental chiefs to observe the provisions and enforce the eight-hour law heretofore adopted for their guidance. During the recent holiday rush the clerks in one station in the New York post office worked 36 hours overtime in 5 consecutive days, an average of 7¼ hours overtime daily. They stuck without a murmur, like the fine fellows they are, but at the end of the rush they were physical wrecks.

During the past year, in another station, the clerks, making allowance for Sundays and holidays, have averaged 1½ hours overtime on each and every one of the 307 days of the year just ended.

Will your humanitarian instincts not prompt you to waive a legal quibble over a point of order and put this amendment to the consideration of the sober judgment of the House?

Mr. MOON. This is a matter which has not had the consideration of the committee, and I think the point of order had better be pressed.

The CHAIRMAN. The amendment, in the opinion of the Chair, changes existing law and does not fall within any of the accepted classes provided for in the Holman rule. The Chair therefore sustains the point of order.

The Clerk read as follows:

For vehicle allowance, the hiring of drivers, the rental of vehicles, and the purchase and exchange and maintenance, including stable and garage facilities, of wagons or automobiles for, and the operation of, screen-wagon and city delivery and collection services, $5,965,000: *Provided*, That the Postmaster General may, in his disbursement of this appropriation, apply a part thereof to the leasing of quarters for the housing of Government-owned automobiles at a reasonable annual rental for a term not exceeding 10 years.

Mr. BENNET. Mr. Chairman, on that I reserve the point of order.

Mr. TAGUE. Mr. Chairman, I reserve the point of order. This is new legislation.

Mr. MOON. What is new legislation?

Mr. TAGUE. Providing for the housing of Government-owned automobiles. It carries an increase of $400,000 over the appropriation of last year.

The CHAIRMAN. The Chair will ask the gentleman to please state to what part of the paragraph his point of order is directed.

Mr. TAGUE. I make the point of order against the amount, which is an increase over the appropriation of last year of $400,000.

Mr. BENNET. And the leasing of quarters for the housing of Government-owned automobiles.

Mr. MOON. Mr. Chairman, the law does not fix the amount of the appropriation. If you could not change the appropriation at all you could not have a bill.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. BENNET. Mr. Chairman, I simply reserved the point of order for the purpose of asking the gentleman from Tennessee a preliminary question. I wanted to ask the gentleman from Tennessee how long we had been pursuing the policy of buying automobiles for the service, and under what statute the authority was found for the leasing of quarters for automobiles that were bought under whatever authority of law there may be?

Mr. MOON. Mr. Chairman, does the gentleman insist that that does not follow under the statute, both chapters 2 and 8, on the subject of the transportation, postal law, which gives the Postmaster General the power to employ vehicles for the transmission of the mail and requires it to be done? The word "automobile" does not mean anything but a wagon, a vehicle in which to carry the mail, and if he can buy one vehicle or another to carry the mail, he has authority under the law, and the law requires it to be done.

Mr. BENNET. I agree thoroughly with that statement of the gentleman. The gentleman is a highly capable lawyer, but the only question I asked him I think entirely through inadvertance he did not answer.

Mr. MOON. Perhaps I overlooked it.

Mr. BENNET. And that is, What portion of the postal statutes gives the Postmaster General the antecedent power to purchase automobiles or vehicles?

Mr. MOON. The statute that authorizes the carrying of the mails and the employment of vehicles would carry with it necessarily the means to obtain them. The appropriation that authorized the transportation of the mail in a general way, the gentleman will realize, would carry that, and if you could not secure it in this way it could not be done at all.

Mr. BENNET. My friend will pardon me, but it seems to me that if his logic is good that the mere requirement in the statute that the Postmaster General shall carry the mail, if it gives him the power to buy automobiles, also gives him the power that the gentleman from Maryland [Mr. LEWIS] would like to see him have without further legislation, namely, the power, if he is not satisfied with railroad rates, to buy the railroad.

Mr. MOON. I understand all this proposition now, for following right after this paragraph is the one respecting pneumatic-tube service. We will take care of that when we get to it.

Mr. LEWIS. Mr. Chairman, I rise to a question of personal privilege. I want to say to the gentleman from New York that he will have to guess again about railroads, and matters of that kind. I do not thank him for his gratuitous remarks.

The CHAIRMAN. The Chairman of the Committee of the Whole can not entertain a question of personal privilege. The gentleman from New York has the floor.

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

Mr. BENNET. Yes.

Mr. HULBERT. I would like to suggest to my colleague that if he is not informed upon the subject, it might be profitable to inquire whether the Postmaster General has the power under this provision to purchase pneumatic tubes, if they are vehicles?

Mr. BENNET. Oh, of course.

Mr. MOON. I should think he would have if it were absolutely necessary to carry the mail in that way, and the purpose of the law could not otherwise be accomplished.

Mr. BENNET. I should think that would be rather an extreme construction.

Mr. TAGUE. I would like to ask the gentleman if the Postmaster General, at the hearings in answer to a question, did not answer that it was the intention to use this appropriation in lieu of the pneumatic tubes?

Mr. MOON. I do not know; but I think if the Postmaster General is as wise an executive as I believe him to be, in view of the proof in this record, he would do that very thing.

Mr. BENNET. Mr. Chairman, allow me to make this suggestion. It is a quarter of 6, and possibly if we rise at this time I might not make the point of order in the morning.

The CHAIRMAN. The Chair can not control that proposition. The Chair understands the point of order to be lodged against the paragraph on the ground——

Mr. BENNET. Mr. Chairman, I withdraw the point of order.

Mr. MOORE of Pennsylvania rose.

Mr. BUCHANAN of Illinois. Mr. Chairman, I have offered an amendment.

The CHAIRMAN. The gentleman from Illinois has sent up an amendment, which the Clerk will report. After that the Chair will recognize the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

On page 15, line 12, insert the following: "*Provided further*, That chauffeurs and mechanics employed by the Post Office Department in the operation of screen wagon and city delivery and collection services shall be granted pay for services in excess of eight hours and compensatory time for Sunday and holiday service in the same manner as provided by law for clerks and carriers in first and second class post offices."

Mr. MOON. Mr. Chairman, I make a point of order on the amendment.

Mr. BUCHANAN of Illinois. I would like to ask the grounds upon which the gentleman makes the point of order?

Mr. MOON. That it is new law entirely.

Mr. BUCHANAN of Illinois. Does not the eight-hour law apply to Government employees?

Mr. MOON. But this has no analogy whatever to the eight-hour law.

Mr. BUCHANAN of Illinois. Mr. Chairman, this is for the purpose of applying the 8-hour day, and it reduces the expenditures, because when men work 10, 12, and 14 hours a day it interferes with their efficiency. I do not see where it changes the existing law, because we certainly have sufficient law for the 8-hour day. This does not change the law in regard to the overtime pay; therefore it seems to me the point of order should not be sustained.

The CHAIRMAN. The Chair will ask the gentleman from Illinois a question. Under the law now do these chauffeurs and other employees named in the amendment, when they perform extra services, receive pay for it?

Mr. BUCHANAN of Illinois. No; they do not receive extra pay.

The CHAIRMAN. Does not this amendment provide pay? Therefore does it not change the existing law?

Mr. BUCHANAN of Illinois. Not if we have an eight-hour-day law.

Mr. MOON. Mr. Chairman, I suggest to the gentleman from Illinois that his amendment does not have anything analogous to the eight-hour-day law. The gentleman had better undertake to get in a rule on that question than try to get it in here, because it is out of order.

Mr. BUCHANAN of Illinois. Why raise the point of order against the applying of the eight-hour day to these men?

Mr. MOON. Because this bill has been very carefully considered and hearings had by the committee and agreed upon by the majority, and it is not a wise thing in legislation to take anybody's amendment, unless it is apparently thoroughly correct and

in accord with the law and policy of the Government, without a hearing about it. We can not allow this bill to be broken into by a matter that is neither germane nor acceptable under the rules of the House as an amendment. That is the reason.

Mr. BUCHANAN of Illinois. I understood the chairman to be in favor of the eight-hour day.

Mr. MOON. I am.

Mr. BUCHANAN of Illinois. And to be in favor of the employees of the Post Office Department; and therefore why oppose this amendment by making a point of order against it?

Mr. MOON. I am very much in favor of the eight-hour-day law and very much in favor of an increase to the laboring class of the department, but I am not in favor of increasing the salaries of those who have higher positions, because they have, perhaps, enough. We can not, because we happen to be in favor of certain things, agree to everything that comes along.

Mr. BUCHANAN of Illinois. But this is not everything that comes along.

Mr. MOON. Perhaps I should not have said that; but such things as this.

Mr. BUCHANAN of Illinois. It seemed to me it is so fair I did not expect anybody to object, even by making a point of order, and especially the chairman of the committee. I will urge the gentleman to withdraw the point of order. The purpose of the amendment is to secure an eight-hour day for the men who are doing work for the Government, which work is increasing enormously from day to day, and they are certainly entitled to the eight-hour day as much as any other employees of the Government.

Mr. MOON. I want to say, Mr. Chairman, in that connection, that that may be true, and probably is true; but we can not let this bill be invaded from every side, and we can not allow new legislation to be put into it not considered by the committee.

The rule under which we are operating prohibits this legislation, and it takes a special rule to put it in order. If there were a special rule granted so that we could proceed in an orderly way to the consideration of this matter, I think I would vote for the gentleman's proposition, but not now.

Mr. BUCHANAN of Illinois. I would like to call the Chair's attention to the fact that this is a limitation upon the expenditure of the money appropriated, by directing the manner of how it shall be spent within the law. Therefore, it seems to me it is in order.

With the rapid motorization of the Postal Service in its delivery and collection and screen-wagon service there is a constant increase in the number of chauffeurs and mechanics employed. These men, although performing a function similar to that of the carriers and collectors in the City Delivery Service, have not the protection of the eight-hour law; neither do they get compensatory time for Sunday and holiday service. The purpose of my amendment is to place them on a par with other postal workers in respect to their hours of employment and their days off. It is simply an effort to wipe out the existing discrimination.

At present the chauffeurs and mechanics employed in this service are forced to work excessively long hours at times. Their hours are fixed by a departmental regulation on the basis of 8 hours within 12 hours. My amendment would fix the hours as 8 within 10 hours. In the absence of any penalty—they receive no pay for overtime—they are frequently compelled to work many hours in excess of 8.

The collectors in the City Delivery Service justly have the benefit of an 8-hour day within 10 hours, a guaranteed weekly rest day, and compensatory time for holiday service. These chauffeurs perform almost an identical function. It is rank discrimination to deprive them of the protection of the laws governing the other employees doing a like service.

Both the chauffeurs and the mechanics perform arduous service. They are Government civil-service employees, and should have the same consideration as is shown their fellow employees.

Mr. MOON. I will say in reply to that, if the limitation is in order——

The CHAIRMAN. Even were the amendment a limitation, and the limitation interfered with executive discretion, it would be subject to a point of order. And the Chair is of the opinion that the amendment contravenes existing law, and therefore sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word, and I would like to ask the Chair if I understood him to rule a little while ago that a point of order would not lie against the amount of the appropriation, $5,965,000, which is an increase over the amount of the appropriation made last year?

The CHAIRMAN. The Chair will not state how he will rule until the point of order is made and it is up to him to pass upon the matter. The Chair ruled on one point of order some time ago that an amendment changing the amount of appropriation did not require the department to expend the appropriation.

Mr. MOORE of Pennsylvania. I call the attention of the Chair to the fact that the appropriation provided for in this bill is $5,965,000, and that it is for vehicle allowance, the hiring of drivers, the rental of vehicles, and the purchase and exchange and maintenance, including stable and garage facilities, of wagons or automobiles for, and the operation of, screen-wagon and city-delivery and collection services.

Mr. MADDEN. Will the gentleman yield to me there?

Mr. MOORE of Pennsylvania. Yes.

Mr. MADDEN. All the screen-wagon service performed by the Government now is performed by Government-owned machines in most of the cities. You can not meet trains with anything but either automobiles or wagons, and it is necessary to increase the amount of this appropriation to meet the growing needs of the service.

Mr. MOORE of Pennsylvania. In the cities?

Mr. MADDEN. In the cities—and it does not make any difference as to what is done with pneumatic tubes—this service must be continued and increased from time to time to meet the increasing demands of the service.

Mr. MOORE of Pennsylvania. The chairman of the committee has indicated that we are approaching the pneumatic-tube item, which is a fact, and I wanted to call attention now to the situation that confronts us.

The Postmaster General asks here for $400,000 more this year than he had last year for the purchase of screen wagons, automobiles, and so forth, to be used in the city postal service. And by a rather interesting coincidence it developes that that is very nearly the amount of the cut of the appropriation recommended by the Postmaster General in the matter of the pneumatic-tube service. Therefore, instead of saving an enormous amount of money by attempting the destruction of the pneumatic-tube service, the Postmaster General is simply transferring the amount that he pretends to save on the pneumatic-tube service to the purchase of screen wagons for city use. There is very little saving in the philosophy of the Postmaster General. I want the gentlemen to know that, because it is an interesting fact now that we are approaching, as the chairman of the committee has reminded us, the item of the pneumatic-tube service.

Mr. MOON. That is what makes you so nervous—the fact that we are approaching that item. This has nothing to do with the pneumatic-tube service.

Mr. MOORE of Pennsylvania. It is to be used in the city service where the tubes are to be displaced; but we are not nervous.

Mr. MOON. If we are to buy automobiles we will give a few automobiles to your city.

Mr. MOORE of Pennsylvania. We are trying to get them off the streets, because instead of a rural service in the city we would like to have a modern and sensible service underground. I repeat, it is interesting to observe that while the committee and the Postmaster General pretend they are saving a lot of money to the Government by abolishing the pneumatic service they are transferring what it costs to the automobile service.

Mr. MOON. That is not correct.

Mr. GALLIVAN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield.

Mr. GALLIVAN. I wanted to say to the gentleman from Pennsylvania [Mr. MOORE] perhaps this has something to do with the proposed abolition of the pneumatic tubes, even though my friend from Tennessee does not think so. I want to suggest to the gentleman from Pennsylvania that I have just received a telegram from Boston. It comes from one of the most distinguished citizens of my city, and it says this:

> As evidence of the insolent disregard of the action of Congress upon question of retaining or abandoning pneumatic-tube service, post-office employees, Inspector Charles P. Stearns and I. O. Keen, of Koons's office, here arranging for autos to perform work now done by tubes. This insolence should be called to attention of Congress; generally believed, since Government established, that departments were creatures of Congress, not its masters. This action illustrates attitude of present post-office régime, that Congress should follow its wishes rather than it must obey the mandates of Congress.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask for one minute.

The CHAIRMAN. The gentleman from Pennsylvania asks that his time be extended for one minute. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman has taken his seat, and the Clerk will read.

Mr. MOORE of Pennsylvania. Mr. Chairman, I understood that I had a minute.

The CHAIRMAN. Yes; the Chair submitted the gentleman's request, and the committee granted it, but the gentleman from Pennsylvania took his seat; whereupon the Chair directed the Clerk to read.

Mr. MOORE of Pennsylvania. If the Chair will permit me to take advantage of half a minute, and so long as the word "insolent" has been used——

Mr. MADDEN. The telegram refers to the "insolence of the department" in disregarding the action of Congress.

Mr. MOORE of Pennsylvania. I thank the gentleman for stating the fact. Congress might sometimes be misled, unless duly and independently informed upon this subject of the pneumatic-tube service.

Mr. MOON. Oh, yes; that is the opinion of almost everybody from Philadelphia and Boston and a few other places.

Mr. MOORE of Pennsylvania. We still have some rights and are doing the best we can to maintain them.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For mail-messenger service, $2,243,000.

Mr. McARTHUR. Mr. Chairman, I suggest the absence of the dollar mark before the figures "2,243,000," on line 13 of page 15.

Mr. MOON. Mr. Chairman, the dollar mark is already in this bill.

Mr. McARTHUR. I will state to the gentleman from Tennessee that it is not in my copy.

The CHAIRMAN. If the chairman of the committee will turn to line 13 of page 15, "For mail-messenger service," he will find that the dollar mark is omitted.

Mr. MOON. It is not omitted in this copy. Let it be there, for that is what they want. [Laughter.]

Mr. STEENERSON. Mr. Chairman, I would like to say to the chairman of the committee that I believe we are now approaching that contentious clause, the pneumatic-tube service, and before the gentleman from Tennessee moves that the committee rise I would like to address the committee for five minutes in regard to the correction of the RECORD as to some remarks delivered yesterday.

Mr. MOON. Why do you not just expunge that speech and let the rest remain. [Laughter.]

Mr. COX. Mr. Chairman——

Mr. STEENERSON. The gentleman from Indiana [Mr. Cox] might object to that. The gentleman from Indiana has changed the remarks he made to which I replied yesterday, thereby making my reply appear without real reason. I hold in my hand the Official Reporter's minutes of what the gentleman from Indiana did say, and what I had a colloquy with him about, and the Official Reporter's original minutes show that he referred to the remarks that I had made in my speech in which I said that the report of the Auditor for the Post Office Department showed that there was a deficit for the last three fiscal years.

Mr. MOON. I make the point of order, Mr. Chairman, that there is nothing before the House.

The CHAIRMAN. The gentleman from Tennessee makes the point of order that there is nothing before the House.

Mr. STEENERSON. I would like to have unanimous consent, Mr. Chairman, to proceed for five minutes.

Mr. MOON. Wait a minute. I make the point of order, Mr. Chairman, that that is a matter that can not come up in the Committee of the Whole House on the state of the Union, but can only be taken up in the House.

Mr. STEENERSON. I am not seeking to correct the RECORD, but I simply want to call the attention of the gentleman from Indiana [Mr. Cox] to the fact that the remarks that I replied to are not the remarks that he has put into the RECORD. I am correct in what I said and he puts into the RECORD something that makes my statement incorrect.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEENERSON] asks unanimous consent to address the committee for five minutes. Is that the gentleman's request?

Mr. STEENERSON. Yes.

Mr. COX. Reserving the right to object, Mr. Chairman, I simply want to say that I secured, by unanimous consent, leave to revise and extend my remarks in the RECORD.

Mr. STEENERSON. Even if the gentleman did, he would not have the right to make those changes.

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Chairman, I think the purpose of the gentleman from Minnesota has been satisfied by the statement he has made, and I would request him not to press his request now, but that he will let it come up in the morning after we inserted the pneumatic-tube service item.

Mr. STEENERSON. No; I will do it before then. I will do it as a matter of personal privilege in the House to-morrow, if that is insisted upon. But I have just been handed the minutes of the Official Reporter, in which the gentleman from Indiana is shown to have changed the statements in which he criticized me. I said the RECORD proved one thing, and the remarks of the gentleman says something else.

The CHAIRMAN. The gentleman is not in order. The gentleman from Minnesota asks unanimous consent to address the committee for five minutes. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Chairman, that would require a reply of five minutes, would it not?

Mr. MOON. Mr. Chairman, I object. I move the committee do now rise.

The CHAIRMAN. The gentleman from Tennessee moves that the committee do now rise. The question is on agreeing to that motion.

The question was taken.

The CHAIRMAN. The motion is agreed to. [Cries of "Division!"] Several gentlemen have demanded a division. Those in favor of the motion that the committee do now rise will rise and remain standing until they are counted. [After counting.] Twenty-seven gentlemen have arisen in the affirmative. The ayes will be seated, and the noes will rise and remain standing until they are counted. [After counting.] Forty-two gentlemen have arisen in the negative. On this question the ayes are 27 and the noes are 42. The committee refuses to rise.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that there is no quorum present. The Chair will count.

Pending the count,

Mr. MOORE of Pennsylvania. Mr. Chairman, I withdraw the point of no quorum.

The CHAIRMAN. The gentleman from Pennsylvania withdraws the point. The Clerk will read.

Mr. MOON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Tennessee makes the point of order that there is no quorum present. The Chair will count.

Mr. MANN. 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. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Post Office appropriation bill (H. R. 19410) and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10007. An act for the relief of William H. Woods; and

H. R. 1093. An act for the relief of James Anderson.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6864. An act providing for the continuance of the Osage Indian School, Oklahoma, for a period of 1 year from January 1, 1917.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock 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.

LEAVE TO PRINT.

Mr. TAVENNER. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of Government manufacture of munitions.

The SPEAKER. The gentleman from Illinois [Mr. TAVENNER] asks unanimous consent to extend his remarks on the subject of Government manufacture of munitions. Is there objection?

There was no objection.

Mr. FESS. I ask unanimous consent to extend my remarks by printing in the RECORD a résumé of documents pertaining to peace.

The SPEAKER. The gentleman from Ohio asks unanimous consent to print in the RECORD a résumé of documents in the interest of peace. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 8 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Saturday, January 13, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting estimate of appropriation in the sum of $250,000 for intercoastal communications (H. Doc. No. 1927), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MAYS, from the Committee on the Public Lands, to which was referred the bill (S. 4282) to permit the State of Wyoming to relinquish to the United States lands heretofore selected and to select other lands from the public domain in lieu thereof, reported the same with amendment, accompanied by a report (No. 1282), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KENT, from the Committee on the Public Lands, to which was referred the bill (H. R. 18565) to authorize sale of certain land in Alabama to the heirs at law of Thomas Tumlin, deceased, reported the same with amendment, accompanied by a report (No. 1283), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TILLMAN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 6444) providing for the payment of certain items of interest on the judgment of the Court of Claims of May 18, 1905, in favor of the Cherokees, and for other purposes, reported the same with amendment, accompanied by a report (No. 1284), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 19904) to grant authority to the Reiss Steamship Co., of Duluth, Minn., to change the name of its steamer *Frank T. Heffelfinger* to *Clemens A. Reiss*, reported the same without amendment, accompanied by a report (No. 1285), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 19901) to grant authority to the Reiss Steamship Co., of Duluth, Minn., to change the name of its steamer *Frederick B. Wells* to *Otto M. Reiss*, reported the same without amendment, accompanied by a report (No. 1286), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 19902) to grant authority to the Reiss Steamship Co., of Duluth, Minn., to change the name of its steamer *Frank H. Peavey* to *William A. Reiss*, reported the same without amendment, accompanied by a report (No. 1287), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 19903) to grant authority to the Reiss Steamship Co., of Duluth, Minn., to change the name of its steamer *George W. Peavey* to *Richard J. Reiss*, reported the same without amendment, accompanied by a report (No. 1288), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HILLIARD: A bill (H. R. 20038) to provide Federal aid in caring for indigent tuberculous persons, to provide for a division of tuberculosis in the United States Public Health Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WOODS of Iowa: A bill (H. R. 20039) providing for the licensing of weighers of farm products at commercial centers and the licensing of inspectors of scales and other weighing devices, and making appropriation therefor; to the Committee on Interstate and Foreign Commerce.

By Mr. SEARS: A bill (H. R. 20040) to amend the irrigation act of March 3, 1891 (26 Stats., 1095), section 18, and to amend section 2 of the act of May 11, 1898 (30 Stats., 404); to the Committee on Irrigation of Arid Lands.

By Mr. HASTINGS: A bill (H. R. 20041) providing for the appointment of three commissioners to the Five Civilized Tribes in Oklahoma to examine and report the names of those adult restricted Indians from whom restrictions should be removed; to the Committee on Indian Affairs.

By Mr. SCOTT of Pennsylvania: A bill (H. R. 20042) giving Federal courts power to suspend sentences and penalties; to the Committee on the Judiciary.

By Mr. MUDD: A bill (H. R. 20043) to confer jurisdiction on the Court of Claims to inquire into whether or not the immigrant Cherokees by blood are entitled to be reimbursed for lands allotted to negro freedmen Cherokees from lands granted to immigrant Cherokees by blood under treaty of 1835, and inquire into and determine the validity of the treaty of 1866; to the Committee on Indian Affairs.

By Mr. BYRNES of South Carolina: A bill (H. R. 20044) to regulate commerce in adulterated and misbranded seed, and to prevent the sale and transportation thereof, and for other purposes; to the Committee on Agriculture.

By Mr. GLASS: A bill (H. R. 20045) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

By Mr. NEELY: A bill (H. R. 20046) providing for the appointment and recommission as officers on the active list of the United States Army persons who were formerly officers; to the Committee on Military Affairs.

By Mr. CLINE: A bill (H. R. 20047) for the control and regulation of the waters of Niagara River above the Falls, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CARY: A bill (H. R. 20048) providing for an advisory referendum by the people of the District of Columbia on certain questions relating to municipal self-government and representation in Congress; to the Committee on the District of Columbia.

By Mr. LOBECK: Resolution (H. Res. 440) providing for the consideration of House bill 16060; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 20049) for the relief of Maude Craig Smyser; to the Committee on Claims.

By Mr. COADY: A bill (H. R. 20050) granting an increase of pension to Mary List; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 20051) granting a pension to William H. Trautman; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 20052) for the relief of the estate of Henry Cooper, deceased; to the Committee on War Claims.

By Mr. DOREMUS: A bill (H. R. 20053) granting an increase of pension to Alfred P. Haskill; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 20054) to allow a pension of $30 per month to Edward Marvin Carter, of Savannah, Ga., loss of eye at military camp, Macon, Ga., on July 30, 1916, while serving in the United States Army; to the Committee on Pensions.

By Mr. FARR: A bill (H. R. 20055) granting a pension to Martin E. Godwin; to the Committee on Pensions.

By Mr. FOCHT: A bill (H. R. 20056) granting an increase of pension to Samuel P. Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20057) granting an increase of pension to Christian Bechtel; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 20058) granting a pension to M. B. Cavenaugh; to the Committee on Pensions.

By Mr. HEATON: A bill (H. R. 20059) granting an increase of pension to Susanna Rose; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 20060) granting an increase of pension to George C. Whitener; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 20061) granting an increase of pension to Frank R. Barfoot; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 20062) granting a pension to Jane Mathilda McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20063) granting an increase of pension to Thomas A. Moore; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 20064) granting an increase of pension to Samuel M. Reese; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 20065) granting an increase of pension to Francis M. Barker; to the Committee on Invalid Pensions.

By Mr. LIEB: A bill (H. R. 20066) granting an increase of pension to Joseph Moore; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 20067) granting an increase of pension to Samuel H. Samples; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20068) granting an increase of pension to Clara Wildman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20069) granting an increase of pension to Albert Booker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20070) granting a pension to Chesley Rhoden; to the Committee on Pensions.

By Mr. LOBECK: A bill (H. R. 20071) granting an increase of pension to James Doyle; to the Committee on Invalid Pensions.

By Mr. MAGEE: A bill (H. R. 20072) granting a pension to Agnes A. Brady; to the Committee on Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 20073) for the relief of Austin Shinn; to the Committee on War Claims.

By Mr. SCOTT of Michigan: A bill (H. R. 20074) granting a pension to William Chalender; to the Committee on Pensions.

By Mr. STEENERSON: A bill (H. R. 20075) granting an increase of pension to John F. Gibbons; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 20076) granting an increase of pension to Charles H. Giles; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 20077) granting an increase of pension to America Postelwait; to the Committee on Invalid Pensions.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 20078) granting an increase of pension to Isham Raney; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: Resolution (H. Res. 441) authorizing the payment of $1,200 to William McKinley Cobb for extra and expert services rendered to the Committee on Pensions during the second session of the Sixty-fourth Congress; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROWNE: Petition of members of Ed. Sere Post, Grand Army of the Republic, of Wautoma, Wis., protesting against the removal of the soldiers' home from Milwaukee, Wis.; to the Committee on Military Affairs.

Also, petition of several residents of Manitowoc, Wis., protesting against House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petitions and memorials of Central Federated Union, of New York; Everyday Mechanics' Magazine, of New York; Lucas & Dahe Co., of Rochester, N. Y.; clerk's office, Common Council of Philadelphia; Eilburt Printing Co., of New York; Harkner J. Brower, of New York; and E. Lee Montague's Sons, of New York, in reference to legislation carried in the Post Office bill; to the Committee on the Post Office and Post Roads.

Also, memorial of Navy Yard Retirement Association, in favor of pensions for civil-service employees; to the Committee on Reform in the Civil Service.

Also, petition of Timothy C. Murphy, of Connecticut, in re bill for rewarding holders of life-saving medals; to the Committee on the Merchant Marine and Fisheries.

By Mr. COADY: Petition of numerous citizens of Maryland, against prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petitions of Central Federated Union, of New York; clerk's office, Common Council of Philadelphia; and the Crockery Board of Trade, of New York, in re postal legislation; to the Committee on the Post Office and Post Roads.

By Mr. EAGAN: Petitions of sundry citizens of New Jersey, opposing prohibition bills; to the Committee on the Judiciary.

Also, petition of W. T. H., in favor of Hayden game bill; to the Committee on the Public Lands.

Also, memorial of clerk's office, Common Council of Philadelphia, in re pneumatic-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. A. W. Durell, of Woodbury, N. J., in favor of Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, petition of Men-Suffrage Association Opposed to Political Suffrage for Women, of New York, in re woman suffrage; to the Committee on the Judiciary.

By Mr. ESCH: Petitions of Ernest Schlict and 26 other residents of La Crosse, Wis., against prohibition bills; to the Committee on the Judiciary.

By Mr. FITZGERALD: Memorial of Crockery Board of Trade of New York, opposing the discontinuance of the pneumatic-tube service in New York City or Brooklyn, N. Y.; to the Committee on the Post Office and Post Roads.

Also, memorial of select and common councils of the city of Philadelphia, Pa., protesting against the abolition of the tube service in the city of Philadelphia; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Papers to accompany House bill 19900 for relief of Daniel Gorsert; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of American Federation of Labor, favoring citizenship for the inhabitants of Porto Rico; to the Committee on Insular Affairs.

Also, memorial of 35 members of Davisville Grange, of Illinois, for a commission to investigate an alleged monopoly in raw sisal; to the Committee on Agriculture.

Also, petition of Rockford (Ill.) Aerie Fraternal Order of Eagles, protesting against increase of postage rates on fraternal magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Nonsuffrage Association, of New York, opposing a constitutional amendment granting suffrage to women; to the Committee on the Judiciary.

Also, petition of Chamber of Commerce of the State of New York, favoring the pneumatic-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of American Institute of Architects, for the creation of a commission of experts on public buildings; to the Committee on Public Buildings and Grounds.

Also, petition of Prany Co., of Chicago, favoring the vocational educational bill; to the Committee on Education.

Also, petition of United Spanish War Veterans, of Boston, Mass., for increase of pay, etc., for clerks of the Quartermaster Corps; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorials of select and common councils of Philadelphia and the Central Federated Union of New York in reference to legislation in Post Office bill; to the Committee on the Post Office and Post Roads.

By Mr. GILLETT: Three petitions, containing 145 names, residents of Springfield, Mass., for national prohibition amendment; to the Committee on the Judiciary.

By Mr. GRIEST: Petition of 41 citizens of Lancaster County, Pa., for a Christian amendment to the Constitution; to the Committee on the Judiciary.

Also, petitions of citizens of Lancaster, Pa., protesting against legislation proposed by House bills 17850 and 18986, Senate bills 1082 and 4429, and House joint resolution 84; to the Committee on the Judiciary.

Also, petition of Lancaster Branch, German-American Alliance of Pennsylvania, asking for an embargo on all grains and food products; to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFIN: One hundred and forty-two petitions of sundry citizens, firms, and organizations indorsing 1-cent drop-letter postage, as recommended in Postmaster General's report; to the Committee on the Post Office and Post Roads.

Also, 29 petitions and memorials of sundry citizens, firms, and organizations, opposing any increase in second-class postage rates; to the Committee on the Post Office and Post Roads.

By Mr. HILLIARD: Petition of Denver Civic and Commercial Association, for removal of limitation on expenditures for the Rocky Mountain National Park; to the Committee on the Public Lands.

By Mr. IGOE: Petition of Joseph Houser, St. Louis, Mo., secretary local union of the United Brewery Workers of America, favoring an additional appropriation for the naturalization bureau for their field service; to the Committee on Appropriations.

By Mr. KIESS of Pennsylvania: Petition of citizens of the fifteenth Pennsylvania district, praying for the passage of House resolution 264; to the Committee on Rules.

By Mr. LIEB: Petition of John H. Derrll, John Sullivan, Henry Faust, C. W. Tweedall, C. H. Wessell, Jake Yestingsmeier, Tony Fortune, Charles White, Ed. Sweeney, Frank Dimick, W. S. Schnelly, Henry Wargel, Jacob Hirsch, John Emrich, Henry F. Holtz, August Holty, John Reuter, Joe Wargel, Fred Seeber, Ben Engbers, Oscar Meyer, Henry Enchers, George Seeber, Ben Zeller, George L. Paul, Joseph L. Martin, Frank Ottman, Joseph Schwart, L. B. Happe, John Howe, Wendel Leangel, Norbert Happe, Christ C. Uhde, George Klinger, John Altergett, John Will, John Duncan, Ben Barwe, S. Sertz, George Silk, George Bitzel, John Bachmer, Aug. Frick, John Barthel, Henry Haaga, James Gish, Earl Harl, Philip Hisch, Benjamin J. Frielinghauser, Vall Zellers, John Hack, J. B. Lingemann, Clarence Hardy, Walter Ladd, Peter Strack, A. Fairchild, Frank Rohr, Peter Rieber, Charles Muschler, John Dietz, Frank Deutsch, William Hartig, M. Barnes, J. Barnes, H. Fox, Frank C. Wepf, Garlan Hunter, Ben Mahlerty, Alex. Masen, Roy Kinel, Earl Rover, Will Gaines, Ruben Payne, Berlia Smith, Frank Turpin, Tom Fields, James Trevtham, Emmitt Laye, Ernest Dodson, John Letcher, Louis Jolhson, R. Powell, Jewel Forms, Wilham Brooks, Ernest Haden, Frank Ehrman, John Dodds, James Gans, Milton Parrish, Carl Gardner, George Dawson, George Gant, Willie Moore, Charles Stallman, Auston Perkins, William Judson, C. P. Tharp, J. P. Shaffer, John Vaughin, Walter Watson, Grant Cole, Thomas Parrish, H. W. Lodson, R. H. Johnson, Robert Fenwrick, West Gains, Tom Davis, Will Gains, O. Nance, Sol Breap, George Russell, Henry Irvin, George Hays, Jeston McFarland, Willie Payne, Richard Cox, Morris Rankin, and George Crider, of Evansville, Ind., protesting against the passage of Randall mail-exclusion bill, Bankhead mail-exclusion bill, Sheppard District prohibition bill, Webb nation-wide prohibition bill, and Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

Also, petition of McElroy Taylor, W. H. Bostic, William Brannon, Amos Reed, George Crawford, August Cobell, D. L. Stratton, Mark Saunders, George Platz, Anton Cellerbusch, J. W. Cowell, William Shaffer, George Doran, Homer Rowans, Mark H. Joseph, F. J. Suffert, John Stetzel, Joseph Boston, jr., G. W. Harmon, William J. Enlow, Oscar Siecks, Oscar Koeppe, Joseph Rohlfer, jr., T. E. Davidson, George E. Wright, John H. Cox, Horace Allen, Leroy Johnson, John Rogles, W. A. Jordan, Ollie Fabian, W. T. Hinman, Henry Pillman, J. W. Holmer, C. Jackson, A. E. Nenelss, H. W. Minch, L. E. Leseure, Walter C. Becker, E. B. Dean, Jacob Scherer, J. A. Cook, Ed. Bruner, Morris Pfohl, Naman G. Bee, William Hayney, J. Binup, J. F. Tooley, W. T. Tooley, George Gillis, J. G. Hedderick, Edw. C. Kemmeling, J. R. Langford, B. F. Megara, R. M. Beyer, E. D. Klaser, F. Frick, Donald M. Kinney, John H. Taylor, Mike Schaeffer, John F. Gross, Rudolph Becker, Edward H. Rose, H. E. Fitch, George A. Heitzman, N. J. Hewtor, William Hanley, George J. Neines, A. Adams, H. Moore, John John, C. L. Cartwright, Edward J. Heitzman, C. Rager, John Stanley, W. B. Griffith, Leroy Johnson, Joe Cohoon, Ray Shields, Thomas Shields, J. McEven, W. K. Keoner, Jacob Gerard, Joe Serdenthal, A. S. Voss, Earl Castlen, Jacob Thiel, John Sudenthal, Henry Guise, George Kammero, David Duncan, E. S. Sheely, William Pike, Eli Auspach, R. E. Uhrig, J. F. Willmeyer, S. R. Johnson, F. W. Gilmore, Peter B. Moll, Peter Wallace, George William Klein, Fred Street, William Weidner, Andrew Loesch, F. Hosse, F. L. Mueller, Nicholas Kohl, sr., Will J. Lappe, jr., James P. Hon, Walker Baker, Horace Wilson, Homer Tamer, William Lyons, Paul Berger, Herman Jones, G. P. Sharp, Charles W. Rustin, F. H. Meyer, Ed. Bitter, Peter Aeker, Cecil Kifer, Ben Howard, Sam Crumbaker, P. D. Drain, Louis P. Bohn, jr., Louis Lienert, Frank Maas, Aug. F. Illing, V. Lehon, Robert Witzmann, Joe Maers, George Schaefer, jr., Frank Schaefer, Harry Stubbs, John A. Becker, Aug. C. Weevner, and Andy Richardt, all of Evansville, Ind., protesting against passage of Randall mail-exclusion bill, Bankhead mail-exclusion bill, Sheppard District prohibition bill, Webb nation-wide prohibition bill, and Howard bill to prohibit commerce in intoxicating liquors between the States; to the Commtttee on the Judiciary.

Also, petition of Albert Schmadel, Otto A. Kenkel, Fred Walleon, John E. Brenle, T. R. Parrett, A. E. Gore, Harry Kroeker, C. K. McDonald, Ed. Burke, Henry Espenseseid, Walter Brizius, Oscar Ketenger, Dewey Clemans, Willard E. Curry, Charles K. Aesop, Louis J. Klinger, John Klaser, Joseph P. Zimmerman, F. J. Munnenense, M. Flund, L. Wintner, Ed. Elmendorf, George Geur, August Fuehring, Arthur Booth, John Lampkins, Elmer L. Fay, Charles Rosttger, C. G. Meekes, Thomas Palmer, Albert C. Gronothe, George W. Dodd, Charles J. Brase, Robert H. Working, William Crisel, George F. Keck, A. W. Hagensieker, Frank Mayer, A. T. Whitman, H. C. Koenig, Ray Youngblood, Charles Gardner, Frank Benton, Otto Roeder, Charles Durbin, W. J. Love, Clem H. Goedde, A. H. Harneshfege, George Wix, A. G. F. Deckin, F. Klismeier, Wayne Adams, Thomas Grubb, Ben Fiester, Gus S. Narter, H. H. Angel, Will Rough, William C. Ohlrogg, W. B. Crawford, Val Kullmann, Harry Balzer, Charles Griese, jr., T. A. Henders, William J. Meyer, E. Wood, G. William Meyers, Walter E. Foley, Emil Wanatt, Joe Hayden, T. E. Buecher, A. J. Chittenden, J. L. Ambrose, Joe Cat, Leo Mauch, W. H. Russ, Albert Breedlove, Louis Bolmerman, L. S. McIntosh, O. Word, William A. Woelffel, Jacob Kasterer, George Bertram, Philip Neidig, William Neidig, William Fritsch, Alexander Schaefer, Roscoe Baker, Oscar Slade, William Maarberg, O. K. Tichenor, Norman Enrus, John P. Alt, S. R. Carter, Frank Busmann, J. Foley, Frank Bender, Mike McKener, Eugene Bollington, Ed. Herschelman, Emil Koester, Anthoney Patry, Arthur Becker, William Gabert, George Smith, W. R. Schmitt, J. M. Lewis, William H. Swatts, Ed. F. Schlamp, Carl Wollweg, Charles Taylor, Rufus Gill, Don Purtle, Taylor Selby, Lawrence Ramsey, Louis Wimberg, Arthus Schwambach, Lester Allen, Edw. L. Ebmeier, William Grubb, Adam Rennler, and Charles Ebmeier, of Evansville, Ind., protesting against the passage of Randall mail-exclusion bill, Bankhead mail-exclusion bill, Sheppard District prohibition bill, Webb nation-wide prohibition bill, and Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

Also, petition of Jim McSimore, Jud Thatcher, Jim Holbright, M. Weishoff, Henry Danter, Andrew J. Sartore, Edmund Winiger, Theodore Hayns, Conrad Seibert, John J. Seibert, Jacob Fink, Joseph Wolfe, Henry Salzman, John Reimann, Joseph Schneider, George Schneider, A. C. Schneider, A. Wittman, Frank Wargel, Martin Kuuebel, George Lindenschmidt, Louis Herimann, Peter Molinet, August Winiger, Ray Woerz, F. E. Hewins, S. Halliman, W. O. Birkenbusch, John Heiskoj, William Anders, Gus Pelz, Jesse Elbert, Frank Ketzinger, C. A. Lefler, William Fisher, George Bonenberger, Carl Scott, C. C. Hopkins, G. Hayden, A. J. Skelton, R. R. Sisler, C. P. White, Fred Kiechle, E. E. Ellis, E. L. Bullard, J. G. Kaiser, Elmer Wilder, J. C. Nezelles, A. Zumer, E. W. Hodson, Joe Broshears, Martin Enig, jr., John L. Schulze, William Schulze, Aug. Westerhoff, Peter Thullney, William Chasnelle, Edward Pfister, Fred Picker, Claude Riggslee, Adam Weiss, Robert Johnson, George Rapp, Michael Rapp, Charles Ertel, August Keister, John Constance, C. Wilson, Carl W. Schack, G. W. Hur, Fred Krietenstein, J. L. Rhamberlin, George Tumer, John W. Schenk, Ed. Heinrich, George Wilson, Otto Kanzler, Ora M. Sansom, Charles A. Hahn, John Folz, Ferd Becker, James Mougham, Frank Melton, John B. Fink, Sam Sitzman, Charles Belleke, Ed. Parker, Henry A. Wolf, Fred J. Bergdolt, Edwin Turner, John Zimmermann, R. P. Sirwell, R. D. Purdue, Henry Ellis, jr., J. G. Daniel, A. J. Payne, Fred Schneider, Ben Marigold, Charles Dirch, Frank Garvey, Henry Sartore, Philip Wurster, Robert Johnson, L. H. Mills, Edw. A. Anslinger, A. J. Bayner, William Meinst, William Wempel, F. Hafendorfer, F. Laurenzo, P. E. Scheller, C. Struchen, William Brune, Arthur Wiechel, Ed. Breedlove, Lois Feiger, Abe Smith, John Schneider, William J. Doerr, John E. Cummins, Frank J. Diehl, William Davant, Charles P. Benter, G. W. Parsley, and Albert Heatherington, of Evansville, Ind., protesting against the passage of Randall mail-exclusion bill, Bankhead mail-exclusion bill, Sheppard District prohibition bill, Webb nation-wide prohibition bill, and Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

Also, petition of Taylor Rodgers, J. George Diehl, Joseph C. Diehl, Jacob G. Diehl, B. H. Diehl, G. H. Mather, Henry Kieff, jr., Edward Yates, August J. Diehl, H. D. Schmitt, Peter Klingler, Thaddeus Koewler, William Noelke, Anton J. Forche, Joseph Urban, August Schhab, E. W. Scholz, Henry V. Muensterman, William Massmer, N. Broshears, Albert Weasel, Adam Schmidt, George Schoweberkler, Anton J. Horessel, Theodore Maschada, Jake Hahn, Ernest Forche, Frank J. Stoftett, Peter Niehaus, P. J. Rollett, T. C. Eifler, Charles Green, Fred J. Koressely, James C. Goody, Oscar Meyer, Herman O. Reidenbach, Edward Bergintz, T. E. Epley, Jim Bluff, Henry Fetz, George Kuebler, W. F. Wunderlich, H. Kramer, Robert Beck, U. P. Schmitt, Henry Dickhant, William Dickhant, Charles F. Forster, Adolf Bahn, Severin Kempf, Louis Froelich, George Denken, Albert Glerchman, William Schaefer, Gus Weisling, Frank Lapp, Henry W. May, A. M. Barthel, J. J. Haffherr, Ed. J. Saner, Fred Otto R. Thunbach, Benjamin J. Schuttler, Henry Bruning, V. Schon, William Reich, Robert Schneisen, Charles Krauren, P. Paul Schartz, W. Emerich, J. Neth, A. Scheu, Ernest Doerhe, Frank Boyer, Jacob W. Freclish, Paul Kattofen, Henry Boos, Carl Demgransky, Wasfich Flinger, Karl Schatz, William M. Hauser, I. E. Riechmann, George Miller, Albert C. Gronothe, Melbin A. Hodgkins, Leo Beckrey, Edward Ebelam,

Joseph A. Folz, Herman Therber, Louis Kauowely, Peter Klintz, William J. Abigt, Henry Roab, Frank C. Schuler, Henry Ruhmeirer, Charles Tremers, Frank Sachs, Ham Schaefer, J. Rumpf, John J. Manning, D. J. Murphy, George Peters, Goldia Boyd, F. L. Schmitz, Thomas Matthews, Ollie Humes, Charles Bunder, Richard Peake, Phil Stinson, Thomas M. Britton, William Schneider, Herbert Cook, George W. Cox, Allen T. Wright, Lewis R. Geiss, R. Ingram, C. L. Meadow, Harry Henn, William Hite, John E. Polhins, B. Goodman, Boyde Jones, Ellis E. Vowels, Victor Hubbard, L. Wagner, Charles Byers, Charles Snowball, Albert Gumbel, R. L. Pesch, John Stratmore, Valentine Hoener, V. Sundermann, Frank Lemcke, Otto Moers, John Grimm, Louis Reuter, John A. Holler, Henry Fox, Emil H. Rohnn, and George Haffel, of Evansville, Ind., protesting against the passage of Randall mail-exclusion bill, Bankhead mail-exclusion bill, Sheppard District prohibition bill, Webb Nation-wide prohibition bill, and Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

Also, petition of E. Leat, Bob Schwana, Frank Gray, Moses S. Langley, James Mitchel, John E. Hildebrandt, George P. Allen, A. H. Bredenkamp, Val Kramer, Charles Fhoenbachler, Adam Kunz, Jacob Kunz, P. D. Drain, Louis Ernst, George J. Vogel, Charles B. Keil, Otto Dum, jr., F. J. Haas, Henry Gasper, Elmer Strasser, G. Powers, Frank Blend, Comas Blend, Joseph Bender, John F. Kissinger, Henry Holtz, Walter McCleary, George R. Geieus, Frank Dulling, R. E. Scully, I. L. Miller, Roy Durre, Charles Bundy, William Hobell, Martin Lanil, D. J. Henson, Oscar Seiffer, Ed. Euler, Edgar Durre, Fred Sunderman, Ferd Brown, Ralph Stevens, Adolph Wingert, Abe Levi, Charles Raben, Louis Condredt, Joseph Ansem, Joseph Maas, Louis Raben, George Edwards, Henry Schneider, R. H. Beatly, Edw. Raston, Floyd Queen, Frabj Diehl, William Darant, Charles P. Becker, G. W. Pursley, A. Heallington, Taylor Rodgers, J. George Diehl, Joseph G. Diehl, Jacob G. Diehl, B. H. Diehl, James H. Mathes, Henry Kirpf, jr., Edw. Yates, August J. Diehl, A. D. Schulte, E. H. Rahu, William Cavins, Jacob Highholder, John L. Shipp, C. A. Low, Wesley Falls, August Grotius, Julius Kastatter, Otto Scheel, H. Baertuh, Emil Rahm, William A. Fritsch, William Gotta, G. Wolf, Louis Bauer, Henry Rosenthal, F. M. Lauenstein, C. R. Kiener, Ed. Rommel, John W. Wimberg, H. F. Gruemenger, F. A. Schoeny, B. Steinhauer, A. M. Fisher, Franz Walter, John J. Ehrhardt, John L. Fitzsimmons, Gus. F. Ebert, Roland C. Stern, Henry C. Ries, Otis Potter, Elmer Schoeber, Paul B. Goss, George Swaton, I. G. Burton, Charles F. Eiker, A. Wentuee, George Emmelto, Albert Wandus, A. E. Kramer, L. J. Perrin, A. Carnegie, A. J. Fehn, J. Keely, M. S. Bettog, Leo Seligman, M. M. Walters, Touseppe Rimondo, Doe Bowers, W. D. Beever, Frank Niethamee, John J. Ehrhardt, John L. Fitzsimmons, Gus. H. Ehrt, Roland Steen, Julius A. Drahem, John Walker, W. J. E. Walker, Leo Cissell, and V. E. Erickson, of Evansville, Ind., protesting against the passage of Randall mail-exclusion bill, Bankhead mail-exclusion bill, Sheppard District prohibition bill, Webb nation-wide prohibition bill, and Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

Also, petition of George C. Wellinger, Charles E. Myers, C. M. Zalhus, E. V. Alexander, J. Crail, Ray Curry, Fred Linder, Elmer Eisenbaith, W. A. Whetsell, R. Steinmetz, L. P. Kirch, R. W. Johnson, M. J. Joyce, H. F. Hubbard, John E. Lynch, G. W. Butler, P. H. Riede, W. J. Palmer, L. H. Carle, U. S. G. Curless, M. F. Hanley, P. E. Lawler, F. E. Theobald, George W. Neff, C. A. Wetzel, P. Rattery, O. C. Robinson, James Gorman, William S. Alexander, Oscar Mace, James M. Gahey, L. S. Dreyor, S. H. Sontes, S. Donnelly, P. J. Tarpy, W. E. Murphy, Ira W. Eckelberger, Bert O. Sherrill, Thomas H. Gibson, F. W. Hergt, A. J. Lee, Bart Kavanagh, R. J. Neely, G. D. Ashley, C. A. Clamon, A. Connelly, J. S. Reno, F. W. Dennie, W. W. Shartle, J. O. Fly, Charles H. Night, J. T. Ellis, J. J. Moore, F. H. Hurt, employees of the Bureau of Animal Industry, United States Department of Agriculture, residing in the State of Indiana, urging passage of House bill 16060; to the Committee on Agriculture.

By Mr. MAGEE (by request): Petition of citizens of Syracuse, N. Y., in re House bill 8986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

By Mr. MANN: Petition of eight Lithuanian societies, of Roseland, Ill., favoring an embargo on food products, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. MEEKER: Petitions of Colcord-Wright Machinery & Supply Co., Moloney Electric Co., and Fred Messmer Manufacturing Co., of St. Louis, Mo.; also Larned, Carter & Co., of Detroit, Mich., in favor of 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of the Woman's Benefit Association of the Maccabees; Loyal Order of Moose, Lodge No. 3; Fraternal Order of Eagles; and Frank B. Nuderscher, all of St. Louis, Mo.; also editor Southern Engineer, editor Cotton, editor Iron Tradesman, and editor Machinery and Supply Buyer, all of Atlanta, Ga.; also New York State Federation of Labor, of Utica, N. Y.; the Woman's Benefit Association of Maccabees, of Port Huron, Mich.; and Union Label Trades Department of the American Federation of Labor, of Washington, D. C., all protesting against the zone bill; to the Committee on the Post Office and Post Roads.

By Mr. NEELY: Petitions of various persons residing in the first congressional district of West Virginia, urging a higher rate of compensation for rural mail carriers; to the Committee on the Post Office and Post Roads.

By Mr. OAKEY: Petition of Local Union No. 35, International Union of Brewery Workers, of Hartford, Conn., opposing all mail-exclusion and prohibition laws; to the Committee on the Judiciary.

Also, petition of citizens of New Britain, Conn., opposing the passage of mail-exclusion and prohibition bills; to the Committee on the Judiciary.

Also, memorial of Hartford (Conn.) Chamber of Commerce, advocating universal compulsory training for young men; to the Committee on Military Affairs.

Also, memorial of Hartford (Conn.) Chamber of Commerce, favoring unification of Federal and State regulation of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWE: Memorial of American Federation of Teachers, opposing amendment to section 6 of House bill 19119; to the Committee on the District of Columbia.

Also, memorial of International Union of the United Brewery Workmen, in re conditions of Government employees; to the Committee on Appropriations.

Also, memorial of the Lincoln Society, of Brooklyn, N. Y., in favor of compulsory universal military training; to the Committee on Military Affairs.

By Mr. SANFORD: Memorial of Albany (N. Y.) Chamber of Commerce, favoring universal military training; to the Committee on Military Affairs.

Also, petition of citizens of Albany, N. Y., protesting against prohibition bills; to the Committee on the Judiciary.

By Mr. SHALLENBERGER: Petition of 29 citizens of Nuckolls County, Nebr., for a Christian amendment to the Constitution; to the Committee on the Judiciary.

By Mr. SLOAN: Thirty-six petitions for increase in salaries and method of pay of rural carriers; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Papers to accompany House bill 20033, for relief of Clarion D. Smith; to the Committee on Pensions.

By Mr. STEENERSON: Protest of A. E. Babcock, editor Bronson Budget, Bronson, Minn., against the enactment of House bill 8348; to the Committee on the District of Columbia.

By Mr. TAGUE: Petition of customs district of Massachusetts, favoring salary increases; to the Committee on Appropriations.

By Mr. TINKHAM: Memorial of Boston Council of the Friends of Irish Freedom, of Boston, Mass., in re foreign conditions; to the Committee on Foreign Affairs.

SENATE.

SATURDAY, *January 13, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come with reverence before Thee and call upon Thy name and ask Thy blessing, for Thou art the governor of all nations, Thou art the judge of all men. Thou hast revealed Thy will to men. The revelation of Thy will is the path of human progress and blessing and happiness. Help us to conform our lives to Thy will and so work out the problems of State as that our land in its national life may be a transcript of the Divine revelation. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., January 13, 1917.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JOSEPH T. ROBINSON, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence.

WILLARD SAULSBURY,
President pro tempore.