

favorable comment from all parts of the country. His speech against the recall of judicial decisions was a potent factor in defeating the admission of Arizona as a State while this objectionable feature remained in her constitution. He also took a leading part in the fight for the abrogation of the treaty with Russia, because of her persecution of the Jews, and as a token of their esteem he was presented last year with a gift by his Jewish friends in Charleston.

There remains another side of his character which perhaps contributed more largely than anything else to his great success in life. In addition to high ideals he possessed in an unusual degree the happy faculty of making friends. His was a personality so winning and magnetic that he seemed to make friends without effort, and the friendships once acquired his charm of manner and lofty character always retained. Loyalty to his friends was one of the guiding principles of his life. He was an optimist in friendship, looking for the good in people and trusting them as long as they would let him. To such a person the world acts as a mirror, giving back always the kind of treatment accorded it. As a result GEORGE LEGARE numbered his friends almost by his acquaintances, and if, as the proverb says, "There are as many uses for friendship as for fire and water," then GEORGE LEGARE possessed one of the essential things of life in an unusual degree. He was the most generally popular man the city of Charleston has produced since the Civil War, and of all the Members of this House there was probably no one better loved than he. The sense of loss felt at his passing is general and very great. In the termination of such a life as his we can not but feel great sorrow; yet if we believe with the poet, that "The living are the only dead; the dead live nevertheless to die," we know that it is not for the dead themselves we sorrow, but for the vacant place their going makes with those who are left behind. I can not better sum up the life lived by GEORGE LEGARE than in the words of William II of Germany:

To be strong in pain; not to desire what is unattainable or worthless; to be content with the day as it comes; to seek the good in everything and to have joy in nature and men, even as they are; for a thousand bitter hours to console one's self with one that is beautiful, and in doing and putting forth effort always to give one's best, even if it brings no thanks. He who learns that and can do that is a happy man, a free man, a proud man; his life will always be beautiful.

Mr. Speaker, I ask unanimous consent that all Members of the House who wish so to do may have leave to print remarks in the Record relative to the life, character, and public services of the late GEORGE S. LEGARE.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FINLEY resumed the chair as Speaker pro tempore.

ADJOURNMENT.

The SPEAKER pro tempore. In accordance with the resolution previously adopted, the Chair declares the House adjourned until 10.30 o'clock to-morrow morning.

Accordingly (at 8 o'clock and 28 minutes p. m.) the House adjourned until to-morrow, Monday, February 24, 1913, at 10.30 o'clock a. m.

SENATE.

Monday, February 24, 1913.

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CULLOM and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint resolution passed by the Legislature of the State of Nevada, which was referred to the Committee on Commerce and ordered to be printed in the Record, as follows:

Senate and assembly joint resolution memorializing Congress.

Whereas there is pending in Congress a House of Representatives bill known as H. R. 25518, which provides for the construction of an efficient and practical fishway in the Derby Dam, which is owned and controlled by the United States Reclamation Service, and in the Truckee River, Washoe County, and appropriating money for the construction thereof, and introduced by Mr. RAKER on June 27, 1912: Therefore be it

Resolved, That the people of this State, through their representatives in this the twenty-sixth session of the legislature, most heartily recommend the passage of the bill, to the end that effective provision may be had for the passage of the trout of this stream and those of Pyramid Lake during their spawning season, to enable them to reach their spawning beds in the upper stretches of the Truckee River for the purpose of reproduction; and be it further

Resolved, That the secretary of state is instructed to at once forward copies of this memorial to the President of the United States, the President of the Senate, and Speaker of the House of Representa-

tives, and to our United States Senators and Representatives in Congress.

Approved February 17, 1913.

STATE OF NEVADA, Department of State:

I, George Brodigan, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original senate and assembly joint resolution, approved February 17, 1913, now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of State at my office in Carson City, Nev., this 18th day of February, A. D. 1913.

[SEAL.]

GEORGE BRODIGAN,

Secretary of State.

By J. W. LEGATE,

Deputy.

The PRESIDENT pro tempore presented a joint resolution passed by the Legislature of the State of Oregon, which was referred to the Committee on Public Lands and ordered to be printed in the Record, as follows:

UNITED STATES OF AMERICA,

STATE OF OREGON.

Office of the Secretary of State.

I, Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 12 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 14th day of February, 1913, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 15th day of February, A. D. 1913.

[SEAL.]

BEN W. OLCOTT,

Secretary of State.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

GENTLEMEN: Your memorialists, the Legislative Assembly of the State of Oregon, respectfully urge that House bill No. 2981, introduced by Mr. LAFFERTY April 10, 1911, and having for its purpose the creation of Saddle Mountain National Park, be enacted into law.

Saddle Mountain is the natural water reserve for a vast extent of the Oregon coast, which is rapidly developing into a continuous beach resort, extending from the mouth of the Columbia River south to Tillamook Head, a distance of more than 20 miles. These beach resorts obtain their water supply from the streams that rise on the western slope of Saddle Mountain. The preservation of the water supply of this territory by means of creating Saddle Mountain National Park is of vital importance to the State of Oregon.

The lands within the boundaries of this proposed public park are described as follows: The south half and the northeast quarter of section 7, the west half and the southeast quarter of section 8, the southwest quarter of section 9, the northwest quarter of section 16, and the north halves of sections 17 and 18, in township 5 north, range 8 west; and the southwest quarter of section 27, the southeast quarter of section 28, the north half of section 33, the northwest quarter of section 34, the northwest quarter and the southwest quarter of section 28, and the northeast quarter and the southeast quarter of section 20, in township 6 north, range 8 west of the Willamette meridian.

Adopted by the house February 11, 1913.

C. N. MCARTHUR,

Speaker of the House.

Adopted by the senate February 8, 1913.

DAN J. MALARKY,

President of the Senate.

[Indorsed: Senate joint memorial No. 12, by Senator Lester. J. W. Cochran, chief clerk. Filed Feb. 14, 1913, at 5.45 o'clock p. m. Ben W. Olcott, secretary of state.]

Mr. CULLOM presented memorials of sundry citizens of Blufford, Marlow, and Opdyke, all in the State of Illinois, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. GALLINGER presented a petition of Samuel Ashley Chapter, Daughters of the American Revolution, of Claremont, N. H., praying for the enactment of legislation to prohibit the desecration of the flag of the United States, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of sundry citizens of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. SMITH of Arizona. I present a joint memorial adopted by the Legislature of the State of Arizona relative to an appropriation of \$25,000 for the construction of a bridge across the Colorado River at Yuma, Ariz. I ask that the memorial be printed in the Record and be referred to the Committee on Commerce.

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

Memorial to the Senate and House of Representatives of the United States of America in Congress assembled.

Your memorialists, the First Legislature of the State of Arizona, in session convened, respectfully represent:

Whereas an urgent necessity exists for means, in addition to railroad transportation, whereby traffic can be carried on across the Colorado River between the States of Arizona and California, not only connecting localities within the two States, but also bridging an annoying and detrimental gap in one of the few feasible all-around-the-year routes between the Pacific coast and the rest of the United States; and

Whereas the State of Arizona, exhibiting its good faith and its desire to promote this advantage not merely to its own people and the people of the State of California, but to the people of the whole country, particularly at this time, when the citizens of other States are making plans to attend California's historic expositions in 1915, traveling by their own modes of conveyance, has enacted a law appropriating the sum of \$25,000 to pay one-third the estimated cost of a bridge across the Colorado River from Penitentiary Hill, in the town of Yuma, State of Arizona, to School Hill, on the Yuma Indian Reservation, in the State of California, contingent upon like appropriations by the State of California and the Congress of the United States for such a bridge; and

Whereas the Legislature of the State of Arizona has given notice to the Legislature of the State of California of the appropriation by the State of Arizona for this purpose, and has memorialized said legislature to join with the State of Arizona and the Government of the United States of America in the said undertaking: Now therefore

The Legislature of the State of Arizona, in session convened, respectfully pray and urge the Congress of the United States to make an appropriation of \$25,000 for this purpose.

Passed the senate unanimously February 13, 1913.

W. G. CUNIFF,
President of the Senate.

Passed the house on the 17th day of February, 1913, by a vote of 81 ayes, 1 no, 3 absent.

H. H. LINNEY,
Speaker of the House of Representatives.

Mr. SMITH of Arizona presented a memorial of sundry citizens of Phoenix, Ariz., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. LODGE presented a petition of the Boston Section, Council of Jewish Women of Massachusetts, praying that an appropriation be made for the enforcement of the white-slave law, which was referred to the Committee on Appropriations.

He also presented a petition of members of the Massachusetts Peace Society, praying for the repeal of the provision exempting coastwise vessels from the payment of tolls in the Panama Canal, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 28746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors (Rept. No. 1292); and

H. R. 28672. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors (Rept. No. 1293).

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 4662) for the relief of Charles Richter, reported it with an amendment and submitted a report (No. 1294) thereon.

Mr. WILLIAMS, from the Committee on Military Affairs, to which was referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 6775. A bill to grant an honorable discharge to David Steers (Rept. No. 1296); and

H. R. 16993. An act for the relief of Mathew T. Fuller (Rept. No. 1295).

Mr. WILLIAMS, from the Committee on Military Affairs, to which was referred the bill (S. 5056) to remove the charge of desertion from the military record of the late David S. Merwin, submitted an adverse report (No. 1297) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. BRADLEY, from the Committee on Pensions, submitted a report (No. 1298) accompanied by a bill (S. 8576) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 7091. J. N. Culton.

S. 7222. Hiram Lay.

S. 7261. William L. Brown.

S. 7284. Emanuel Sandusky.

S. 7285. Harvey Key.

S. 7399. William F. Niederritter.

S. 8081. Mary J. Swift.

BILLS INTRODUCED.

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

By Mr. JONES:

A bill (S. 8575) to authorize the town of Okanogan, Wash., to construct and maintain a footbridge across the Okanogan River; to the Committee on Commerce.

By Mr. JOHNSON of Maine:

A bill (S. 8577) authorizing the construction of a railroad bridge across the St. John River, between the town of Van Buren, Me., and the parish of St. Leonards, Province of New Brunswick, Dominion of Canada; to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WORKS (for Mr. CLAPP) submitted an amendment proposing to appropriate \$51,520 to pay for additional books authorized to be furnished under section 229 of the act to codify, revise, and amend the laws relating to the judiciary, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. CLARKE of Arkansas submitted an amendment proposing to appropriate \$237,840 for labor and material required in the installation of a drainage system in the city of Hot Springs to care for storm waters from the mountains of the Hot Springs Reservation, etc., 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.

Mr. SHEPPARD submitted an amendment authorizing the Secretary of War to use for replacing and repairing the electric light and telephone cable and the water main between the city of Galveston, Tex., and the immigration station on Pelican Spit, the unexpended balances of the appropriations for construction of water main to supply water to the immigration station at Galveston, Tex., etc., 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.

Mr. CULLOM. I submit an amendment proposing to appropriate \$2,000 for the purchase of two portraits, one of the late Senator Justin S. Morrill, of Vermont, and the other of the late Senator John Tyler Morgan, of Alabama, intended to be proposed by me to the sundry civil appropriation bill. I hope the purchases will be made. I move that the amendment and accompanying papers be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. SMOOT submitted an amendment proposing that out of any money appropriated for the transportation of American citizens fleeing from threatened danger in the Republic of Mexico there shall be paid by the Secretary of War to the Mexican Northwestern Railway Co. the sum of \$7,245, etc., 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.

WITHDRAWAL OF PAPERS—JOSEPHINE F. VIOLLAND.

On motion of Mr. WORKS (for Mr. CLAPP), it was

Ordered, That the papers accompanying the bill S. 8841, Sixtieth Congress, second session, for the relief of Josephine F. Violland, be withdrawn from the files of the Senate, no adverse report having been made thereon.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CURTIS. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. CURTIS, Mr. SMOOT, and Mr. SMITH of Maryland conferees on the part of the Senate.

Mr. SMOOT subsequently said: Mr. President, this morning I was appointed one of the conferees on the diplomatic and consular appropriation bill. I ask to be relieved from that service. The Senator from Kansas [Mr. CURTIS] will suggest another name.

Mr. CURTIS. I suggest that the Senator from Pennsylvania [Mr. OLIVER] be appointed.

The PRESIDENT pro tempore. The Senator from Utah will be relieved, at his own request, as a conferee, and the Senator from Pennsylvania [Mr. OLIVER] will be appointed in his place.

CALLING OF THE ROLL.

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

The PRESIDENT pro tempore. The Senator from Illinois suggests the absence of a quorum. The roll will be called.

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

Bankhead	Culberson	Lodge	Root
Borah	Cullom	McCumber	Sheppard
Bourne	Foster	McLean	Simmons
Bradley	Gallinger	Martin, Va.	Smith, Mich.
Brady	Gamble	Myers	Smith, S. C.
Bristow	Gronna	Nelson	Smoot
Bryan	Jackson	Newlands	Stone
Burnham	Johnson, Me.	O'Gorman	Swanson
Burton	Johnston, Ala.	Oliver	Thomas
Catron	Jones	Overman	Tillman
Chamberlain	Kavanaugh	Page	Webb
Chapp	Kenyon	Percy	Wetmore
Crawford	Lea	Perkins	Works

The PRESIDING OFFICER (Mr. McCUMBER in the chair). Fifty-two Senators have answered to their names. A quorum is present.

RIVER AND HARBOR BILL.

Mr. NELSON. I move that the Senate proceed to the consideration of House bill 28180, the river and harbor bill. After the motion is put I will yield for morning business.

The PRESIDING OFFICER. The Senator from Minnesota moves that the Senate proceed to the consideration of House bill 28180, known as the river and harbor bill. Is there objection? The Chair hears none, and it will be so ordered.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment of Mr. NEWLANDS, after line 10, page 65, to insert the following as a new section:

SEC. 3. That for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end for the storage of flood waters in the watershed of such navigable rivers, including the beneficial use and control of such flood waters, in the maintenance so far as practicable of a standard flow for navigation, the reclamation of arid and swamp lands, and the development of water power; and for the protection of watersheds from denudation, erosion, and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies, in plans and works having in view such river regulation and control, the sum of \$5,000,000 annually for each of the years following the 1st day of July, 1913, and up to the date of the completion and opening to commerce of the Panama Canal, and thereafter the sum of \$50,000,000 annually for each of the 10 years following the completion of the Panama Canal, is hereby reserved, set aside, and appropriated and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury to be known as the river-regulation fund.

That of the said river-regulation fund, until otherwise directed by law, one-tenth thereof shall be apportioned to the rivers on the Atlantic coast, one-tenth thereof to the rivers on the Gulf coast outside of the Mississippi River, one-fifth thereof to the Mississippi River from St. Louis to the Gulf, one-tenth thereof to the Missouri River and its tributaries, one-tenth thereof to the Ohio River and its tributaries, one-tenth thereof to the upper Mississippi River above St. Louis and its tributaries, one-tenth thereof to the Sacramento and San Joaquin Rivers and their tributaries in California, one-tenth thereof to the Columbia and Snake Rivers and their tributaries in Oregon, Washington, and Idaho, and one-tenth thereof in the connection of the Great Lakes with the Ohio and Mississippi Rivers.

That a board is hereby created, to be known as the Board of River Regulation, consisting of the Chief of Engineers of the United States Army, the chairman of the Panama Commission, the chairman of the Board of Review of the Engineer Corps of the Army, the chairman of the Mississippi River Commission, the Director of the United States Geological Survey, the Chief of the Weather Bureau, the Forester of the Department of Agriculture, the Director of the Reclamation Service, the Chief of the Drainage Division of the Department of Agriculture, the Secretary of the Smithsonian Institution, one hydraulic engineer, one sanitary engineer, and one electrical engineer; the last three to be appointed by the President and to hold office at his pleasure, and each to receive an annual compensation of \$7,500, payable out of the river-regulation fund.

The Chief of Engineers shall be the chairman of such board, and the secretary shall be annually elected by the board from its members.

That the functions of said board shall be to investigate and obtain full information concerning all matters involved in or specifically related to the objects set forth in this section, and for such purpose is authorized to expend a suitable and necessary proportion of the moneys therein appropriated; but said board shall not expend or incur liability for the expenditure of any money for the construction or execution of plans or projects without the specific approval of Congress, as hereinafter set forth; that said board is hereby authorized and directed to enlist through the President the services of any Federal department or bureau the statutory authority of which may involve investigations or constructive work that is necessary or desirable in the comprehensive performance of the objects set forth in this section, and to bring into cooperation and to harmonize and unify the work of said departments or bureaus as may be necessary to provide against duplication or unwarranted or incomplete work with respect to the objects herein provided; and that said board is authorized to defray the expenses of such investigations or assistance to the extent of the ultimate cost thereof to said departments or bureaus through a transfer of equivalent proportions of the appropriation herein provided.

That the board shall develop, formulate, and prepare plans for the accomplishment of the purposes herein provided, and shall report the same to Congress annually and at such other times as may be required; and whenever the recommendations or any parts thereof in said report shall receive the approval of Congress the said board shall proceed to construct and execute the same in accordance with the plans so approved: *Provided*, That the provisions of this section shall be so administered as in no way to supersede or conflict with any specific provisions which Congress shall from time to time make by way of appropriations other than such as are made by this act for work and improvements to

be performed or maintained by the Corps of Engineers, United States Army, but that all work prescribed under this section shall be supplemental to and coordinated with the work as specifically prescribed by Congress in other acts.

That the board shall in all cases where possible and practicable encourage, promote, and endeavor to secure the cooperation of State and local government bodies, public and quasi public corporations, private associations, and persons in carrying out the purposes and objects of this act, including the securing of the financial cooperation of said parties; that it shall negotiate and arrange plans for the apportionment of work, costs, and benefits, and to secure the agreement and consent of said parties, contingent upon the final approval of same by Congress as herein provided, which approval and consent may include the acceptance and use of any funds or property donated or subscribed or in any way provided for cooperative work; but no moneys shall be expended under any arrangement for cooperation approved by Congress until the funds to be provided by the parties to such arrangement shall have been made available for disbursement.

[Mr. NELSON yielded for the transaction of certain routine business, which appears under the appropriate headings.]

Mr. LEA. Mr. President, I rise to a parliamentary inquiry. The PRESIDING OFFICER pro tempore. The Senator from Tennessee will state it.

Mr. LEA. Are we considering morning business?

The PRESIDING OFFICER pro tempore. The Chair so holds.

Mr. LEA. Then what was the motion of the Senator from Minnesota?

The PRESIDING OFFICER pro tempore. He made a motion to proceed to the consideration of the river and harbor bill, and it was agreed to.

Mr. LODGE. The Senator from Minnesota moved to proceed to the consideration of the river and harbor bill. That motion was agreed to.

Mr. LEA. That was not a unanimous consent under the previous unanimous-consent agreement?

Mr. LODGE. Not at all.

Mr. LEA. It was not under the first agreement, that immediately upon the conclusion of the morning business the Senate will proceed to the consideration of House bill 22503, the bill providing for the physical valuation of railroads, and so forth.

Mr. NELSON. That is subject to appropriation bills.

Mr. LODGE. It is subject to appropriation bills and conference reports.

The PRESIDING OFFICER pro tempore. The Chair so understands.

Mr. SMITH of South Carolina. I should like to make an inquiry. After the consideration of the pending matter, will we then have an opportunity under the unanimous-consent agreement to recur to morning business after the close of the morning hour for the day?

Mr. NELSON. I suggest that after we have disposed of the river and harbor bill we shall then take up morning business for a few moments.

Mr. SMITH of South Carolina. The reason why I make the request is that I wish to make a motion, and if the Senator from Minnesota will allow me, I will serve notice now that to-morrow I shall move to discharge the Judiciary Committee from the further consideration of the bill (H. R. 56) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations, and I shall submit some remarks thereon.

PACKAGES UNDER FOOD AND DRUGS ACT.

Mr. OLIVER. I ask the Chair to lay before the Senate the action of the House of Representatives on House bill 22526.

The PRESIDING OFFICER pro tempore laid before the Senate the action of the House of Representatives on the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. OLIVER. I move that the Senate insist on its amendments, and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. OLIVER, Mr. LA FOLLETTE, and Mr. SMITH of South Carolina conferees on the part of the Senate.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER pro tempore. The question is on the amendment submitted by the Senator from Nevada [Mr. NEWLANDS].

Mr. LODGE. Mr. President, on that amendment I desire to make a point of order. The amendment involves a policy of great magnitude and commits the Government to an expenditure of some \$500,000,000, which seems to me to be a large amount, although I may appear to be a person of contracted ideas in saying so. Certainly it is general legislation, pure and simple, and I make the point of order against it.

The PRESIDENT pro tempore. The Senator from Massachusetts makes the point of order that the amendment proposed by the Senator from Nevada is general legislation. The Chair sustains the point of order.

Mr. NEWLANDS. Mr. President, with reference to what amendment was that made?

The PRESIDENT pro tempore. The Senator's amendment, which was submitted on Saturday last.

Mr. NEWLANDS. I did not hear the motion of the Senator from Massachusetts. May I inquire what it was?

The PRESIDENT pro tempore. The Senator from Massachusetts made a point of order that the amendment is general legislation on an appropriation bill, and the Chair sustains the point of order.

Mr. NEWLANDS. Mr. President, I shall speak generally regarding the pending bill, in continuation of my remarks of last Saturday.

The debate which progressed between the representatives of the three lower States on the Mississippi River—Louisiana, Mississippi, and Arkansas—and the representatives of the upper States—Illinois, Iowa, and Missouri—indicates how inefficient is the system of river development under which we are now and have been for years working.

What was that contention? The representatives of the lower Mississippi States succeeded some years ago in securing the organization of the Mississippi River Commission. That commission was composed of three engineers of the Engineer Corps of the Army, the Chief of the Coast and Geodetic Survey, a lawyer and two civil engineers appointed by the President, thus furnishing an example of the coordination of services called for by the amendment for which I have been contending and called for by the river-regulation bill, which I have been urging in Congress ever since 1907.

The representatives from the lower Mississippi then realized the necessity of relying not simply on the Engineer Corps of the Army but of bringing in cooperation with that corps the Chief of the Coast and Geodetic Survey, having jurisdiction over a part of the inland waterways of the country, and also the cooperation from the outside of noted civil engineers and the aid of a lawyer of distinction.

How did they secure the creation of that Mississippi River Commission? By making it a commission for the lower Mississippi alone? No. The act creating the Mississippi River Commission is broad and comprehensive in its terms, and embraces the entire Mississippi River from source to mouth, including, as I believe, if it is properly and liberally construed, all the tributaries of the Mississippi River. Even at that time there seems to have been some conception of the view now generally entertained upon this subject—that a river from source to mouth, with all its tributaries, is to be treated as a unit. So the Mississippi River Commission was created with the assent and by the cooperation of all the representatives from the States of the Mississippi Valley, and in its very terms its operations were to be as broad and comprehensive as are the reaches of that vast river and all its tributaries.

How has it been reduced by practical administration? By practical administration, through the contracting powers of a River and Harbor Committee in the other House, controlled for many years by one of the ablest men in that body in the line of the contraction of its operations, instead of the expansion of its operations—a gentleman now a distinguished Member of this body; a gentleman whose views are broad, but whose action is narrow in actual operation and work—the operations under that Mississippi River Commission were practically contracted at first to a region from Cairo to the mouth of the river, a stretch of only a thousand miles, when the entire Mississippi River, with all its tributaries, embraces a distance, I believe, of between ten and fifteen thousand miles.

So we found that, whilst the original bill was broad in its terms, embracing, under a liberal construction, the entire Mississippi River with its tributaries as a unit, the practical operation and administration was confined to the lower reaches of the river, 1,000 miles in length. Even there insufficient appropriations were made, \$3,000,000 a year, which it was expected in a period of 20 years would secure the entire protection of the region on both sides of that river from destructive overflows and secure the maintenance of its channel.

Think of the smallness of the operation under that act! That region had been the victim for years of devastating floods. It was reasonable to expect that those floods would perennially recur; those floods inflicting enormous damage upon the cultivable area, reaching from \$10,000,000 to \$15,000,000 in a given year. Instead of Congress, under the inspiration of the River and Harbor Committee of the other House, taking the broad action that would result in the immediate appropriation and application within a short period of time of \$50,000,000 or \$60,000,000, required for the protection of the banks in the way of revetment or protection from overflow in the way of levees, with the cooperation of the States and adjoining districts, Congress took the risk in a single year of destruction from overflow amounting to the entire expenditure contemplated in a period of 20 years; and this the River and Harbor Committee of the House called economy—this confining of its appropriations to \$3,000,000 annually, and subjecting that vast area to the danger of an annual loss of from \$10,000,000 to \$15,000,000! Then they restricted the expenditure to that area.

Were there no other areas that demanded attention? Was not the region between Cairo and Cape Girardeau requiring protection? That actual area of operations under the act was later on extended, but I do not think the amount of the appropriation was very largely increased; it was extended upon the assumption that it was idle to raise the levees below, when between Cairo and Cape Girardeau the banks were unprotected and an overflow extending back of the levees would sweep over the entire intermediate country between that region and the Passes, including Arkansas, Mississippi, and Louisiana, and thus force the way of the Mississippi through devious passes and bypaths to the Gulf, instead of through one deep, well-protected, and well-regulated channel. So they added on the space between Cairo and Cape Girardeau, a space of a few hundred miles; and now when the region above Cape Girardeau, comprising parts of the great, wealthy, and highly populated States of Missouri, Illinois, and Iowa, insist that they have problems of equal importance, problems of the same character, involving not only the regulation of the channel for navigation, but also the maintenance of the river within its banks through bank protection and levee building, the representatives from the States below conduct here a wordy warfare against the claims of their brethren above, and insist that the legislation which the latter propose involves almost a spoliation of the lower region of the river. Finally, this region of several hundred miles above is put off in this bill with a small appropriation, I believe, of \$75,000 or \$100,000.

Mr. PERCY. Two hundred thousand dollars.

Mr. NEWLANDS. Two hundred thousand dollars, with a view to investigation—investigation after a hundred years of experience!

How has it been with the Missouri River? Although the terms of the Mississippi River Commission act, in my judgment, embraced the Missouri as a tributary of the Mississippi, it was thought wise to organize a Missouri River Commission some years ago, and that commission was authorized to proceed by bank revetment and levee protection to control the fitful and eccentric Missouri River, passing for 300 miles between St. Louis and Kansas City through a valley of incomparable richness and alluvial soil, which melts like sugar from the impact of the flood waters and then makes its variable course through that valley, stretching from east to west, to-day diverted north, to-morrow south, the next day so eccentric in its course that the farm 10 miles away from the course of that river to-day may, as the result of flood to-morrow, be absolutely swept away by the invading waters, a vast principality of incomparable wealth and productiveness, if protected.

What was done with the Missouri River Commission? Under the inspiration of the contracted policy—broad in view, but narrow in action—maintained by the River and Harbor Committee of the House of Representatives for so many years and followed by the Commerce Committee of the Senate, after that commission had vindicated the necessity for its existence and the success of its work by revetting the banks on the Missouri River between Jefferson City and the junction of the Missouri with the Mississippi, after they had practically demonstrated for a distance of 60 miles in the most dangerous part of that entire valley the absolute success of the revetment system—which consists of weaving willow mats and then sinking them upon the sloping banks by imposing stone upon them, and thus preventing the washing away of the banks in times of flood—after they had proved the absolute success of that system, a success demonstrated to-day after many years of cessation of effort by the entire integrity of the banks of the Missouri River at that point, the operations of the Missouri River Com-

mission were ended by act of Congress and the commission was dissolved.

I do not question the conscientiousness of the Senators and the Representatives who took part in that movement. They were doubtless impelled by motives of economy. Many of them felt, perhaps, that river regulation itself was dead and that all this work ought to be undertaken by the riparian proprietors in the interest of their lands. Many of them evidently thought that it would be practically impossible to control the stream; but if you want to find the hidden and directing force behind the movement, to which Congress unconsciously was obedient, you will find it in the fact that there are four railroads, two on each side of the Missouri River, paralleling its banks from Kansas City down to its junction with the Mississippi River. Those railroads were hostile to the water carrier. The effect of the very existence of a possible water carrier was felt in the diminution of rates. The effect of a successful water carriage could, in their judgment, hardly be measured; and so, reaching out for freight, public opinion was influenced through the newspapers and unconsciously directed to a few mistaken considerations of economy, possibly to a mistaken consideration of the hopelessness of the work, and, finally, to the abandonment of that great enterprise. So the Mississippi River Commission, narrowed in its operation to the region below Cape Girardeau, remained, and the Missouri River Commission went out of existence.

During all that time who were the men who were urging the continuance of the Mississippi River Commission and of the enlargement of its powers and of its operations? The representatives from the Southern States, from the States of the lower Mississippi Valley, almost all of them strict adherents of the doctrine of State rights, almost all of them opposed to the extension of the power of the Federal Government, opposed to the enlargement of those powers, and favoring a strict construction and a narrow exercise of the powers granted. Yet they insisted upon the interstate-commerce power of the Nation being exercised in such a way as effectually to regulate and control that river from Cape Girardeau down. They insisted upon it upon the ground that under the interstate-commerce power the Nation had a clear right to regulate that river, and that it was its clear duty.

What did the exercise of the interstate-commerce power mean? It meant the advancement of transportation. That is what it meant. It did not mean simply the protection of the lands in private ownership adjoining a great river. That might be provided for as incidental to the work of transportation; but the main purpose was transportation, and the only legitimate purpose under which the National Government's powers could be invoked. Yet were the representatives from that region exceedingly solicitous for the advancement of transportation, or was their real purpose the protection of their lands?

They have secured the protection of their lands, inadequate though I admit it to be; but what have they done for the advancement of transportation? I have served on the Commerce Committee, and I know from conversation with some of the members of the committee from that region that some of them are skeptical about ever restoring transportation upon the river. Yet they are voting, nominally under the commerce clause of the Constitution, for the expenditure of these large sums of money, but really reaching their hands into the Federal Treasury for an unconstitutional purpose, if we apply the moneys to that purpose alone. The appropriations are justified, so far as they are national appropriations, only by the advancement of transportation.

What does transportation mean upon the Mississippi River? Does it mean simply the deepening of the channel? Does it mean simply bank protection? Does it mean simply levee protection? Or does it mean the construction of a waterway as they construct a waterway in Germany, with a proper channel, with a proper protection of the stream so as to maintain its flow, and with transfer facilities and terminal facilities and instrumentalities of coordination and cooperation with rail carriage and ocean carriage? Clearly the latter. You might as well develop a railway by scattered developments here and there, the construction of 10 miles here and the construction of 5 miles there, without any connection, or the construction of a railway without terminals, without sidetracks, without station houses, without freight houses, as to construct a waterway and pay attention only to its channel and its banks.

Go to Germany, and you will find every river highly artificialized and canalized, all of them connected with each other by purely artificial channels; and at every station, corresponding to our railway stations, you will find public facilities provided by the Government for the transportation of freight from car to boat, for the storage of freight, and for the economical and

rapid handling of the freight. Not only have they done that, but they have made their water fronts perfect, not only in utility but in beauty, by making them the most attractive parts of their municipalities.

We condemn our water fronts to hideousness, we dedicate them to ugliness and to inutility, whilst Germany creates a union of beauty and utility upon its water fronts, furnishing a lesson to this enterprising country. There they protect the waterway, and they do not allow one public servant to be destroyed and sandbagged by another public servant, as we do in this country. They define the relations between the different waterways in such a way as to promote the interests of both waterways and railways, to make them cooperate as public servants, instead of permitting them to engage in a deadly antagonism and warfare with each other, leading to the destruction of one or the other.

What effort has been made by the representatives from the lower Mississippi, who demand from us action upon this great subject, and who insist that it is the duty of the Nation to protect them from the accustomed flow of waters which nature has for centuries precipitated upon them—what have they done, what have they suggested in the way of a development of transportation, which is the real function of the National Government? I may be mistaken, but I have found no adequate suggestion from the representatives from that region as to the development of the facilities for transportation.

Mr. SHEPPARD. Mr. President, will the Senator yield for a question?

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

Mr. NEWLANDS. Certainly.

Mr. SHEPPARD. Does the Mississippi River Commission act, in the Senator's opinion, embrace all the tributaries of the Mississippi?

Mr. NEWLANDS. In my judgment, it does. It is sufficiently broad in its terms, liberally construed; but it has been narrowed down in its operation to this area on the lower Mississippi. I wish to say that I have no hostility whatever to this enterprise on the lower Mississippi. On the contrary, I have been its consistent friend. A year ago, when the floods broke out, I insisted upon having the appropriation increased from \$3,000,000 to \$10,000,000, instead of a mere \$6,000,000. What I object to is the narrowness of view of the representatives of the lower Mississippi who seek in this bill to narrow the operations of the Mississippi River Commission, and who have refused—or, at all events, have failed—to present to us a vast, connected scheme of river development that will enable the National Government to carry out its true function of developing interstate transportation.

Mr. PERCY. Mr. President, will the Senator yield to me for a moment?

Mr. NEWLANDS. I will.

Mr. PERCY. Unintentionally, I am sure, the remarks of the Senator from Nevada would convey the impression that nothing has been done by the Mississippi River Commission in aid of navigation or for the purpose of benefiting navigation upon the Mississippi River. The last report made by that commission shows that they now maintain a channel of about 9½ feet at low water from Cairo to the Gulf; that at the lowest stage of the Mississippi River boats drawing 9½ feet can pass from Cairo to the Gulf. This is a distinct and marked improvement within the past few years, due solely to the work of that commission.

Again, speaking of terminal and dock facilities, the city of New Orleans provides the best inland dock facilities belonging entirely to the city and used for the benefit of the public of any city in the United States. That more has not been done in the way of providing terminal facilities might very well be attributed to the amount that has been appropriated. There never has been an appropriation made that has been adequate to carry out the aims and the recommendations and the work mapped out by the Mississippi River Commission. The kind of work of which the Senator speaks, in providing adequate facilities up and down that tremendous river, would call for an appropriation for that river alone of almost the amount suggested in his amendment—\$50,000,000—for the rivers of the United States.

Mr. NEWLANDS. Mr. President, I am not complaining of the operations of the Mississippi River Commission within the limited appropriations granted that commission by Congress. I am simply adverting to the fact that the representatives of that entire region in Congress have been devoting themselves in their legislation more to the protection of their lands from overflow than to the promotion of transportation. While New Orleans has done excellent work in the preparation of docks, designed, I believe, not only for river but for ocean traffic, it certainly has not gone far enough; and one has only to sail,

as I have, from Cairo down to New Orleans, and witness the decaying wharves and the inadequate transfer and terminal facilities all along the line, the evident domination over the transportation of that region by the railroad companies, to realize that the powers of the National Government have not been adequately invoked in the carrying out of its great function of promoting interstate transportation.

Mr. KENYON. Mr. President—

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

Mr. NEWLANDS. Certainly.

Mr. KENYON. I am very much in harmony with the view which is being expressed by the Senator, and I wish there were some way of reaching it. Does the Senator believe that as long as river and harbor bills of this character, constructed as this bill is evidently constructed, are passed by Congress his plan will ever receive serious consideration?

Mr. NEWLANDS. I am afraid not. I am beginning to be afraid not. I have been endeavoring to promote a system that, without interfering at all with the appropriations in the river and harbor bill, would gradually bring about appropriations under the river-regulation bill which I have offered in such a way as to make the work of the old dovetail in with the work of the new and result in an enormous enlargement of the old work. But everywhere I find myself opposed by the representatives of the very region most to be benefited, fearful lest some great policy may be inaugurated that will temporarily imperil the appropriations which they have. I have nothing of that kind in view.

Mr. KENYON. Why is not the quickest way to bring about this result, then, to defeat measures of this kind just as often as they come up?

Mr. NEWLANDS. Mr. President, I am exceedingly reluctant, so far as I am concerned, to take such action. I have served on the Commerce Committee. I do not contend that the expenditures provided for by this bill are improper expenditures. I have no doubt most of them are necessary. I know this expenditure for the Mississippi River is necessary, and ought to be enlarged. I would not, in order to obtain a greater good, temporarily arrest or endanger the work in which these gentlemen are interested. What I protest against is their inertia, their unwillingness to receive new ideas, their unwillingness to take the entire Nation within the scope of their vision. What I complain of is that they view only that distance of a thousand miles from Cairo to the Passes, without taking into consideration the great and broad question of interstate transportation involved in the regulation of interstate commerce.

Mr. KENYON. I wish the Senator, before he closes, would illuminate the subject of just how the river and harbor bill is formulated. I have watched it for a good many years outside of Congress, and have watched the fight in the House of the present Senator from Ohio [Mr. BURTON] against the extravagances of the river and harbor bill.

For instance, here are appropriations for a large number of creeks at different places. Here is an appropriation for Toms River, in New Jersey. How do we ascertain that a thousand dollars is going to help the navigation of Toms River? Here is an appropriation of \$1,500 for Fishing Creek, N. C. How do we determine whether that appropriation is for navigation or to make the creek really what its name implies? I might make the same inquiry as to Swift Creek, in North Carolina, for which \$500 is appropriated. How does the Committee on Commerce ascertain that these appropriations for creeks all over the country are to help navigation?

I wish the Senator would touch upon that matter before he sits down.

Mr. NEWLANDS. I will state to the Senator that the action of the Government upon the questions to which he refers is much more logical than would appear from the terms of these appropriations. It is true that there are appropriations in this bill for creeks upon the Atlantic Coast; but it will be found that many of the so-called creeks are inlets or arms of the sea, and that the appropriation involves the removal of bars or other obstructions to navigation that will enable the coasting trade to reach farther into the interior. I do not say that all of them are justified, but I have no doubt most of them are.

I will state to the Senator the process by which this is done. The initiative is with the Member of Congress, who introduces in the first place a bill for a survey, and has it put upon the river and harbor bill, if he is successful in inducing the committee to believe that it is necessary and proper. That bill involves a preliminary survey by the Engineer Corps of the Army. They report upon it, and if it requires further examination and further expenditure they so report and a further expenditure is made. Before any enterprise is finally entered upon, I believe,

these recommendations go to the board of review in the Engineer Corps of the Army, composed of very highly educated and very capable men, and they pass upon the feasibility of the project and its relation to commerce, and report. If they report favorably, they report the amount necessary in a written report to Congress, and then Congress, if it concludes to act favorably, makes such appropriation as it deems advisable, usually the amount called for by the engineers.

In the improvement of all those methods the country owes the greatest obligation to the Senator from Ohio [Mr. BURTON], who was for many years the chairman of the Rivers and Harbors Committee of the House, and who pursued one uniform and consistent course of insistence that this whole matter should be taken out of the spoils system which had previously existed and be put upon the merit system, the merit of each project being considered by competent engineers. The methods have been vastly improved under the leadership of the Senator from Ohio. My only complaint of the policy which he pursued was that, in my judgment, it was not of sufficient expansion. I can not call it a policy of contraction. The expenditures did steadily decrease, but it was not a policy of sufficient expansion which would take into view all the waterways of the country and make a study of them from source to mouth with a view to making them efficient instrumentalities for transportation, and incidentally making them useful for every purpose to which civilization could put them, thus uniting the related uses with the principal use, the exercise of which alone belonged to Congress, making projects feasible which would otherwise not be feasible, and producing wealth from the development of these uses that would be largely compensatory of the cost in perfecting them.

That is what I complain of. And I complain of the representatives of the lower Mississippi, of their narrowness of view in not realizing that this is a Union of States, that all these rivers are interstate, that their successful development does not depend simply upon the bank protection and levee building of the lower reaches of the Mississippi River, but it depends upon taking a broad and comprehensive view of the entire Mississippi River and its tributaries, and by constructing works in the upper reaches of these rivers and their tributaries useful in a compensatory way for irrigation, for water-power development, and by the raising of levees in the lower reaches with a view to swamp-land reclamation, turning these waters from instrumentalities of destruction into instrumentalities of benefaction. That is the policy, and the policy alone which will make the Mississippi River with all its tributaries an efficient instrumentality of interstate commerce.

I have referred to the contest between the representatives of the lower Mississippi and the representatives of the middle Mississippi River which we have seen. We saw another contest. The construction of levees upon the Arkansas side of the Mississippi River narrowed the stream and necessarily raised the heights of the flood, and as a result the city of Memphis was threatened and much injury was done. An overflow which, according to the Senator from Tennessee [Mr. WEBB], threatened the health of that region, injured its commerce and its production and overflowed valuable portions of the city; and the city of Memphis is to-day considering methods that will save it from these destructive results.

An amendment was offered by the Senator from Tennessee [Mr. WEBB] to this bill, providing for cooperation between the Mississippi River Commission and the authorities of Memphis, so that by joint plans and works the great work, which is of so great benefit to Arkansas, can be conducted in a way that will not be injurious to its neighboring State of Tennessee or its neighboring city of Memphis. A point of order is made on it here by the representative of the neighboring State of Arkansas, and this amendment goes out of the bill at the very time when Memphis is planning and when the exigency of the situation demands cooperation in plans and work.

Mr. President, we of the intermountain region have some interest in this matter. My own State unfortunately has none, because my State is in a great basin bounded on one side by the Rocky Mountains and on the other by the Sierra Nevada Mountains, and having no streams which form tributaries of a great navigable river. That great basin consisting of the State of Nevada and parts of Idaho, Utah, and Arizona has streams, it is true, which take their sources in the mountains, but those streams sink into great lakes in the desert, where the waters serve no use except to satisfy the thirst of the sun. Our problem there is a purely domestic problem of arresting these waters upon the way to these great salt sinks and storing and diverting them over the arid land and making it fruitful of production.

But there are portions of that great trans-Missouri region which are tributary to navigable rivers—the great State of Montana to the Missouri River and its tributaries, the State of Wyoming, the State of Colorado, the States of North and South Dakota, the western parts of Kansas and Nebraska and Oklahoma, all of them semiarid in character, tributary to the Mississippi River system—and they have an interest in the regulation of that river. They do not want to see all their waters go to the Gulf in a rapid and uninterrupted flow, bringing destruction to their neighbors below. They want them diverted above and applied to the public lands of which the Nation is the proprietor in such a way as to prepare them for settlement, and made useful there primarily for irrigation, and, secondarily, for the development of water power, and made useful in such a way that the water percolating through that soil gradually makes its way back to the main or tributary stream and helps to swell the flow of the Mississippi River at the period when it is most needed for navigation—the low-water period, the period of drought.

Then in that intermediate region, humid in character, not requiring the artificial use of water except for the highest purposes of intensified cultivation, they are interested in the development of water power. Right on the Mississippi River between Cairo and St. Louis there is a point, according to the testimony of the eminent engineer, Mr. Cooley, of Chicago, where a dam can be constructed that will develop 800,000 horsepower. Think of it; 800,000 horsepower will produce \$30 annually each horsepower, \$24,000,000 annually. In our country we regard a horsepower as worth between two and three hundred dollars, and the annual revenue from it we rate at from \$30 to \$60.

So we have on the upper Mississippi a proposal in Minnesota embraced in this bill, in a casual and sporadic way, where they propose to put up a structure for navigation which will develop, by a little extra expenditure, an enormous water power—hydroelectric power. Thus this amendment proposes practically what is called for by my river-regulation bill—cooperation between the Nation on the one hand and the State of Minnesota upon the other.

We find here and there throughout our legislation practical instances of this cooperation which I desire to see entered upon as a general scheme of legislation working automatically under adequate appropriation, under the guidance of a board of expert engineers.

Then we have on the Connecticut River another similar project which it is sought to put upon this bill, involving practical cooperation between the State of Connecticut and the United States. Yet is Connecticut the only State that is interested? Not at all. The Connecticut River takes its source in Vermont and New Hampshire, flows through parts of those States, through the State of Massachusetts, and through the State of Connecticut. Every one of those States is just as vitally interested in the full and complete and comprehensive development of the Connecticut River as is the State of Connecticut. Yet so narrow and contracted is our vision that we are embracing only a scheme of cooperation between Connecticut and the United States, leaving out of view entirely the States above.

Three years ago I was invited by the Board of Trade of Springfield to address them upon this question, and I found them immensely interested in the development of the Connecticut River; first, because they have been dependent upon it for the development of water power, and they wanted its development; and secondly, because they had been interested in the question of transportation, and they found in their way to the Sound railroad bridges and dams and various intervening structures, and they wished the Connecticut River opened up as an arm of the sea away up in the interior of Massachusetts, a great manufacturing region. They were insisting that this obstruction should be swept away and that the Nation should regard the Connecticut River as a national asset, so far as commerce is concerned, and as an asset of each one of the States, so far as their domestic uses were concerned. They were insisting upon the union of the powers and the functions and the jurisdictions of all these sovereignties in work that would advance the public interest, each acting within its powers and within its jurisdiction, neither invading the jurisdiction of the other, but engaging in team work as individuals would do when they stand in a similar relation with each other. We find practically that measure doomed to defeat. In the shape in which it passed the Senate it will be vetoed by the President if he remains firm in the conviction which he has hitherto expressed. We have practically doomed that beneficial measure to defeat, a measure of cooperation between the Union and the State, simply because the agency which we have selected to carry out our national uses and the agency which the State of Connecticut has selected to carry out its domestic uses in the development of that

water, acting both as the agent of the Nation and the States, expressed its willingness in this measure to pay a certain portion of its profits into a fund for the improvement of the navigation of the Connecticut River.

The Senators from the southern reaches of the Mississippi who have for years been gaining these appropriations from the National Government, not large enough in my judgment, ostensibly with a view to promoting transportation but really with a view of protecting private lands, vote against and defeat the only practical method of bringing the United States and the State of Connecticut into cooperative action with reference to a structure in that river, designed not only for the purposes of navigation under the jurisdiction of the United States but for the development of water power under the jurisdiction of the State.

Now, I have indicated how we of the intermountain States—though my individual State is not—are interested in the Mississippi Valley. How is it with the Pacific Coast? There we have two or three great drainage areas, the drainage area of the Columbia River with its tributary streams draining through the States of Oregon, Washington, Idaho, and Montana, away into the interior; the waters from the western parts of Idaho and the western part of Montana draining into the Pacific, while those of the eastern parts drain into the Mississippi River and into the Gulf. Ought not those four States to be brought into cooperation with the United States in a system of related development, producing teamwork that will result not only in the promotion of navigation, but in the extension of irrigation and the development of water power and the reclamation of swamp lands? Yet we have no machinery in order to accomplish that.

Then take the next great drainage area, that of the San Francisco Bay, which you see upon the map, the drainage area extending north and south, a distance of nearly 500 miles drained by the Sacramento River running from the north and by the San Joaquin River running from the south, both of them uniting near the Bay of San Francisco, emptying their united waters into that bay, and those waters emptying through a narrow gorge called the Golden Gate into the great ocean of the Pacific, an area of incomparable fertility, an area of incomparable productiveness, the soil and the climate of which promise the most valuable products, the grape, the citrus fruits; all the high-priced products. One-half of that drainage area of 500 miles, the northern half, has sufficient water for cultivation. The lower half has an insufficient supply, a large portion of it being devoted to aridity, and requiring irrigation. There we have those two rivers, capable of being developed to the highest degree as the instrumentalities of transportation, and yet their development delayed in the past by the influence of the great railway interests there. That vast region, 500 miles long and 100 miles wide, composed of this fertile area, is doomed to stilted production—to insufficient production—to absolute aridity in some places.

What does a scientific treatment involve there? A treatment of the arid lands above, a treatment of the swamp lands below, resembling those of the Mississippi Valley, and the development for interstate commerce. Why, of course, the development of that large area involves cooperation of the different sovereignties having jurisdiction, the cooperation of the Nation with the States, and the cooperation of both with private owners, who have simply private interests to serve, and yet the development of which interests would vastly advance the wealth and prosperity of the country. Shall we not provide a system of cooperation between these great interests that will involve not only the development of transportation from one end of the valley to the other, but also involve the development of irrigation of the arid lands and the reclamation of the swamp lands, for recollect that there the floods of these rivers constitute the same destructive agency that they do in the Mississippi Valley and the waters which are stored and developed for irrigation and water power in the course of nature become engines of destruction to the regions below?

Why, Mr. President, not an ounce of water should be permitted to flow into San Francisco Bay and out through the Golden Gate until it has served every useful purpose to which it can be put; and it is perfectly possible, by canals along the foothills, to bring almost every acre of that vast valley, north and south, under the productive influences of an ample water supply, with the accompanying development of water power unexampled throughout the world.

Then as you go down the Pacific coast there is the Colorado River, emptying into the Gulf of California, taking its source in Colorado, flowing through the southern part of Nevada and the northern part of Arizona and through the southern part of California, a river capable of an enormous development of water power, a stream capable of such conservation all along the

line as to develop every civilized use and of development in such a way as to finally promote the conduct of the river over the most fertile alluvial deposits on these vast plains of Arizona and California in the south that are now doomed to aridity.

In some cases, through the strenuous effort of individual proprietors, the waters have been diverted. You have heard of the great Imperial Valley, in the southern part of California, fed by a ditch taken from the Colorado River, and led into Mexico, and then out from Mexico to the north into this Imperial Valley, which at one time was below the level of the sea, and at one time was an arm of the sea. I should probably surprise you if I were to give you the statistics—I have them not at hand—regarding the production of that valley, conducted under conditions of exceptional danger, threatened every year by the enormous floods that come from the north and which ought to be utilized there for both water power and irrigation. Is not that a national problem? Is it not an international problem? For recollect that the contour of the country is such as to absolutely compel the conduct of water, diverted in Arizona for this valley in California, through that portion of Mexico called Lower California, into the southern portion of the State of California.

Mr. SHEPPARD. Mr. President—

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. I do.

Mr. SHEPPARD. Mr. President, the Red River of the South is also capable of development along the lines suggested by the Senator from Nevada, and especially in Oklahoma and in northern and northwestern Texas.

Mr. NEWLANDS. I have no doubt of it, and yet the Senator from Texas will recall that there was some sarcastic comment the other day regarding the Red River because a certain work has been done upon the Red River for a number of years, and not in such an effectual way as to promote navigation; but the difficulty is that it has been insufficiently done, inadequately done. There has been such construction, as I have already said, that we would have in the case of a railroad where we would build a detached section here and there of 10 or 15 miles.

Mr. SHEPPARD. I will state that \$3,000,000—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. Yes.

Mr. SHEPPARD. Three million dollars have been expended on the river, but the expenditure has been scattered throughout 30 or 40 years and it has been given to the river in dribbles of \$100,000 and \$200,000 each year. Consequently it has been impossible to develop the river in a satisfactory manner, and the stream ought not to be indicted in the eyes of the public because it is not navigable or navigated.

Mr. NEWLANDS. Mr. President, the Senator from Texas is quite right. It is the inadequacy of the system, the inadequacy of the plans, that is responsible for the failure of the promotion of transportation upon that river; yet if this inadequate work goes on, unless the people along those rivers enlarge their vision and take in the whole Union, unless they stop simply asking for individual appropriations for individual projects here and there, after 30 or 40 or 50 years of unsuccessful effort in promoting transportation, the Nation will abandon the work altogether, and thus these very representatives of those regions, holding on tenaciously to the present system of individual projects, will find themselves the victims of that system.

Mr. SHEPPARD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. I do.

Mr. SHEPPARD. I had rather see the work on the Red River abandoned altogether than to have it continued in the present unsatisfactory and unscientific manner.

Mr. NEWLANDS. I think the Senator speaks wisely and patriotically in that utterance.

Now, what have we got to face? We have got to face an expenditure of \$50,000,000 annually; but men hold up their hands at the thought of expending \$50,000,000 annually in the development of our rivers. The public servants of this country called the railways are expending from half a billion to a billion dollars annually for railways. Of course, those enterprises are being conducted as private enterprises, but they really constitute a public burden, because they are conducting them as public servants, and the public must pay the interest upon the investment in rates for freight and for fares. The great Government of the United States, having charge of the waterways and jurisdiction over them and solely responsible for making them efficient instrumentalities for transportation, stands

aghast at the expenditure of \$50,000,000 annually in perfecting this system, when private interests expend from five hundred millions to a billion dollars annually in the development of our railways. Yet think how our expenditures have increased under the present inefficient system.

The river and harbor bill here carries \$40,000,000, a very large portion of it, it is true, devoted to harbors. In my judgment, these developments ought to be absolutely divided into separate bills. They have no particular relation to each other. Our harbors relate to foreign commerce in the main, while our rivers relate to interstate commerce. The method of their development is entirely different, and we should not have in the public eye the expenditures made upon our harbors regarded as a portion of the burden which they are called upon to assume for the development of our rivers. We ought to know just how much we are expending for our rivers, and we ought to have them in a separate bill.

I have presented a statement to the Senate containing a segregation of these expenditures in this bill, and we find that about \$17,000,000 is allotted to harbors and about \$23,000,000 to rivers. I have also had those expenditures subdivided according to the different waterway systems, so that you can see how much expenditure there is in each watershed; and we find that of the \$23,000,000, \$15,000,000 is being spent now on the Mississippi River and its tributaries. My bill for river regulation involves the expenditure of \$50,000,000 annually, of which one-tenth, or about \$5,000,000, goes to the rivers, not the harbors, of the Atlantic coast; \$5,000,000 to the rivers of the Gulf coast, exclusive of the Mississippi River; \$25,000,000 to the entire Mississippi River and all its tributaries, divided up, \$10,000,000 to the Mississippi River below Cairo; \$5,000,000 to the Ohio; \$5,000,000 to the Missouri; \$5,000,000 to the upper Mississippi; and then about one-fifth, or \$10,000,000, for all the waterways finding their way to the Pacific Ocean.

We are already spending under our present inefficient system \$23,000,000, and this river regulation bill which I have proposed, embracing every drainage area in the country, involves only \$50,000,000, but it involves that expenditure continuously for a period of 10 years; so that the coordinated scientific and engineering services of the country having anything to do with water may enter upon large and comprehensive plans, involving every watershed in the country, with a certainty that \$500,000,000 will be available in 10 years; and to that \$500,000,000 spent by the Nation at least \$500,000,000 will be added by the respective States and by private interests in the development of the uses of water related to that of navigation; so that between the two we will practically have in the next 10 years a billion dollars spent in the development of that greatest of national assets, the water of the country for every beneficial use.

If we can with our present revenues stand the expenditure of \$23,000,000 annually, can we not with the increasing wealth and population of the country and the increasing revenue of the country stand \$27,000,000 more during the next 10 years? If our present sources of revenue are not sufficient, can we not, by the paltry tax of one-quarter of 1 per cent upon the incomes of the country, raise \$25,000,000 in addition to that which we already expend upon our rivers?

One-quarter of 1 per cent, I say, upon the incomes of the wealth of the country, for the statisticians of the country have estimated that a tax of 1 per cent will produce \$100,000,000 annually. Can not the great wealth of the country sustain this great enterprise that is to advance the wealth of the country; that is, to increase the productive energy of every section of our country and increase not only its productiveness but its facilities for transportation and diminish largely the present cost of living and the present cost of operation? Thus we will not only increase production, but diminish operating expense.

Can not our great Nation undertake a work that Germany has been conducting ever since it became an empire and with remarkable consecutiveness and continuity of purpose, a work that France has been pursuing for over a century, so that today you can go by water through related and connected waterways, through the artificialized waterways connecting the natural rivers, from almost any part of Germany to any other part of Germany, and from almost any part of France to any other part of France?

Mr. President, I published the other day resolutions which have been passed by State legislatures in favor of this river-regulation bill, resolutions that have been passed by the chambers of commerce and boards of trade from Philadelphia to San Francisco, utterances of great conventions held for the conservation of our natural resources, great conventions held for the development of waterways, for the development of forests, and for other purposes; resolutions passed unanimously by the governors of all the States in conference assembled at

the White House, utterances of the public press from one end of the country to the other, demanding big plans, big works, big expenditures, and a consecutive policy. Yet Congress has lagged behind. Congress necessarily is always behind public opinion. It should be. Its action is the reflection of a public opinion already created. It rarely creates public opinion. It is exceedingly slow to yield to public opinion, not because it is hostile to public opinion, but because it wishes rightly to know in what direction public opinion points.

Is there any need of our waiting longer? If all conventions are convinced, if State legislatures are convinced, if both parties, as indicated by their platforms, are convinced, if the magazines of the country are convinced, if the newspapers of the country are convinced, is it necessary that we should wait longer in order to ascertain what public opinion is upon this subject?

Mr. HITCHCOCK. Mr. President—

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

Mr. NEWLANDS. Certainly.

Mr. HITCHCOCK. I desire to say, as bearing out what the Senator from Nevada has stated, that I believe there is a growing sentiment, particularly in my region of the country, in favor of some systematic plan such as the Senator proposes.

I hold in my hand a resolution passed by the senate of the State of Nebraska last week, which I shall present to-morrow at the proper time, urging the Government to pay more attention to and make proper appropriations for conserving such watersheds as there are in the State of Nebraska, particularly with a view to the impounding of waters for irrigation purposes, so that they may not only serve the lands in Nebraska but may be prevented from becoming a cause of danger to the lands upon the lower rivers in seasons of flood.

While this applies only to Nebraska, I believe it illustrates a growing sentiment all over the country that there is some connection between the impounding and use of waters for irrigation purposes and thus preventing that same water from becoming a cause of danger when seasons of flood arise.

Mr. NEWLANDS. I may say that public opinion is made up upon that subject. You can not read a single one of the popular magazines without finding some reference to this subject, all favorable to it. You can not find a political convention that meets that declares against it; and all of the national conventions have declared for it. You can not find a convention met together for any public purpose to-day without finding some expression relating to the necessity of big plans and works in the development of the water assets of the country. All this is intensified by the declaration of the representative governors of the various States, who, in the resolution which I presented to the Senate the other day, expressed an intense conviction upon this subject.

I have here two editorials which have recently come into my hands which I should like to have inserted in the Record—one from the New England Homestead, a great agricultural magazine, devoted to the farming interests of the New England country, and the other from Southern Farming, a magazine published at Atlanta, Ga.

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

Mr. NEWLANDS. I will read only a few lines. The New England Homestead says:

The legal, ethical, moral, political, economic, and social justice to all the people all the time of Federal control of navigable interstate streams is absolutely unquestionable. It should be passed upon as a finality by the Supreme Court.

The Windsor Locks dam bill probably will not be acted upon in the House before Congress adjourns March 4. This is just as well. It will give the new administration the full duty of setting forth its policy toward conservation. Certain it is that the American people will permit no backward step whereby their priceless heritage of flowing waters, and of forests and mines in the public domain, shall continue to be exploited by the few at the expense of the many, for not only present but future generations.

Meanwhile the action of the Federal Senate makes it doubly imperative that each State legislature take prompt and adequate action to wisely conserve the public welfare within the limits of the respective States, regarding the utilization of all forms of natural resources within the respective States.

Here let me say that in numerous States of the Union there are waterway commissions, conservation commissions, and similar organizations already created under the force of this movement, with a view to cooperation with the National Government. Of course it is utterly impossible to enter upon any scheme of development of our waterways without the consent and the participation of the National Government.

So, also, Southern Farming has an article entitled "Harness the Mississippi River system." This paper is published at Atlanta, Ga. The heading continues:

How the Nation can do it—Benefits to every State—The hydroelectric trust brought to its knees—No conflict between Nation and State—

A revolution in railroad and water transportation—Marvelous developments in sight for the people, not the trusts—The South may thus prevent disastrous floods—May promote drainage of wet lands, irrigation of dry lands—Each State is aided in developing its water powers and other resources—How every Southern State may cooperate with Nation in this wise development.

The matter referred to is, in full, as follows:

[From New England Homestead, Feb. 22, 1913.]

GOOD AND BAD ACTION BY THE UNITED STATES SENATE IN THE WINDSOR LOCKS DAM BILL.

All persons engaged in the business of transmitting hydroelectric power between the States are common carriers subject to the Interstate Commerce Commission. The Borah amendment to this effect was unanimously adopted by the United States Senate February 17, when it passed the Windsor Locks Dam bill.

The Jones amendment was also adopted without objection. It provides that the franchise shall be forfeited if the Connecticut River Co. shall in any way become a part of a combination in the form of an unlawful trust or enter into any contract or conspiracy in restraint of trade.

The Cummins amendment was adopted, striking out the provisions providing for compensation upon termination of franchise. In place thereof was substituted language to the effect that the Federal Government should take over the property at the end of 50 years.

The two amendments first named are excellent. They will doubtless be incorporated in all Federal water-power franchises hereafter. They are right in line with all that the New England Homestead has been fighting for.

The Senate went dead wrong in voting, 74 to 12, to strike out from the bill the provision that the Federal Government may impose a reasonable charge for the use of the water power in this navigable stream. It is this provision that expresses the principle of Federal control over navigable waters and Federal conservation of all natural resources owned or controlled by the National Government. This principle is the right one. It must and shall prevail. The opposition to it is based on a misconception of State rights.

The water in the Connecticut River from New Hampshire, Vermont, and Massachusetts, under this States-right theory, has no "right" to overflow the river's banks and do damage in the State of Connecticut. The Mississippi has no "right" to break the levees and do vast damage by flooding the valuable lands of Mississippi and Louisiana. How absurd such a contention!

The legal, ethical, moral, political, economic, and social justice to all the people all the time of Federal control of navigable interstate streams is absolutely unquestionable. It should be passed upon as a finality by the Supreme Court.

The Windsor Locks Dam bill probably will not be acted upon in the House before Congress adjourns March 4. This is just as well. It will give the new administration the full duty of setting forth its policy toward conservation. Certain it is that the American people will permit no backward step whereby their priceless heritage of flowing waters and of forests and mines in the public domain shall continue to be exploited by the few at the expense of the many, for not only present but of future generations.

Meanwhile the action of the Federal Senate makes it doubly imperative that each State legislature take prompt and adequate action to wisely conserve the public welfare within the limits of the respective States regarding the utilization of all forms of natural resources within the respective States.

[From Southern Farming, Feb. 8, 1913.]

WATER POWER AND THE PUBLIC—HARNESS THE MISSISSIPPI RIVER SYSTEM—HOW THE NATION CAN DO IT—BENEFITS TO EVERY STATE—THE HYDROELECTRIC TRUST BROUGHT TO ITS KNEES—NO CONFLICT BETWEEN NATION AND STATE—A REVOLUTION IN RAILROAD AND WATER TRANSPORTATION—MARVELOUS DEVELOPMENTS IN SIGHT FOR THE PEOPLE, NOT THE TRUSTS—THE SOUTH MAY THUS PREVENT DISASTROUS FLOODS—MAY PROMOTE DRAINAGE OF WET LANDS, IRRIGATION OF DRY LANDS—EACH STATE IS AIDED IN DEVELOPING ITS WATER POWERS AND OTHER RESOURCES—HOW EVERY SOUTHERN STATE MAY COOPERATE WITH NATION IN THIS WISE DEVELOPMENT.

(By Herbert Myrick, president Orange Judd Co.)

[Interests allied with the so-called Hydroelectric Trust already monopolize too much of the water powers of the United States. During the past year these interests have sought to get control of the power in the Connecticut River at Windsor Locks, Conn. They propose to enlarge the old dam there, so as to generate more power. In doing this navigation would be made possible by a canal and locks around the dam.]

[At first the trust wanted to "swipe the whole thing." When the scheme was relentlessly exposed by the Orange Judd's eastern weekly, the New England Homestead, the trust began to modify its demands. It finally agreed to build the lock and canal at a cost of nearly \$500,000 and forever maintain the same for free navigation. For the desired privilege the trust agrees to pay whatever rental the Federal Government may impose for the use of the water of this navigable stream.]

[Finding that there was danger of opposition to the bill in Congress from extreme States' rights advocates, the trust now apparently agrees not to attempt to issue stocks or bonds in excess of the actual cash investment. It agrees to be satisfied with 8 per cent thereon. It agrees that any profits above that reasonable figure shall be shared with the Government in increasing ratio.]

[Thus for the first time in American history it looks like the people's interests are adequately safeguarded and a precedent established that should forever insure that policy. To make assurance doubly sure, I have advocated that no loophole be left for a twilight zone between Nation and State by so amending the bill that the State reserve full supervision over the corporation, including the right to expropriate its property when the State wishes to assume a monopoly of the generation and distribution of water power.]

[In a letter to Hon. JOHN H. BANKHEAD, Senator from Alabama, who with other Senators, including Mr. NELSON, of Minnesota, oppose the measure from an extreme view of State rights, I wrote, January 27, 1913, as follows:]

NO CONFLICT BETWEEN STATE AND NATION.

There is no necessary conflict in hydroelectric development between Nation and State. Let them cooperate under a definite plan, and in the course of one or two decades you will see a development of hydroelectric energy, with corresponding material prosperity and progress in civilization, transcending the imagination. Each State has everything to gain and absolutely nothing to lose through such cooperation.

Take the whole Mississippi River system, for instance. So far as it is navigable the Nation owns its bed and its waters; above the navigable point the Nation also has rights, but in no case may any of these rights be exercised to the detriment of any State.

ONE PLAN—ONE AUTHORITY.

The utilization of the flowing waters of the Mississippi system in the interest of all the people all the time may be attained only under national control of the main arteries.

Under such undivided authority one comprehensive plan will make it possible to store up the flood waters in the head reaches, and thus prevent disastrous floods which now annually occur over vast sections of many States.

The stored water, after generating power, will be available for irrigation, or that power may pump water upon areas not otherwise irrigable, or may pump water away from irrigated lands now threatened by oversaturation.

The stored waters, transformed into electric energy, or white coal, will furnish heat, light, and power at low cost for every purpose. But those low prices will be sufficient to pay for maintenance and extensions, interest, and sinking fund. After the construction expense thus shall have been met, prices may be still further reduced.

This is in marked contrast to the present saturnalia of overcapitalization practiced by the Water-Power Trust, whereby it seeks to fasten upon the people for all time charges for hydroelectric energy sufficient to support "securities" representing from two to five times the actual cost of the development.

MAKE WATER PAY FOR IT ALL.

The revenue from the publicly owned power plants would be sufficient to vastly improve the navigability of every river in the Grand Basin.

In periods of drought the stored flood waters would be let out to maintain navigation and sanitary flushing of the river drainage system.

On the other hand, by preventing floods, the problem is vastly simplified of draining the present great extent of marshes and swamps.

TRULY A NATIONAL PROBLEM.

Thus the problem is national in every respect.

It directly and vitally concerns every State between New England and California, especially every Southern State, the Central West, and the Northwest.

Each and all may profit hugely by the carrying out of this policy along lines of broadest patriotism, constructive engineering, honest financiering, and economical administration.

A SELF-SUPPORTING PROPOSITION.

By this national system for the national development of our flowing waters the whole situation is transformed.

Instead of squandering vast appropriations in inefficient work upon river and harbor improvement we will now make the flowing waters earn money enough to efficiently utilize the unrivaled possibilities of our rivers as sources of power, heat, and light, as well as of transportation, irrigation, and drainage.

No longer will floods harass and destroy.

No more will alternate drought and flood menace the health or the wealth of our people.

And the Hydroelectric Trust no longer will have the public at its mercy.

EACH STATE AIDED.

And the beauty of such national policy is that without infringing upon the rights or duties of any sovereign State it becomes possible for each State likewise to encourage the development of the hydroelectric resources in the many smaller rivers within the respective States.

I would go further and have each State own and control, develop, and operate the flowing waters therein. Public ownership of water-works by cities and towns has long been successful. The application of the same policy to the States and upon interstate and navigable rivers to the Nation is a logical development.

Yet there are two sides to State versus corporate power plants. And if State or Nation will not itself develop its hydroelectric resources corporate capital should be encouraged so to do.

PREVENT A CONTINUANCE OF THE PRESENT SATURNALIA OF OVERCAPITALIZATION.

But right at this point we come squarely to the parting of the ways. The so-called Hydroelectric Trust not only presumes to be more capable of developing water power, but by virtue thereof has assumed a sort of "divine right" to indulge in what I have termed a "veritable saturnalia of overcapitalization."

AND THAT'S JUST WHAT'S THE MATTER.

In this respect it is a contest on the part of the Hydroelectric Trust for untold millions of unearned profits.

While the people, the States, and the Nation wish to so protect their own interests that, after insuring a fair return upon the capital actually invested, our flowing waters shall ever be servants, and not masters, of the people.

This principle of limiting the issue of securities to the actual cash invested or of limiting the returns upon such capital to a reasonable figure and then dividing any excess profits with the public, seems to be established in the Windsor Locks Dam bill. The same principle is enforced upon the Montana Power Co. in the franchise recently granted its transmission lines over public land for electrifying a western railroad. In other words, the Hydroelectric Trust admits defeat when it gets up against Uncle Sam.

OUR SOUTHERN STATES

will benefit even more than other regions. The Mississippi will no longer inundate vast reaches of valuable lands when this plan is carried out. The saving of life, health, and property, the insurance against floods, will alone equal a magnificent return upon the entire cost of the whole scheme of harnessing the mighty river.

RAILROAD TRANSFORMATION COMING.

Another economic development is coming, which vitally reinforces the fundamental wisdom of the above view:

Ere many years there will be at the mouth of every coal mine—anthracite, bituminous, or lignite—great producer-gas plants. The coal will be dumped directly into them, and the resulting energy, in the form of electric juice, will be transmitted by wire.

This will also revolutionize the whole problem of transportation by rail.

Having no more coal traffic, railroads and their terminals will be able to adequately care for the coming vast development of other traffic, without requiring enlargements and expenditures so great as to be impracticable.

THE PEOPLE'S INTERESTS CONSERVED.

Then the energy obtained from black coal will have to compete with energy from the flowing waters. Thus the people for all time will be sure of getting power at reasonable cost.

The Coal Trust, which even the United States Supreme Court has not been able to break down, will have met its Waterloo.

The railroad problem will be much easier of settlement.

Agriculture, industry, and civilization will advance upon a scale commensurate with the resources and genius of the American people.

Mr. NEWLANDS. I commend this article in a southern paper to the representatives from the lower Mississippi, who have stood watch upon the meager appropriations given to them for that short reach, and whose vision as yet has not extended to such an enlargement of the Nation's operations regarding the waters of the country as to embrace the entire Nation.

I also wish to call attention to an article written by Mr. A. L. Crocker, who is the chief of the Minnesota water commission, a commission organized in that State not only for local work but for cooperation with the Nation in a full development of our waterways. I shall ask to insert this and some editorials I have here in the RECORD.

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

Mr. NEWLANDS. I will simply read the heading, which indicates its subject:

Waterways plan finally evolved—Scheme submitted for improvement of Mississippi from Minnesota to Gulf—Legislature urged to act—Argued Federal Government and States along river should cooperate to finance movement.

Mr. Crocker says in a forceful sentence:

The cry is now going up in many directions there must be cooperation between the Federal and State Governments to cure this evil. It must be done. It can't be neglected. The evil will grow worse and worse, and it has become unendurable.

But in curing the flood evil other and immense benefits follow. Health is promoted; a steady supply is furnished the water powers; and wherever navigation exists the stream regulation is of the highest importance. No State needs a State policy in managing its waters more than Minnesota, and yet its importance is not generally appreciated.

The matter referred to is, in full, as follows:

[From the Minneapolis Journal, Feb. 3, 1913.]

STATE BLAMED FOR DAMAGE BY WATER—MISMANAGEMENT IS WORSE THAN THAT OF LANDS, SAYS A. L. CROCKER.

The State's loss by careless handling of State lands, estimated at more than \$7,000,000 by Attorney General L. A. Smith in a recent talk before a legislative committee, is exceeded by the damage from bad management of water, according to A. L. Crocker, of Minneapolis, chairman of the State waterways commission. "One of the State's mineral properties, which the State let go for a song, after being warned by the State geologist, is worth \$12,000,000," said Mr. Crocker to-day. "What is true of State farm lands and State timber and State iron is the greatest in value next to the soil of the State."

"All over Europe, Canada, and in many of the States in this country, from Maine to California, the hitherto neglected asset, water, is now being actively considered. Minnesota has not started. It has no policy. At this session of the legislature one should be entered on. Here in Minnesota and all over the world the damage by floods has loomed into vast and ever-growing importance. Last year the loss in the lower Mississippi Valley was \$100,000,000, and again this year another terrific flood is raging. The direct losses we read of do not cover the damage done, for the subsequent losses in short crops and the deterrent effect on capital seeking investment swell the total far higher. On the Ohio and Sacramento Rivers, and indeed all over the world, the annual loss from floods is colossal. Right here in Minnesota in 3 years out of 15 there was a \$1,000,000 flood loss in the Minnesota Valley followed by a typhoid epidemic. Of the 50,000,000 acres comprised in Minnesota a vast area is swamp, which is rapidly being drained, and when drained there will be nothing to prevent the rapid run off of the flood water followed by devastation and sickness and a lack of water for power and navigation. In New York they estimate the annual loss from typhoid—which can be prevented by a State administration of its waters—at \$8,000,000.

By contrast the report comes from Budapest that remedial hydraulic measures instituted in Hungary increased the national wealth \$187,000,000. The area drained by the Mississippi equals that of Austria, Germany, France, Holland, Italy, Spain, Portugal, Norway, and Great Britain combined, and when this area, 41 per cent of the United States, goes on a flood at one time no levees on the lower river can stand the strain. There must be an alternative, and the only one is that of impounding the flood waters at their source. The cry is now going up in many directions there must be cooperation between the Federal and State Governments to cure this evil. It must be done. It can't be neglected. The evil will grow worse and worse and it has become unendurable.

But in curing the flood evil other and immense benefits follow. Health is promoted, a steady supply is furnished the water powers, and wherever navigation exists the stream regulation is of the highest importance. No State needs a State policy in managing its waters more than Minnesota, and yet its importance is not generally appreciated."

[From the St. Paul Pioneer Press, Feb. 27, 1911.]

WATERWAYS PLAN FINALLY EVOLVED—SCHEME SUBMITTED FOR IMPROVEMENT OF MISSISSIPPI FROM MINNESOTA TO GULF—LEGISLATURE URGED TO ACT—ARGUED FEDERAL GOVERNMENT AND STATES ALONG RIVER SHOULD COOPERATE TO FINANCE MOVEMENT.

To the Pioneer Press: In view of several partial statements which have appeared recently and in view of the importance of the subject of State waterway and water-power legislation while this legislature is in session, I ask permission to make a further and fuller presentation of the subject than has yet appeared in print.

Gov. Eberhart has started a movement for the public benefit that should bring him lasting fame as its real and far-reaching merits shall

appear. It is up to this legislature to see properly and grasp by legislation the great opportunities which offer themselves now, but which have in part escaped and which will rapidly disappear altogether and forever if not seized without further delay. That would be a calamity not only to the State of Minnesota but to the entire Northwest and to the entire Mississippi Valley south of us.

IMPORTANCE OF MINNESOTA.

In this whole combination Minnesota occupies in importance that position which a keystone does in an arch. As our forests are cut off and our vast swamps are drained the sprinkle of disaster which already depresses the Minnesota Valley will become the raging storm, and the only way to cure permanently the flood evil is by replacing the natural swamp and timber sponges by artificial reservoirs to impound the floods of spring, releasing them gradually later. In doing this great water powers will be created, as will canals or cheap water roads over the State, free to the farmer and the manufacturer. This means redemption of the waste places of the State, the peopling of those portions now wilderness, an increase in land values, new towns, new electric roads gridironing the whole State until the 2,000,000 persons now dwelling in the State become, perhaps, twice that number.

WOULD DRAW MANUFACTURING.

These new water powers all over the State will inevitably draw manufacturing. The wool of Montana now passing through us to Boston should be stopped here, financed, manufactured, and distributed from here. Following the first steel plant, now under construction at Duluth, there should be others, and on the great water powers near there a host of secondary iron and steel manufacturing should spring up.

The old theory of iron manufacturing has been that the ore went to the fuel, but the practice of taking Minnesota ore to Pennsylvania to the coal is now being reversed by reason of the cheap freights on the Great Lakes on coal coming to the ore district. Cheap water transportation on the Lakes is bringing the steel manufacturing to Minnesota, and the market for iron and steel is moving west and can be supplied cheaply from Minnesota.

This argument of cheap water carriage for the benefit of Minnesota I will now apply to the Mississippi River. The great storage of flood waters will increase the low-water navigation on the Mississippi River as far down as Keokuk, and according to good authorities as far as St. Louis. On high authority—a United States engineer of many years' experience on this end of the river—it is said, with the reservoirs possible of construction in Minnesota, a minimum water channel of 12 feet can be maintained down to Prescott, and if the same reservoir work is continued on down, from 12½ to 15 feet low-water channel can be had. But dead low water exists for a short time only, and a much higher stage may be expected for much of the navigation season.

FREIGHT CARRIED BY RHINE.

What this may mean can be estimated when we consider that the Rhine, on a maximum depth of 9 feet, and from that to less than half that, carries annually 25,000,000 tons. Thus Minnesota is seen to occupy the unique strategic position, the key, so to speak, to trade and manufacturing afforded by its location at the northwest corner formed by the Great Lakes water system to the east and the Mississippi River for 1,800 miles to the south.

And from this angle, from Minnesota, radiates the vast system of railroads over the great Northwest.

Such a combination of advantages is rare, if not unknown, in any other country. Neither the Northwest nor the Mississippi Valley has done more than begin to grow, and with the coming inevitable growth queenly Minnesota will come into her own, if only the lawmakers of this legislature see and act in accordance with the necessities of the movement.

WHAT CHICAGO HAS DONE.

From Chicago via the Illinois River to the Mississippi River near St. Louis and down to the Gulf an improved river is planned for a depth of from 14 to 20 feet. Chicago has spent \$60,000,000 to build the upper end and the State of Illinois has amended its constitution and has bonded itself for \$22,000,000 with which to carry on the work within its own borders.

SINISTER MOVEMENT SEEN.

Right here I want to call the attention of our legislature to a sinister movement, and one which is threatening and may strangle development in our great State, the Northwest, and the Mississippi Valley to the infinite loss of all, unless our present legislature acts to prevent it.

Just below Chicago on this great \$60,000,000 canal an ostensible electric light company has got a grip that threatens that whole scheme of navigation from Chicago down. The State of Illinois is now in the midst of a life-and-death fight against this octopus, which nobody for a moment thinks is a genuine lighting company. Its control and animus is in Wall Street, and the same genius for evil is now seeking under cover, of course, to get hold of our Minnesota Valley and our high-dam water power between the cities of Minneapolis and St. Paul. It is a movement, smooth as oil and deadly as a viper, that should be scotched now by this legislature in the interest of the public welfare. No powers should be granted by this legislature or by Congress which in any way may obstruct what the State of Minnesota may want to do. This is ordinary common sense and business prudence and requires no argument.

DEVELOPMENT DEMANDED.

Coming back to the river and the deep-water channel from Chicago to the Gulf, the whole Mississippi Valley wants our aid, from the Missouri River to Minneapolis and up through the State, developed to the utmost. I am now in correspondence with men of large affairs, covering the entire Mississippi Valley to the Gulf, who propose to form a united movement on the part of the Mississippi Valley States to work for a complete and harmonious channels improvement from the Gulf of Mexico up and into Minnesota, and I am receiving strong assurances of intelligent, sympathetic interest, a recognition of the sense and reasonableness of the plan, and a willingness and readiness to enter upon it.

WHAT IS INVOLVED.

Just a brief mention of what is involved. The work is naturally divided into three parts. From the mouth of the Missouri River, where a vast amount of sand and earth enters the Mississippi, for many hundred miles to Louisiana, where the deep, still water from the Gulf begins, the problem is one of bank dikes to prevent flood and a scouring and digging out of the sand bars which pile up between the long, deep pools. From the Missouri River to Minneapolis the river is gentle in its flow, having a fall of only about 7 inches to the mile, except at the two points where the earth's crust is broken, making rapids at Keokuk and Rock Island. The extremes between flood and

low water on this river are only 20 feet apart, while on the Ohio River they are 70 feet. With the channel once fenced in by lock and wing dams and bank protection, as is now being done by the Federal Government, there remains only to be added the possible reservoir construction for increasing the low-water flow.

POSSIBILITY OF RESERVOIRS.

Lyman E. Cooley, engineer of the Chicago Canal, writes me that while investigating the possibilities of the Keokuk Dam he estimated that a limited reservoir construction above that point would increase the river flow 60 per cent as far down as Keokuk and that the most of such reservoir work would be up here in Minnesota. This possible reservoir development being mostly in Minnesota, it can only be done by the State of Minnesota, though its benefits to the whole river below and to all those States are clearly seen and desired by the whole Mississippi Valley. I therefore count confidently on the support of them all to the granting to the State of Minnesota of the 1,500,000 acres of Government land still remaining within the borders of the State, which could then be used as the basis for a State bond issue with which to do this comprehensive State reservoir work. These lands are to-day of little value. As drainage progresses and the State fills up they will become more and more valuable and can be sold as seems best until all are disposed of, the proceeds to go into a sinking fund with which to retire the issue of State bonds, say, in 40 or 50 years.

MEANS AN AMENDMENT.

Of course this means an amendment to our State constitution, as was accomplished in Illinois and has been done in other States. In addition, the State should be able to buy from the United States Government, at cost, the high dam between St. Paul and Minneapolis. This is estimated to cost less than \$1,500,000. It will produce a minimum revenue which, called 5 per cent interest, would represent an investment of \$7,500,000, and really much more, as I am only using minimum figures to make my argument safe. This would permit the State to issue bonds enough to pay for the dam and a large amount more, the latter being used to begin work on other dams, say, in the Minnesota Valley. The lands and the dam should permit a maximum State bond issue of \$20,000,000, only to be issued piecemeal and strung along for years. Then, based on new water power created, as in New York State, other State bonds could be issued, so gaining enough funds to do all possible State reservoir building at no cost to anyone, simply using the State credit as a safe asset that will pay the cost of construction and then be left in State ownership forever afterwards to yield a State revenue with which to cut down State taxation.

PROPOSITION IS COMMENDED.

I have studied this project for years. I have put it up to the best men I can find—United States engineers, large capitalists, here and elsewhere, political leaders here, in Washington, and down the whole Mississippi Valley—and I have yet to find a single one who says it is impractical or unreasonable. On the contrary, I have never failed to receive the indorsement of these men. As a loyal citizen of Minnesota, as a member of the waterways commission appointed by Gov. Eberhart to investigate and recommend measures and ways and means, I now submit the plan for the thoughtful and honest consideration of the Legislature and by the people of Minnesota.

BILLS BEFORE LEGISLATURE.

Two bills introduced by Hon. L. C. Spooner are now before the legislature. One calls for the creation of a State water-supply commission to care for the water interests of the State; and if ever any State needed competent, honest servants, Minnesota needs them now in the promotion of this enterprise.

The second bill calls for funds to take an engineering inventory of the State's assets in water resources. The sum is far too small, but it will make a start.

Canada shames us all in her large intelligence in such matters and in the settlement of her cheap lands. She is getting the settlers who ought to locate in this State, and she has just paid \$75,000 for an engineering investigation of the proposed waterway from Lake Superior to the Ottawa River.

When our next legislature meets two years hence, we should be prepared to offer that body the facts regarding our State water assets, with recommendation as to the proper action to take, such as a possible constitutional amendment permitting an issue of construction bonds. We ought to have things ready in Congress for turning over to the State the Government lands and the high dam, as already indicated. Meanwhile we should keep every predatory and hostile interest from securing a strangle hold on any stream or dam or reservoir site that the State might possibly want. Any water commission that may be created can not hope to more than make a beginning in the next two years, and I hope this legislature will appoint one of its number as the accredited representative of the State to cooperate with the water commission, if such be created, this representation to treat also with the various States and interests in the Mississippi Valley and with the President of the United States and Congress as shall be necessary.

The man to be selected for this important duty should have a broad, constructive grasp of the whole proposition. He should be a man of recognized integrity and unflinching purpose, equipped with a personality and power of presentation of the subject that shall carry weight.

MINNEAPOLIS.

A. L. CROCKER.

[From the New Orleans Item.]

THE LEVEES AND THE RIVER.

What has happened at Beulah, what is threatened at Filters Point, what may come at Alsatia or Hymelia or Panther Forest or above Morganza, if the river continues to rise, is irrefutable evidence that the "levees-only" method of handling the problem of the Mississippi Valley is pitifully inadequate and futile.

What certain sage engineers have said about the impossibility of doing anything else to regulate floods, save building levees, will not be accepted without question by the people endangered. It is of too recent occurrence that learned gentlemen of the engineering profession staked their reputations that the Panama Canal could not be built in the exact way and manner in which it has been built, and that other learned gentlemen said that neither the Chagres in Panama nor the Nile in Africa could ever be "controlled."

What has been proven possible in one watershed would seem to the layman's mind possible in another, when the only fundamental difference is in magnitude, especially in this day when magnitude of any material problem has ceased to awe.

People along the Mississippi flood frontage remember that the record-breaking, levee-smashing water of 1912 came only from some of the lower rivers plus a torrent from the Ohio. They wonder in fear what would happen if, as is entirely possible, the Missouri, the upper Mississippi, and the Ohio should happen to be exceptionally high at the same time that the lower basins were already filled.

What is needed is an impartial survey of the whole great interrelated question of water conservation, irrigation and reclamation, transportation maintenance, and flood prevention from the headwaters to the jetties; decision upon an inclusive program covering every phase; and the adoption of that program and provision for it as a whole, just as the construction of the Panama Canal was planned, adopted, and provided for in its entirety.

The Federal Government is the only agency capable of doing this.

The people of the valley who fail to see beyond the tops of their levees, and who fear "invasion of States' rights," are blindly ignorant of their own interests, forgetful of the interests of millions of others who live elsewhere in the vast watershed of the Mississippi Valley.

The "problem of the valley," extending in its various phases over 28 States and affecting over 50,000,000 people, is one and the greatest of the many problems which transcend in moment and in scope the capacities or the powers of individual States.

[From the National Reclamation Association, New Orleans.]

FLOOD PREVENTION.

In its issue of February 1, 1913, the Los Angeles Tribune prints the following editorial:

"ANOTHER OBJECT LESSON OF FEARFUL COST.

"That the people of the Mississippi Valley should again be suffering personal distress and enormous loss from floods within a year of a former catastrophe is reason for serious reflection on the American way of despoiling the country of natural resources without concern for results, and trusting to luck for absolution from the logical results of such folly.

"One generation is now paying fearfully for the denuding of the watersheds along the Mississippi, Missouri, and Ohio Rivers. Yet so slow is humanity to learn the real lessons of experience that it can not be predicted when the scientific and frugal methods of prevention will take the place of prodigality, with real river protection and improvement.

"According to figures compiled by Hubert Fuller and published in the North American Review, the Government has spent more than \$90,000,000 for the 'improvement' of the great stream that is now an annual menace. The result is that 'it costs the United States \$20 for every ton of freight carried' on the three great streams of the Middle West, figuring in the expense the interest on the investment.

"We are having a terrible object lesson on the evils of the pork barrel whereby millions are taken out of the National Treasury and spent with the abandon of the drunken sailor on our waterways, big and little, for the political benefit of Members of Congress. After two floods of such stupendous harm in the Mississippi Valley it should not be necessary to argue much for the Newlands bill which proposes to harness the headwaters of America's great streams."

Mr. NEWLANDS. These editorials, coming from New England, the South, and the Pacific coast, indicate how general the expression is in favor of big and comprehensive National and State action.

Here we find the people upon the tributaries and source streams of the Mississippi moving. At Pittsburgh, where they suffer annually a loss aggregating from three to five million dollars from the floods, they appointed what is called the Pittsburgh Flood Commission, for the purpose of looking into this matter, and appropriated \$100,000 for surveys and plans. They appreciate the importance of this question. That commission has passed resolutions commendatory of this bill. The Pittsburgh Chamber of Commerce has passed similar resolutions. Everywhere along the line you will find a demand for the conservation of the waters as the most valuable asset of the Nation; a demand for teamwork upon the part of the Nation and the States, a demand for teamwork upon the part of the scientific services that are now, in a detached and separated way, working upon our rivers; a demand for large appropriations; a demand for continuous work.

Why is it that our southern friends have not come into this movement with the vigor that usually characterizes them? I am at a loss to understand. Our Southern States are either traversed by the greatest of our rivers or are the sources of more rivers than any other portion of our country. There is no part of the United States that would benefit so much from the cooperation of rail and boat as will our Southern States, with their numerous rivers, arms of the sea, and the Gulf; with their splendid harbors, with their magnificent climate, with their extraordinary capacity for production; and yet there is more inertia upon this subject displayed by the representatives of the South than by the representatives of any other part of the country.

I have been unable to understand it, unless it is that so large a portion of the existing expenditures upon our rivers is made in the Southern States that they are unwilling to disturb that system, and that they are fearful of contemplating a great and efficient system that, in the end, will do much more effective work, lest their pending operations be temporarily disturbed. They must be pleased with the individual-project system, which makes each individual Congressman the arbiter of his own district, the controlling power as to whether or not appropriations shall come to that district. Such a condition as that has a subtle influence upon judgment and upon action. It is a part of the

old spoils system that prevailed for so long to the injury of the country and the injury of the administration of its offices, which was continued as regards projects in waterways and public buildings, and which is only gradually yielding to better methods as the result of scientific legislation.

But I think if our southern representatives will go and test the sources of political power, the people themselves, they will find among them a general demand for a revolution of the existing system. The Senator from Georgia [Mr. SMITH] will recall that some three or four years ago it was my privilege to address the combined boards of trade of Georgia at an immense banquet given in Atlanta, at which the Senator, then the governor of the State, was present. I think the Senator will bear witness with me to the fact that not only was extraordinary interest manifested in the scheme of national development and national and State cooperation that was then discussed, but that there was an enthusiastic expression of favor regarding it. Wherever in the South nonpolitical gatherings are held—the meetings of the Southern Commercial Congress, the meetings of the Southern Reclamation Association of Louisiana, waterway conventions at Memphis, and elsewhere—you find the most enthusiastic expressions in favor of this policy. You will find to-day the two leading newspapers of New Orleans, the Item and the Picayune, advocating it. You will find the Progressive Union of New Orleans, a great commercial organization established for the advancement of the interests of the South, in favor of it. You will find the Reclamation Association of that State in favor of it, and you will find them all condemnatory of the narrow spirit of some southern statesman that insists simply upon a vision confined to the lower Mississippi and disregards the national aspirations upon this subject.

This movement is now being, I may say, in a measure directed and led by Mr. George M. Maxwell, formerly an able and distinguished lawyer of California, who became so interested in the question of irrigation that he abandoned his practice and devoted entirely seven or eight years of his life to the active propaganda for its advancement. He was the head of the executive committee of the Irrigation Association, and for years, both in the public press and upon the platform, was the strong advocate of western sentiment upon this subject. Led by his study of that subject to the conviction that irrigation was only a part of the water question, and a small part, and that the proper development of our water resources involved teamwork between the Nation and the States and the development of all related uses of water in the advancement of wealth and prosperity, he has taken up this propaganda. He was chosen as chief of the executive committee of the Pittsburgh Flood Commission; he has been chosen as the chief of the executive committee of the Louisiana Reclamation Service or Union; he has been chosen as a representative of the leading waterway association on the Pacific coast, where his influence has always been potent for wise measures. He is to-day conducting a propaganda at New Orleans, supplying all the various communities with literature upon this subject, almost suffering at times from pecuniary distress as the result of his disinterested labors.

I have received a telegram from Mr. Maxwell expressing his inability to be here at this important time, and expressing the hope that in my eagerness to secure action now I will not accept partial results by way of amendment; that the thing to do is to fight for the river-regulation bill as drawn; and that if that fight is conducted earnestly and consistently victory will soon be our reward. Animated by the suggestion, I have not viewed with hospitality the various suggestions that have been made by my colleagues upon this floor that I should narrow the operation of this measure by resorting to some temporary expedient.

We have been for 100 years pursuing this question; we have the accumulated experience of engineers, constructors, and publicists upon it; we have a universal public sentiment. It is true that the Committee on Commerce accepted a part of an amendment which I offered, which you will find in the bill, and with which they propose to satisfy me, but I am not satisfied. It is true that appeals have been made to me not to imperil the passage of the pending bill by long discussion in the closing hours. I am not insensible to that appeal, but the time will come, unless some action is taken, when upon the river and harbor bill the representatives of regions other than the lower Mississippi Valley will see to it that this is planned and conducted as a great national and interstate enterprise, and they will, at the risk of imperiling and destroying this insufficient legislation, which parties interested have been building up, insist upon large national and interstate plans and works under the cooperative methods for which my river-regulation bill calls.

Mr. BURTON. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. After line 17, page 7, substitute a comma for the period and insert the following:

And the Secretary of War is hereby authorized to make such rules and regulations for the navigation of Ambrose Channel, after the completion of its improvement, as he may deem necessary or expedient to insure its safe use in all kinds of weather, night and day, for all vessels under control and running under their own power, and to this end he may, in his discretion, forbid its use to tows of every description and to sailing vessels.

Mr. NELSON. There is no objection to that amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BURTON. I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

Mr. BURTON. Before it is read, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Ohio suggests the absence of a quorum. The roll will be called.

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

Ashurst	Gallinger	McLean	Simmons
Bankhead	Gamble	Myers	Smith, Ariz.
Borah	Gardner	Nelson	Smith, Ga.
Bourne	Guggenheim	Newlands	Smith, Mich.
Bristow	Hitchcock	Oliver	Smoot
Brown	Jackson	Owen	Stephenson
Burnham	Johnson, Me.	Page	Sutherland
Burton	Johnson, Ala.	Paynter	Swanson
Catron	Jones	Percy	Thomas
Chamberlain	Kavanaugh	Perkins	Thornton
Clarke, Ark.	Kenyon	Pittman	Webb
Crawford	La Follette	Pomerene	Wetmore
Cullom	Lea	Richardson	Williams
Curtis	Lippitt	Sheppard	Works
Foster	Lodge	Shively	

Mr. SIMMONS. I was requested to announce that the Senator from South Carolina [Mr. SMITH] is absent on official business.

The PRESIDENT pro tempore. On the call of the roll 59 Senators have answered to their names. A quorum is present.

Mr. BURTON. It is anticipated that some time may be consumed in the discussion of the amendment I have offered. I will say that is not my own opinion, as I do not expect to occupy more than a very few minutes. The Senator from Idaho [Mr. BORAH] desires to present an amendment which will provoke no discussion probably, and I yield to him for the presentation of that amendment. After that I desire to have the amendment which I have offered read.

Mr. BORAH. After the word "reserved," on page 54, line 23, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The Senator from Idaho offers an amendment, which will be read.

The SECRETARY. On page 54, line 23, at the end of the committee amendment already agreed to at that place, insert:

"Nothing in the foregoing section or in this act shall be construed to embarrass, hinder, or deny the right of a State through its public utilities board or commission or in such other mode as the State may lawfully provide, to regulate and control the rates and charges for which any corporation (public or private), company, or individual shall furnish hydroelectric power or electricity to the people of the State when the same is intrastate business, or to embarrass, hinder, or deny the right of the National Government, through the Interstate Commerce Commission or such other mode as Congress may provide, to regulate and control the rates and charges for which any corporation, public or private, or any individual shall furnish hydroelectric power or electricity to the people of any State when the same is interstate business, and that notwithstanding any of the provisions of this act there is reserved against all grants and privileges herein made or given the right of public regulation and control as to the rates and charges for which hydroelectric power or electricity may be furnished, sold, or disposed of to all those desiring to purchase or use the same."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Idaho.

Mr. WORKS. I should like to inquire of the Senator from Idaho whether this is an amendment to the proposed amendment of the Senator from Ohio?

Mr. BORAH. No; it is an amendment to the bill as it now stands. If the amendment of the Senator from Ohio should be adopted, it would be in operation, nevertheless.

Mr. WORKS. The reason why I asked is because it seems to be a qualification of the provision intended to be inserted in the bill by the Senator from Ohio.

Mr. BORAH. I conceive this amendment to be important by reason of the amendment which was put in upon page 53 of the bill, with reference to the Minnesota dam-site amendment.

Mr. OWEN. I wish to ask the Senator from Idaho if his amendment reserves to the State the right to regulate the rates, whether the service is interstate or intrastate, or is it confined to intrastate business?

Mr. BORAH. The amendment as it is drawn provides that no grant or privilege given or granted under this bill shall interfere with the State from regulating or controlling the rates or charges for furnishing hydroelectric power when it is intrastate business.

Mr. OWEN. The reason why I asked was because it appeared to have been read with both words in it; but that was a mistake, I suppose, in reading.

Mr. WILLIAMS. I should like to ask the Senator from Idaho what is the need of this amendment? Does he imagine that anything in the bill could interfere with the constitutional right of the State to regulate rates upon intrastate business?

Mr. BORAH. My idea is that a special grant might be such that it would be so construed as to interfere with the powers of the State. Here is a special grant, based upon an apparent consideration, and in which grant the National Government apparently retains an interest, to be used for governmental purposes. Now, I do not want this ambiguous language construed so that this electric company will be deemed an instrumentality or servant of the Federal Government. But aside from this question of law the amendment declares a policy.

Mr. WILLIAMS. I do not know what the clause is and what the character of it is, but if there were language in the bill expressly giving to the Federal Government power to interfere with the regulation of the rates in intrastate business, the language would not be worth the paper upon which it was written. Congress could not by its power subtract from the constitutional rights of the State, nor add to the constitutional rights of the Federal Government. The matter would be left for judicial construction after all.

It does seem to me that offering this amendment to the bill might possibly endanger the bill itself and that it could do no possible good.

Mr. BORAH. Mr. President, I do not disagree with the Senator from Mississippi as to the general constitutional proposition which he has stated, but there is a special grant in the bill to which I am very much opposed, by reason of the fact that in my opinion it might be construed to embarrass a public utilities commission in the discharge of its duty in fixing rates.

If the amendment has no other effect than that suggested by the Senator from Mississippi it would do no harm. It will certainly construe this act upon the part of Congress as Congress intends it shall be construed. But I am most anxious just now to declare as a policy along with all these special grants that of public regulation and control by some other body than the head of a department actuated by a desire to get revenue rather than to protect the people from exorbitant charges.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Idaho.

The amendment was agreed to.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Ohio [Mr. BURTON] will now be read.

The SECRETARY. After line 18, on page 5, insert:

The assent of Congress is hereby given to the Connecticut River Co., a corporation organized and doing business under the laws of the State of Connecticut, to relocate its "Enfield Dam" so called, and to construct, maintain, and operate such relocated dam (which is located opposite Kings Island, in said river, shall extend across both branches of the river), together with works appurtenant and necessary thereto, across the Connecticut River at any point below a line crossing both branches of the river and Kings Island midway between the northerly and southerly ends of said island: *Provided*, That, except as may be otherwise specified in this act, the location, construction, maintenance, and operation of the structures herein authorized, and the exercise of the privileges hereby granted, shall be in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 23, 1906": *And provided further*, That the time for completing said dam and appurtenances may be extended by the Secretary of War, in his discretion, two years beyond the time prescribed in the aforesaid act: *And provided further*, That the rights and privileges hereby granted may be assigned with the written authorization of the Secretary of War, or in pursuance of the decree of a court of competent jurisdiction, but not otherwise: *And provided further*, That the Secretary of War, as a part of the conditions and stipulations referred to in said act, may, in his discretion, impose a reasonable annual charge or return, to be paid by the said corporation or its assigns to the United States, the proceeds thereof to be used for the development of navigation on the Connecticut River and the waters connected therewith. In fixing such charge, if any, the Secretary of War shall take into consideration the existing rights and property of said corporation and the amounts spent and required to be spent by it in improving the navigation of said river, and no charge shall be imposed which shall be such as to deprive the said corporation of a reasonable return on the fair value of such dam and appurtenant works and property, allowing for the cost of construction, maintenance and renewal, and for depreciation charges: *And provided further*, That if said company shall neglect or refuse to pay any charge or return demanded of said corporation by the Secretary of War, either by order or under any contract, and such neglect or refusal is based on the ground that said charge or return is invalid or unconstitutional and not within the power of Congress to require, such neglect or refusal on the part of the company shall not affect the rights of said company to hold and exercise all the powers, rights, and privileges granted in this act; and in any suit brought against said corporation for the collection of said charge or return, the said corporation shall have the right to enter its

proper plea to test the constitutionality or validity of said charge or return, and the courts shall take cognizance of the same; and nothing in this section shall be understood as committing the Government to a policy of imposing or not imposing such charges or returns as are herein described from any other company or corporation seeking the assent of Congress under like or similar circumstances.

That the height to which said dam may be raised and maintained shall not be less than 39 feet above zero on the Hartford gauge: *Provided*, That said corporation shall permit the continuous discharge past said dam of all water flowing in the Connecticut River whenever the discharge into the pool created by the dam hereby authorized is 1,000 cubic feet per second or less, and at all greater discharges into said pool shall provide a minimum discharge past said dam of not less than 1,000 cubic feet per second: *And provided further*, That said corporation may, for not to exceed five hours between sunset and sunrise, limit the discharge past said dam to 500 cubic feet per second whenever such limitation will not, in the opinion of the Secretary of War, interfere with navigation. The measure of water thus to be discharged shall include all the water discharged through the lock herein provided for and the present locks and canal of said corporation: *And provided further*, That nothing in this act shall in any way authorize said corporation at any time or by any means to raise the surface of the river at the location just above the present Enfield Dam to any height which shall raise the surface of the river at the lower tailrace of the Chemical Paper Co. in Holyoke, Mass., higher than can result from the erection or maintenance of any dam or dams which said corporation is authorized to erect or maintain in accordance with the order and decree of the circuit court of the United States for the district of Connecticut, passed June 16, 1884, in the case of the Holyoke Water Power Co. against the Connecticut River Co.

That the said Connecticut River Co. shall build coincidentally with the construction of the said dam and appurtenances, at a location to be provided by said corporation and approved by the Secretary of War, and in accordance with plans approved by the Secretary of War and the Chief of Engineers, a lock of such kind and size and with such equipment and appurtenances as shall conveniently and safely accommodate the present and prospective commerce of the river, and when the said lock and appurtenances shall have been completed the said corporations shall convey the same to the United States, free of cost, together with title to such land as may be required for approaches to said lock and such land as may be necessary to the United States for the maintenance and operation thereof, and the United States shall maintain and operate the said lock and appurtenances for the benefit of navigation; and the said corporation shall furnish to the United States, free of charge, water power, or power generated from water power, for operating and lighting the said constructions; and no tolls or charges of any kind shall be imposed or collected for the passage of any boat through the said lock or through any of the locks or canal of said corporation.

That compensation shall be made by the said Connecticut River Co. to all persons or corporations whose lands or other property may be taken, overflowed, or otherwise damaged by the construction, maintenance, and operation of the said dam, lock, and appurtenant and accessory works, in accordance with the laws of the State where such lands or other property may be situated; but the United States shall not be held to have incurred any liability for such damages by the passage of this act.

That upon the termination for any cause whatever of the authority, rights, and privileges granted hereby, or any renewal thereof, the United States may renew the same or the grant may be made or transferred to other parties. Unless the grant is renewed to the original grantee or its assigns, as herein provided, the United States shall pay or require its new grantee to pay to said original grantees or its assigns, as full compensation, the reasonable value of the improvements and appurtenant works constructed under the authority of this act and of the property belonging to said corporation necessary for the development hereby authorized, exclusive of the value of the authority hereby granted. Said improvements and appurtenant works and property shall include the lands and riparian rights acquired for the purposes of such development, the dam and other structures, and also the equipment useful and convenient for the generation of hydroelectric power or hydromechanical power, and the transmission system from generation plant to initial points of distribution, but shall not include any other property whatsoever. Such reasonable value shall be determined by mutual agreement between the Secretary of War and the owners, and, in case they can not agree, then by proceedings instituted in the United States district court for the condemnation of such properties. The basis for determining the value shall be the cost of replacing the structures necessary for the development and transmission of hydroelectric power by other structures capable of developing and transmitting the same amount of marketable power with equal efficiency, allowance being made for deterioration, if any, of the existing structures in estimating such efficiency, together with the fair value of other properties herein defined, to which not more than 10 per cent may be added to compensate for the expenditure of initial cost and experimentation charges and other proper expenditures in the cost of the plant which may not be represented in the replacement valuation herein provided.

That the right to alter, amend, or repeal this provision is hereby expressly reserved.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Ohio [Mr. BURTON].

Mr. BURTON obtained the floor.

Mr. BANKHEAD. Mr. President—

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

Mr. BURTON. Yes.

Mr. BANKHEAD. I should like to inquire of the Senator from Ohio about how long he thinks he will discuss this matter?

Mr. BURTON. For not more than 10 minutes.

Mr. BANKHEAD. I desire to raise the point of order against the amendment, and I do not want to be precluded by any proceeding that may come in advance of my doing so.

The PRESIDENT pro tempore. That will be the Senator's right at any time.

Mr. BURTON. Mr. President, this amendment is in the same form, practically, as a bill which was heretofore considered

by the Senate, but in the disposition of which a portion was eliminated by amendment. There are, however, two vital reasons why the amendment I now offer should be adopted, which did not exist when the bill to which I refer was acted on by the Senate. Those two reasons are these: First, the original bill contained, as does this amendment, a provision that a certain charge should be imposed upon the company, and that the fund so created should be used by the United States for the improvement of the Connecticut River. It was maintained by some of the Senators that this was an unlawful exercise of Federal power. There was much discussion on that subject. With equal earnestness it was maintained by some that the provision was entirely valid and by others that it was invalid. This amendment contains a provision, not included in the original bill, which will be found on page 3, beginning with line 5, and reads as follows:

And provided further, That if said company shall neglect or refuse to pay any charge or return demanded of said corporation by the Secretary of War, either by order or under any contract, and such neglect or refusal is based on the ground that said charge or return is invalid or unconstitutional and not within the power of Congress to require, such neglect or refusal on the part of the company shall not affect the rights of said company to hold and exercise all the powers, rights, and privileges granted in this act; and in any suit brought against said corporation for the collection of said charge or return, the said corporation shall have the right to enter its proper plea to test the constitutionality or validity of said charge or return, and the courts shall take cognizance of the same.

So much for that. Why should Senators be reluctant to have this question, about which there was so much discussion, submitted to the courts? Most careful provision is made that if the company refuses to pay the proposed charge that shall not interfere with their rights to utilize this water power, but that they may continue to do the business which they are organized to do, and the courts will decide the question of the constitutionality of the charge. Do we not have, Mr. President, some interest in having submitted to the court this question in the discussion of which several days were consumed?

But, still further, others stated that the bill created a precedent which would operate unfavorably in other cases where it was sought to develop water power. To meet their contention this clause has been inserted:

And nothing in this section shall be understood as committing the Government to a policy of imposing or not imposing such charges or returns as are herein described from any other company or corporation seeking the assent of Congress under like or similar circumstances.

Eight or nine members of the Committee on Commerce filed a report in which they stated that they favored the bill and that, except for this clause imposing a charge, they would vote for it, but they regarded that as invalid and as creating an unfavorable precedent. Now, provision is not only made for determining whether or not it is valid or invalid, without interfering with the rights of the company, but there is an express declaration that it shall not be regarded as a precedent.

In the course of my argument several days ago I said, Mr. President, that the conditions here were somewhat exceptional; that this dam was located in the midst of a thickly settled country where there existed a great demand for power. To make sure that in another place where there might be a sparse settlement a similar charge could not be imposed, this amendment expressly provides that this legislation shall not be regarded as a precedent.

Mr. WORKS. Mr. President—

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

Mr. BURTON. Yes.

Mr. WORKS. Does the Senator from Ohio really think the corporation would raise that question and involve itself in litigation, while it has the right under the law to collect back from its consumers every dollar of the money that it is required to pay out for such charges?

Mr. BURTON. Mr. President, I argued that question at great length some days ago. The corporation does not have the right to collect every dollar back from its consumers. This provision is inserted here as a safeguard against exorbitant profits. It is expressly provided that the public utilities commission of the State may fix the charge. In actual practice the Federal charge will be imposed, as has been repeatedly pointed out, only after the rate-fixing authority of the State has determined the rates the company may charge, and then only when an undue margin of profit still remains.

I may repeat briefly what I formerly called attention to, that the price of power is determined by competitive conditions; that the greater share of power consumed or used in that locality would be generated by coal; that portion of the power furnished by water would cost much less; and that a public utility commission could not consistently fix one price for power

generated by water and another price for power generated by coal.

The second reason for adopting this amendment, which did not exist when the original bill was up for consideration, is this: We have inserted in the pending bill a provision for a leasing of the power created by a dam between Minneapolis and St. Paul. Under what terms? That the company utilizing that power must pay what? Four per cent interest, not on the total cost of the dam, but on that additional cost, which is necessary to make the dam capable of producing water power; that is, the dam for navigation would cost, say, \$800,000, whilst the dam with the capability of producing water power would cost \$1,400,000; and there is a charge of 4 per cent on that additional \$600,000. We have thereby, if any legislation by Congress establishes a principle, established a rule that the Government, when constructing works for the promotion of navigation, may add to the cost of those works an amount sufficient for the creation of water power, and that it is entitled to compensation on the amount of its investment for the creation of that water power.

Mr. President, what defense could be offered if we should adopt that kind of a proposition and should refuse this? Why, we would be saying that the Government of the United States might spend its own money for the creation of water power and lease that privilege for 4 per cent interest on its investment, but that when a corporation comes to us and offers to build a lock and dam, furnish power, and do everything else necessary for navigation, we refuse it. Does that look like very much care for the interests of the United States? Does that indicate any degree of foresight and of regard for the interests of the Federal Government? It would virtually be saying that this private corporation can not build a lock and dam, but the Government may build the lock and dam and lease it for 4 per cent interest on the cost.

Mr. President, I am not willing, and I do not believe the Senate is willing, to have it said that we will build and turn over to a corporation expensive works at 4 per cent interest, but that we refuse to allow a private corporation, at its own expense, without cost to the Government, to create this very substantial aid to navigation.

The subject has been so long discussed, Mr. President, that I do not desire to prolong my remarks, and I trust that the offering of the amendment will not reopen the controversy which has heretofore consumed so much time. It is in no language of challenge that I say to those on the other side, "You have taken a different view as to the local phases of this question; now, let us submit it to the courts." It is rather as an orderly presentation of the argument and of the statement to the Senate that this is the way, and the only way, to have this question, which must be of such vital importance in the future, settled, and settled beyond controversy.

Mr. BANKHEAD. Mr. President, I desire to make a point of order against this amendment for two reasons: First, it is obnoxious to paragraph 3 of Rule XVI; and, second—

The PRESIDENT pro tempore. Will the Senator kindly read that paragraph?

Mr. BANKHEAD. I ask that the Secretary read it.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Secretary read from paragraph 3 of Rule XVI, of the Rules of the Senate, as follows:

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received.

Mr. BANKHEAD. Again, Mr. President, it is a violation of section 7, Article I, of the Constitution of the United States, which provides:

SEC. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Mr. President, it is perfectly evident, and I do not think it requires an argument to satisfy the Senate, that the purpose of this amendment is to raise revenue. It levies a tax, to be collected through the agency of the Secretary of War, the funds to be paid into the Treasury. Therefore it can not be denied, it seems to me, that it has for its purpose, and for its main purpose, the raising of revenue. To say nothing of that, I insist it is obnoxious to the clause of the rule that has just been read.

Mr. BURTON. Mr. President, a river and harbor bill is not essentially an appropriation bill at all; it is a bill making allowances for different river and harbor works and providing for their construction. In almost every river and harbor bill for 10 years we have had provisions of this nature, to the effect that a privilege shall be granted to construct dams in navigable streams. This bill is full of provisions other than those relating to appropriations. There is a long list of surveys; there is

authority to rent dredges under certain circumstances; and there is authority to receive donations of land. Without the right to insert paragraphs which relate to the construction of locks and dams the improvement of rivers could not proceed without very serious embarrassment. A lock and dam is just as much in the interest of navigation when made by a private party as when made by the Government. Hence that point is not well taken.

The constitutional provision against the origination of bills for raising revenue in the Senate is one which applies where the main object, you might say the sole object, is the raising of revenue. In this case that is not true; it is incidental to the main purpose. It is the granting of a privilege—you can perhaps hardly call it a franchise—but the right is granted to construct a work in aid of navigation, and coupled with that right is a condition that there shall be a certain charge imposed, not for general revenue, but for the improvement of that river and its connecting waters. If the contention of the Senator from Alabama should be correct, you could never frame one of these provisions in the Senate, and he himself knows that that has been very frequently done. If nothing which involved a charge for the privilege could be imposed as a condition, it would be necessary to grant the naked privilege without conditions or reservations.

Mr. SIMMONS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. BURTON. Certainly.

Mr. SIMMONS. I should like to inquire of the Senator if he does not think—and I am asking for information—that the money to be paid to the Government under this amendment would have to go into the Treasury and have to be subsequently drawn out by an appropriation?

Mr. BURTON. Yes; it would have to go into the Treasury.

Mr. SIMMONS. Then, is it not analogous to provisions in the river and harbor bill in relation to contributions on the part of the localities concerned?

Mr. BURTON. It is provided in such cases that the amounts shall be paid into the Treasury.

Mr. SIMMONS. If this money must be paid into the Treasury and appropriated out, how does the Senator distinguish this fund from any other fund belonging to the Government?

Mr. BURTON. Because it is for a special purpose and in connection with the object relating to which the privilege is granted. It is very different, as the Senator from North Carolina will readily recognize, from a provision for general revenue, and, even if that were not the case, it is a mere incident, and would not be obnoxious to the constitutional provision.

Mr. LODGE. Mr. President, the other day when a question was raised upon the amendment of the committee in regard to the Minnesota dam, I had no doubt whatever that the amendment was in order; that it was not general legislation; and the Senate so decided. "General legislation," as affecting this bill, does not mean appropriations for the specific purposes for which this bill is framed. Any appropriation relating to rivers and harbors that has been properly estimated for or that has been reported from a committee is in order. In such a case it is to carry out the purposes of the bill, and it can not possibly be said to be general legislation.

As to the point about raising revenue, it seems to me that that has hardly any weight. The Constitution provides that "all bills for raising revenue shall originate in the House of Representatives." This either is a bill to raise revenue or it is not. I do not think it is a bill raising revenue. It is open to us to put on any amendment we like, even if that amendment carries some fee or compensation. If it is not a bill to raise revenue, of course the point of order does not apply; and if it is a bill to raise revenue, then we have the right to amend it, expressly given by the Constitution. It must be one or the other.

Mr. BRANDEGEE. Mr. President—

The PRESIDENT pro tempore. The Chair will be pleased to hear very briefly on the point of order.

Mr. BRANDEGEE. Mr. President, I desire to put into the RECORD a brief extract from the discussion which took place upon this very point in relation to the Municipal Electric Co. amendment in connection with the dam on the Mississippi River. It appears on page 3593 of the RECORD, under date of February 20, 1913, and is as follows:

Mr. THOMAS. * * * My attention has been called to section 3 of Rule XVI as bearing upon this amendment, from which I will read: "No amendment which proposes general legislation shall be received to any general appropriation bill."

This amendment certainly proposes general legislation. I therefore make the point of order that it is obnoxious to section 3 of Rule XVI of the Rules of Procedure of the Senate.

Mr. NELSON. Mr. President, on the point of order, this is a special case that follows the appropriation for the dam. That appropriation of \$185,000 is for this dam, and the amendment relates simply to this particular dam. It is not of a general character. It is not general legislation.

Mr. NEWLANDS. Mr. President, I should like to ask the Senator from Ohio [Mr. BURTON] whether it has not been customary to insert legislation of this kind in river and harbor bills? Is not the river and harbor bill regarded not simply as an appropriation bill, but a bill providing authority for surveys, etc., and also appropriating money for projects?

Mr. BURTON. Mr. President, I do not think any discussion has arisen on that subject in the Senate. In the House it is regarded as a quasi appropriation bill, and material relating to public works and rivers and harbors is considered in order. That is, it is not regarded as strictly an appropriation bill and governed by the rules which pertain to appropriation bills.

Mr. NEWLANDS. I remember hearing the Senator make that statement at the committee meeting the other day when the question arose.

Mr. BURTON. That is certainly the rule in the House. It is not regarded as absolutely confined within the limits which pertain to an appropriation bill, as it will appear that the modification of projects or provisions relating to associated projects are subjects which could not well be disposed of except in this bill. For that reason the rule has been established that it is not limited by the strict rules pertaining to appropriation bills, at least in the House.

Then the discussion goes on. Finally the Chair submitted the question to the Senate, and upon page 3594 of the RECORD the President pro tempore said:

The Chair submitted it to the Senate, and it was decided that it was in order.

Now, Mr. President, this is exactly that same case. This is a permit authorizing the maintenance of a particular dam at a point in a river, and it can not be said in any respect to be "general legislation."

As to the point of order that it is "a bill for raising revenue" under the language of the Constitution, it seems to me that that claim can not seriously be made.

Section 7, Article I, of the Constitution provides:

All bills for raising revenue shall originate in the House of Representatives—

And so forth.

To say that an amendment to a river and harbor bill, which issues a permit to maintain a dam, is a bill for the purpose of raising revenue, of course, is far-fetched and absurd. I hope the Chair will overrule the point of order.

Mr. SMOOT. Mr. President, the Senator from Ohio [Mr. BURTON], as I understood him, made the statement that the river and harbor bill is not a general appropriation bill.

Mr. BURTON. Certainly; it is not.

Mr. SMOOT. I simply rise, Mr. President, to state that I understand that it is considered in the Senate to be a general appropriation bill. If I am wrong in that statement, I should like to have the Chair correct me.

Mr. BRANDEGEE. The bill states on its face that it is "A bill making appropriations for * * * rivers and harbors, and for other purposes."

Mr. SMOOT. Certainly; but it is considered, and always has been considered in the Senate of the United States, a general appropriation bill.

The PRESIDENT pro tempore. The Chair will deal with that matter in attempting to decide this question.

Mr. BANKHEAD. I should like to read, Mr. President, paragraph 1 of Rule XVI with reference to appropriation bills:

All general appropriation bills shall be referred to the Committee on Appropriations, except the following bills, which shall be severally referred as herein indicated, namely: The bill making appropriations for rivers and harbors—

And so forth.

If that does not make it a general appropriation bill I do not understand the rule.

Mr. BRANDEGEE. Mr. President, there is no relevancy whatever to the point of order as to whether or not it is a general appropriation bill. The point is that, even if it is a general appropriation bill, the amendment proposed is not general legislation.

The PRESIDENT pro tempore. The Senator from Alabama [Mr. BANKHEAD] makes a point of order against the amendment on two grounds: First, that it is general legislation on an appropriation bill according to Rule XVI; and second, that it is obnoxious to the provision of the Constitution of the United States, that "bills for raising revenue shall originate in the House of Representatives." The Chair does not consider it his function to decide a constitutional question, whatever his views on that point may be, but will confine himself to dealing with the point the Senator from Alabama makes, that the amendment proposes general legislation.

Mr. NELSON. Mr. President, there was another point made by him, and that was that the amendment is not germane.

The PRESIDENT pro tempore. The Chair did not hear that point.

Mr. BANKHEAD. Yes; I included that, Mr. President, in my point of order.

Mr. BURTON. Mr. President, if there is to be any discussion—

The PRESIDENT pro tempore. The Chair can not be interrupted just at this point. The Senator from Connecticut [Mr. BRANDEGEE] has read briefly the proceedings that occurred a few days ago on the amendment relating to the Mississippi River dam, and has shown by the CONGRESSIONAL RECORD that the Chair submitted that question to the Senate and that the Senate decided that the amendment was in order, and so decided, the Chair may well say, on a decisive vote, the yeas and nays being refused when they were demanded. During that debate several Senators whose opinions are entitled to great weight made declarations along this line. The Senator from Colorado [Mr. THOMAS] said:

I think it involves—

That is the Mississippi River dam project—

I think it involves to a very large extent the same conditions which were adopted by a majority of the Senate in the Connecticut River bill.

The Senator from New York [Mr. O'GORMAN] said:

But I have this to remark: If the Senate adopts this amendment, it should reconsider its action respecting the Connecticut dam bill, upon which we voted a few days ago.

The Senator from Idaho [Mr. BORAH] observed:

There is a difference so far as the physical facts are concerned; but there is no difference, to my mind, between the principle which is involved in this amendment and the one which was involved in the Connecticut dam bill.

There may have been somewhat similar utterances by other Senators, but the Chair simply turned to those three expressions on the part of Senators who have looked into this matter very carefully.

In view of the fact that the amendment relating to the dam on the Mississippi River was submitted to the Senate, and by a decisive vote was held to be in order, and in view of the further fact of the utterances that were made to the effect that these two amendments were on all fours, the Chair overrules the point of order.

Mr. BANKHEAD. Mr. President, I make the point of order that the amendment is not germane or relevant to the bill.

The PRESIDENT pro tempore. Under the rules, that point of order must necessarily be submitted to the Senate.

Mr. BURTON. Mr. President, I wish to be heard briefly on that matter. This follows a provision for the improvement of the Connecticut River. It is in pursuance of a survey and report made under the order of Congress, in which report this improvement is favorably regarded; but it is stated that the expense due to the development of water power, unless there is participation, should not be undertaken.

The PRESIDENT pro tempore. The Chair will suggest to the Senator from Ohio that it is not within the province of the Chair to decide the point of order now raised, the rules providing specifically that it shall be submitted to the Senate.

Mr. BORAH. Mr. President, I am sorry the Senator from Alabama [Mr. BANKHEAD] raises this question in this way. There can be no doubt but that this amendment is relevant and germane upon the same principle as the amendment which we adopted a few days ago. While I am opposed to both of them, I do not desire to be placed in the position of voting for this amendment when I vote in favor of the proposition that it is relevant or germane to the bill. We ought to vote upon it directly as to whether we want it on the bill or not. Senators who voted for the amendment a few days ago ought either to vote for this or to vote against it. It involves precisely the same principle. If the Senate is ready to reverse its action, let us reverse it now, and establish this precedent and put it in this bill.

Mr. NELSON. Mr. President, the Senator from Idaho is utterly mistaken. It is not the same principle. The dam on the Mississippi River at Minneapolis was a dam built by the Federal Government with its own money, in the interest of navigation, and it was only incidentally that the power was created. This dam on the Connecticut River is not to be built by the Federal Government. It is to be built by a private company with its own money, and the Federal Government has not a dollar invested. That is the great difference between the two cases.

Mr. BORAH. Mr. President, that difference is no difference at all so far as the legal principle is concerned. It can not make a particle of difference, as far as the legal principle involved is concerned, whether the National Government builds the dam or whether private individuals are going to build it. When we come to analyze it, in its last analysis, the principle is precisely the same. The physical facts are different, but the power of the National Government over the power created is the same.

The PRESIDENT pro tempore. If the Senator from Idaho will permit the Chair, according to the rules of the Senate the point of order now made, that this amendment is not relevant, must be decided without debate. The Chair will submit to the Senate the question as to the relevancy of the amendment.

Mr. BANKHEAD. Mr. President, I ask unanimous consent to proceed for a moment.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent to make a statement. Is there objection? The Chair hears none, and the Senator will proceed.

Mr. BANKHEAD. After further consideration of this question, I believe—

Mr. LODGE. Mr. President, this is a most extraordinary procedure. The Senator from Idaho has just been taken off the floor on the ground that the matter is not debatable, and then another Senator is permitted to occupy the floor.

Mr. BANKHEAD. I thought I had the consent of the Senate, including the Senator from Idaho, to make a statement.

Mr. LODGE. It is a most extraordinary procedure.

Mr. BANKHEAD. Mr. President, with the hope that it might facilitate the disposition of these matters, I asked that the Senate would bear with me for a minute. Have I unanimous consent to proceed for, say, two minutes?

The PRESIDENT pro tempore. The Chair put the question, and there was no objection to the Senator's proceeding briefly.

Mr. BANKHEAD. Mr. President, as I said, after further consideration I believe I will withdraw my point of order. I am willing to have the Senate vote on this question. It has gone on record once, and I am willing that it should go on record again. In withdrawing my point of order I desire to offer a substitute for the amendment offered by the Senator from Ohio, which is the bill as it passed the Senate a few days ago.

Mr. BRANDEGEE. I object to the withdrawal of the point of order.

The PRESIDENT pro tempore. The Chair thinks it would not be competent for a Senator to object to the withdrawal of a point of order.

Mr. BRANDEGEE. Then, Mr. President, I renew the point of order myself.

The PRESIDENT pro tempore. The Senator from Connecticut renews the point of order. The question is—

Mr. BORAH. What is the point of order?

The PRESIDENT pro tempore. The point of order is that the amendment is not germane to the bill.

Mr. BRANDEGEE. I hope the Senate will decide that it is germane. I do not want a vote on the amendment which the Senator from Alabama proposes to offer as a substitute for the amendment proposed by the Senator from Ohio.

Mr. BANKHEAD. We are about to get this matter rather complicated, it seems to me. As I understand, objection is made to my withdrawing the point of order.

Mr. BRANDEGEE. I hope the Senator will withdraw his amendment and let the vote come on the amendment proposed by the Senator from Ohio.

Mr. BANKHEAD. I do not propose to be dictated to.

Mr. BRANDEGEE. Neither do I.

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

The PRESIDENT pro tempore. The Senator from Washington will state it.

Mr. JONES. Suppose, in passing upon the point of order raised by the Senator from Connecticut, the Senate should declare that the amendment is germane; would not a substitute then be in order?

The PRESIDENT pro tempore. Certainly so.

Mr. BRANDEGEE. It can then be offered.

Mr. BANKHEAD. I will withdraw my amendment, then, until the other question is disposed of.

The PRESIDENT pro tempore. The question is, Is the proposed amendment germane to the bill? [Putting the question.] By the sound the ayes have it. The ayes have it, and it is decided that the amendment is germane.

Mr. BANKHEAD. Mr. President—

The PRESIDENT pro tempore. The question now is—

Mr. BANKHEAD. Mr. President—

The PRESIDENT pro tempore. The Chair will recognize the Senator from Alabama in a moment. The question is upon the amendment submitted by the Senator from Ohio [Mr. BURTON]. The Senator from Alabama is now recognized.

Mr. BANKHEAD. Mr. President, did I understand the Chair to decide that a majority of the Senate had voted that the amendment was relevant?

The PRESIDENT pro tempore. The Chair decided that, by the sound, the ayes had it.

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

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

Mr. SHEPPARD (when Mr. CULBERSON's name was called). My colleague is absent on business of the Senate. He is paired with the Senator from Delaware [Mr. DU PONT].

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. In his absence, I withhold my vote.

Mr. NELSON (when his name was called). I have a pair with the senior Senator from Georgia [Mr. BACON]. On that account I withhold my vote.

Mr. PAYNTER (when his name was called). I will ask whether the senior Senator from Colorado [Mr. GUGGENHEIM] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. PAYNTER. Having a general pair with that Senator, I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I desire to state that the senior Senator from Georgia [Mr. BACON] is detained in his room by sickness.

Mr. SMITH of Michigan (when his name was called). I have a pair with the junior Senator from Missouri [Mr. REED], and in his absence I withhold my vote. If I were at liberty to vote on the point of order, I should vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER]. I will ask if he has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. WARREN. Then I withhold my vote.

Mr. WILLIAMS (when his name was called). I wish to inquire if the senior Senator from Pennsylvania [Mr. PENROSE] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. WILLIAMS. I have a pair with the Senator from Pennsylvania; and not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. BRADLEY (after having voted in the negative). I withdraw my vote, in view of the fact that the Senator from Indiana [Mr. KERN] is not present.

Mr. CULBERSON. I wish to inquire if the Senator from Delaware [Mr. DU PONT] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. CULBERSON. As I have a general pair with him, I withhold my vote.

Mr. LODGE. I desire to announce that my colleague [Mr. CRANE] is paired with the senior Senator from Maryland [Mr. SMITH].

The result was announced—yeas 38, nays 29, as follows:

YEAS—38.

Borah	Dillingham	Lodge	Pomerene
Brandeggee	Fall	McCumber	Richardson
Briggs	Gallinger	McLean	Root
Bristow	Gamble	Martine, N. J.	Smith, Ariz.
Burnham	Gardner	Myers	Smoot
Burton	Hitchcock	Newlands	Sutherland
Carson	Jackson	Oliver	Townsend
Clark, Wyo.	Kenyon	Page	Wetmore
Crawford	La Follette	Perkins	
Cummins	Lippitt	Pittman	

NAYS—29.

Bankhead	Jones	Sheppard	Thornton
Bourne	Kavanaugh	Shively	Thilman
Chamberlain	Lea	Smith, Ga.	Watson
Clarke, Ark.	Martin, Va.	Smith, S. C.	Webb
Fletcher	O'Gorman	Stephenson	Works
Gronna	Overman	Stone	
Johnson, Me.	Owen	Swanson	
Johnston, Ala.	Percy	Thomas	

NOT VOTING—28.

Ashurst	Clapp	Foster	Poindexter
Bacon	Crane	Gore	Reed
Bradley	Culbertson	Guggenheim	Simmons
Brady	Cullom	Kern	Smith, Md.
Brown	Curtis	Nelson	Smith, Mich.
Bryan	Dixon	Paynter	Warren
Chilton	du Pont	Penrose	Williams

The PRESIDENT pro tempore. The Senate decides that the amendment is germane to the bill. The question is upon the amendment submitted by the Senator from Ohio [Mr. BURTON].

Mr. JONES. Mr. President, I desire to offer as a substitute the bill as it passed the Senate a few days ago. I am offering it exactly as it passed the Senate, and therefore I suggest that it will not be necessary to read it.

The PRESIDENT pro tempore. Without objection, the reading will be dispensed with.

Mr. BRANDEGEE. May I ask the Senator a question? That is exactly what the Senator from Alabama [Mr. BANKHEAD] just attempted to do, and then he withdrew it. Inasmuch as my colleague is going to do that after the amendment

of the Senator from Ohio has been acted upon, I will ask the Senator if he will not withdraw it?

Mr. JONES. I think this ought to be done right here. I do not see why it should not be done.

Mr. BRANDEGEE. Very well.

Mr. JONES. It will come in as a substitute. It is exactly the action of the Senate the other day.

The PRESIDENT pro tempore. The Senator from Washington offers a substitute for the amendment submitted by the Senator from Ohio, and the question is upon that substitute.

Mr. SWANSON. Mr. President, I should like to inquire if that is not the bill that passed the Senate the other day without complying with the views of the President in connection with the granting of water power? As I understand, the President has repeatedly vetoed all bills granting the privilege of crossing rivers unless they provided for a tax. If this is put upon the river and harbor bill, as suggested by the Senator from Washington, with the present views of the President, it seems to me it will jeopardize the bill. If it is added on to the bill it will go to the President; and the President, as I understand, has specifically stated that unless bills granting the privilege of constructing dams provide for a tax by the Federal Government, he will not sign them. It seems to me if it is the purpose of the Senator from Washington to kill this bill, it can be very easily accomplished in that way.

Mr. JONES. Mr. President, I desire to say that it is not the purpose of the Senator from Washington to kill this bill, but the Senator from Washington does not propose to be coerced to adopt some proposition simply by some alleged action that may be taken by some other department of the Government. This is a proposition that the Senate passed upon the other day, upon the very matter that the Senator from Ohio has presented to the Senate now, and it is simply a question with me whether or not the Senate will reverse itself on that action.

Mr. SWANSON. Mr. President, of course I do not desire to have our river and harbor improvements jeopardized either by an effort on the part of Congress to coerce the President or by an effort on the part of the President to coerce Congress. But if it is the declared policy of the President that bills granting the right to construct dams will not be signed by him unless they contain a provision for a tax, and that is his honest conviction, I am not willing to vote to add a provision of this kind to a river and harbor bill to try to force him to give up his convictions and jeopardize the bill in that way.

Mr. SMITH of Georgia. Why is not the proper course to stop offering all this extra legislation and send the appropriation bill on, eliminating this additional legislation from it?

Mr. SWANSON. Mr. President, there are large enterprises and large business involved in these river and harbor improvements, and it seems to me that to take the chance of jeopardizing or destroying the bill or making it useless simply to try to have an issue on legislation between the legislative and the executive branches of the Government is not the ordinary and orderly and proper way to conduct business. It would give the President an opportunity to veto the river and harbor bill. The Senate has expressed its conviction on this other bill and has sent it to the House of Representatives, and it can go to the President as an independent proposition. But as the President has specifically said that he will not give his approval to propositions of this kind that do not give the Federal Government the power to tax, it seems to me, to put this amendment on the bill will have a tendency, whether that is the purpose or not, to destroy the bill and prevent its passage.

Mr. SMITH of Michigan. Mr. President, the Senator from Virginia [Mr. SWANSON] has expressed some apprehensions about the final enactment into law of this bill. I think his apprehensions are well founded, not so much from fear of the action of the executive department as from the delay that has kept this bill back from day to day. As one of those who assisted in its preparation, and as one who is interested in its passage, I think the bill is upon very dangerous ground this morning.

Mr. SWANSON. Mr. President, I hope the lecture that the Senator from Michigan has delivered to the other side of the Chamber will be properly obeyed, respected, and followed. The responsibility for reporting bills and the responsibility for delay so far as the Senate is concerned is with the majority, and it comes in poor taste from him to endeavor to lecture this side of the Chamber for any delay.

Mr. SMITH of Michigan. Mr. President—

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

Mr. SWANSON. I do.

Mr. SMITH of Michigan. I do not see how the Senator from Virginia could get the impression that I was lecturing that side of the Chamber. I simply agreed with him that the cir-

cumstances, and the short time that we now have before this Congress expires, admonish us that if this bill is to become a law we must restrain ourselves with the amendments that are being proposed, and get some action upon the bill. I am not lecturing that side. I do not think that side is responsible as much as is this side.

Mr. SWANSON. I appreciate the position of the Senator from Michigan. I know there has been nobody on this side of the Chamber who has tried to delay any appropriation bill or who has tried to delay any legislation that is necessary to run this Government. I think the effort to identify this bill with a conflict between the legislative and the executive departments of this Government is wrong; I think it is improper. The amendment should be voted down if we desire to have this legislation, which is so necessary for all sections of this country.

Mr. WILLIAMS. Mr. President, I sincerely hope that Senators will not permit the river and harbor appropriation bill for this year to be mixed up in any way with this Connecticut River dam bill. I earnestly hope the substitute will be voted down, because if it is made a part of the bill it will jeopardize the final passage of the bill and its final signing. Then I hope by a majority equally large the Senate will vote down the amendment of the Senator from Ohio [Mr. BURTON].

Mr. JONES. Mr. President—

Mr. WILLIAMS. So that this question shall not become a part and parcel of the general river and harbor legislation.

Mr. JONES. Mr. President, I think I can save time—

Mr. WILLIAMS. One moment. I have given my reason for wanting to vote down the substitute—it will jeopardize the bill. My reason for wanting to vote down the amendment of the Senator from Ohio is that it is an attempt in an indirect way to set aside the deliberate judgment of the Senate upon the bill as it passed the Senate. It is an attempt, by tacking it onto something else, to reverse, apparently, the opinion of the Senate upon a question which it considered, debated, and decided. It does seem to me that after Senators have thrashed out this little Connecticut dam bill upon the floor of the Senate, and after the Senate has decided it according to its judgment, right or wrong, they ought to be satisfied and not attempt to embarrass the river and harbor bill with it.

Mr. JONES. Mr. President—

Mr. WILLIAMS. I now yield to the Senator from Washington.

Mr. JONES. In the interest of saving time, and in the interest of legislation that we hope to pass that is down on the calendar after this bill, and in the belief that the Senate will keep this whole proposition out of this bill, I will withdraw my amendment.

The PRESIDENT pro tempore. The amendment offered by the Senator from Washington is withdrawn.

Mr. BURTON. Mr. President—

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

Mr. WILLIAMS. I do.

Mr. BURTON. Will the Senator from Mississippi state whether he has read the amendment added to the bill as it was originally introduced, leaving to the courts to determine—

Mr. WILLIAMS. I heard the Senator from Ohio make the statement that the bill was precisely the bill as originally introduced, with two exceptions, which he explained, and which he explained very thoroughly.

Mr. BURTON. Is it not true that those exceptions make a very vital difference?

Mr. WILLIAMS. I listened very attentively, and I did not see that they made any vital difference. I do not see it yet. This amendment will make such a difference. The Senator said this would not be a precedent, because he provides in one of these provisions that it shall not be a precedent. You can not keep a thing from being a precedent by saying when you do it that it shall not be a precedent. The objections of those men who do object to it is not removed by the fact that you do what they voted against doing, although you say it shall not be a precedent.

Mr. BURTON. Mr. President, if the Senator from Mississippi will yield to me for a moment, more substantial than that is the setting forth, as was done in our case, of the difference between this proposition and the ordinary proposition. I should like to ask the Senator from Mississippi if he voted for the provision relating to the dam between Minneapolis and St. Paul?

Mr. WILLIAMS. I do not remember, but there is this distinction that I think the Senator is arriving at, about which I agree with him. I agree with the Senator from Minnesota. I disagree with the Senator from Idaho. I think that where the Government erects a dam for the purposes of navigation, paying out the people's money for the construction of the dam, and there incidentally arises a source of revenue, whether from the

water power or what not, it is right and proper that the Government should to that extent reimburse itself for its expenditure, because the people have paid for the dam and the people will get the benefit of the reimbursement. I agree with the Senator from Minnesota about that.

But I think that is a different proposition from granting to a private corporation these rights and fixing a tax upon the use of the water power, so that the corporation can extend the tax to the consumer. It has been said that a public utilities commission would have the right, anyhow, to fix the rate, but when they have the right to fix the rate they consider, and must consider, and ought to consider, the various elements of cost which enter into the operation; and they would undoubtedly consider the tax as a part of the annual burden upon the corporation which was dispensing the light or power.

But I do not want to be diverted from my main object. On this question I want to express no opinion; I did not want to do that; I have been drawn into it. My main object is that the river and harbor bill shall not be embarrassed and mixed up with this Connecticut River dam bill at all. For Heaven's sake, with all these great magnitudinous interests at stake all over the country, do not deflect us from the purpose of getting this bill through the two Houses as soon as possible, so that it may go to the President as soon as possible and become a law as soon as possible. We are already approaching the 4th of March, and the two Houses were never so far behind in their general business as they are now. I do not want to see this great bill encumbered with any more provisions than are absolutely necessary to the great work of the maintenance and the improvement of the navigable waters of the United States.

Mr. BORAH. I wish to ask the Senator from Ohio if it is his intention to withdraw his amendment?

Mr. BURTON. Oh, no; by no means.

Mr. BORAH. Permit me to say, then, if we want to expedite the passage of the bill into a law both these propositions will have to go out of the bill together.

Mr. WILLIAMS. The substitute has been withdrawn by the Senator from Washington [Mr. JONES].

Mr. BORAH. The amendment will have to go out, in my judgment, or it will provoke a long debate.

Mr. WILLIAMS. Let us vote the amendment down.

Mr. BORAH. The precedent has already been established in the bill, and if we are going to strip the bill we must strip it entirely of these propositions.

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

Mr. BORAH. I yield.

Mr. BRANDEGEE. Will the Senator please give me a candid opinion upon this question: Why should not the Connecticut River be treated as fairly by the Senate as the Mississippi River? Why is not this permit authorizing a dam across the Connecticut River just as proper upon this bill as the amendment which was put on by the Committee on Commerce in relation to the Minneapolis and St. Paul water power?

Mr. WILLIAMS. Mr. President, the Senator from Connecticut misunderstands me.

Mr. BRANDEGEE. I ask the Senator from Idaho that question.

Mr. WILLIAMS. Will the Senator from Idaho yield to me for just a second?

Mr. BORAH. I yield to the Senator.

Mr. WILLIAMS. If the Senator from Connecticut has asked a question of me, he misunderstands my position.

Mr. BRANDEGEE. No; I did not. I expressly disavow asking the Senator anything.

Mr. WILLIAMS. Very well. Then, with the permission of the Senator from Idaho, I will state where I see the difference. You had just as much right to have the project here as to have the Minneapolis Dam project here. You are entitled to just exactly the same treatment before the Senate that the Mississippi River is in kind, though not in degree.

But that is not the question. The Senate has passed upon your proposition. It heard it fully argued day after day. It decided against it, and I submit that it is not right to bring it up again for a second decision to the embarrassment of other legislation.

Mr. BRANDEGEE. I do not see that this will embarrass anything. If the Senate does not put on the amendment of the Senator from Ohio and shall put it on the very amendment which we have already voted in as a separate bill, I do not consider that it would embarrass the Senate or the bill. The only thing that is embarrassing the Senate now is the unlimited debate on this question, which ought to be settled in two minutes.

Mr. NEWLANDS. I ask the Senator from Idaho to allow me to say just one word to the Senator from Connecticut which

I think will help to solve this question, if I can have the attention of the Senator from Connecticut.

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

Mr. BORAH. I will yield to the Senator.

Mr. NEWLANDS. I ask whether it would not be a very reasonable solution of this question and one that would command probably the unanimous consent of this body if the Senator from Connecticut would put the structure on the Connecticut River upon the same basis as that of the Senator from Minnesota on the Mississippi River?

The two projects, I understand, involve about the same expenditure, namely, \$5,000,000 each. Under the project of the Senator from Minnesota the work is to be done by the National Government. That work is devoted partially to a State use, and for that State use only 4 per cent is paid to the National Government, making a charge upon the consumers of only 4 per cent on \$5,000,000, or \$200,000 a year. Now, under the proposed amendment of the Senator from Connecticut—

Mr. BURTON. Will the Senator from Nevada yield to me for a moment?

Mr. NEWLANDS. Let me complete my statement. Under the proposal of the Senator from Connecticut the structure is put up by a private corporation, which is acting as the agent of the National Government, so far as the navigable feature is concerned. That agent proposes to charge to consumers 8 per cent upon \$5,000,000, making a total charge imposed upon the consumers of the Connecticut River power of more than \$400,000 annually, whereas only \$200,000 annually is imposed upon the consumers by the Minnesota project. Both involve the same capitalization.

I ask the Senator why we can not change the character of the appropriation in the Connecticut River project and provide that it shall be paid for just as any such project is, by the National Government, which will thus absolutely control all structures in the stream and provide that the Connecticut corporation shall pay the National Government 4 per cent upon that, thus reducing the cost to consumers from \$400,000 to \$200,000?

Mr. BRANDEGEE. Will the Senator from Idaho yield to me to answer the question?

Mr. BORAH. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I do not ask it as a privilege on my account, but the Senator has asked me a question.

Mr. NEWLANDS. I have asked the Senator that question.

Mr. BRANDEGEE. Of course, the Senator's theory would be well enough if that was the original proposition, but we must understand that the gentlemen who have been trying to get this permit are in the process of making their financial arrangements for the construction on the basis upon which it has been started; that there is already existing a company there with rights chartered by the State of Connecticut, and the Government would have to go in and condemn that property and pay a large price and go into the business itself of making a dam. I do not ask the Government to do that.

I do not want to delay in answering the Senator any further, but I will say this, Mr. President: The Minnesota proposition and the Mississippi River proposition seem to be very dear to the hearts of the Senators who live in that section. Connecticut unfortunately has no representative upon the Committee on Commerce of this body. What I want is fair play of the Senate and a square deal.

I will say this, that if the Mississippi River is to have one sort of treatment and the Connecticut River not as fair a sort of treatment no haste will be made in the progress of this bill through the Senate, and when the bill is reported to the Senate there will be a proposition to have a separate vote upon the Mississippi River improvement, unless the Connecticut River can get fair treatment.

Mr. WARREN. Mr. President—

The PRESIDENT pro tempore. The Senator from Idaho has the floor.

Mr. WARREN. I will ask the Senator from Idaho to yield to me for a moment.

Mr. BORAH. If I may say just a word I will yield the floor.

Mr. CLARKE of Arkansas. Mr. President—

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

Mr. BORAH. I yield.

Mr. CLARKE of Arkansas. I want the permission of my friend from Idaho to ask the Senator from Connecticut just one question.

Mr. BORAH. I will yield.

Mr. CLARKE of Arkansas. Is it not a fact that the Connecticut River bill has passed the Senate and is now pending in

another branch of Congress? Why is it necessary to vote upon the same bill a second time when you know it will be confronted with a hostile Executive?

Mr. BRANDEGEE. It has not passed the Senate in the form the Senator from Ohio offered it.

Mr. CLARKE of Arkansas. I am talking about the form in which it is offered by the junior Senator from Connecticut.

Mr. BRANDEGEE. That is not now pending. That may be offered in the future, and then the Senator can make any point he has a mind to.

Mr. CLARKE of Arkansas. I am not making any point except that we are consuming time upon a measure which has already passed.

Mr. BRANDEGEE. The only reason why we are consuming time is because Senators insist on talking instead of voting.

Mr. BORAH. Mr. President, when the request was first made in the Senate to bring up the Connecticut River bill, as the RECORD discloses, I objected to it at the time, for the reason I stated, that it involved a proposition of such wide-reaching moment that we ought not to try to dispose of it at this session. It is a matter in which we are vitally concerned throughout the West and it ought to be a matter of vital concern throughout the country. Now, we are attempting to settle it by piecemeal in this bill.

It does not make any difference whether the substitute is offered and adopted, or whether the amendment offered by the Senator from Ohio is adopted, it will jeopardize this bill. Not only that, but the amendment which has been offered and adopted covering the Minnesota suggestion will jeopardize the bill.

The only way in which we can pass this bill as a river and harbor bill is to pass it as a river and harbor bill and not undertake to settle the question as to what we shall do with these power sites.

We may be all wrong about our view of the matter, but in view of the fact that we have some ideas in regard to it we do not desire to be cut off by trying to settle it in a bill in which all Senators have matters of local interest. We should settle this matter of power sites in a general bill. If the Minnesota proposition had been submitted by itself, it could not have passed the Senate. It passed the Senate because it was tied up with the river and harbor bill. The only mistake the Senator from Connecticut made was in not offering his amendment to the river and harbor bill. It would have gone through.

Mr. BRANDEGEE. But I was not on the committee.

Mr. BORAH. The Senator from Connecticut had no reason to believe at that time that the Senate of the United States would reverse itself in order to pass a river and harbor bill.

Mr. WARREN. Mr. President, I do not want to enter into the merits of this particular project, but I shall soon move to test the feeling of the Senate to take some other bill if we are to continue this kind of delay. We have now nine appropriation bills, including the public-buildings bill and the one now being discussed, that must be finished this week. Some of the bills have hundreds of disputed items in them, and it is a tortuous route to handle them here on the Senate floor and later on in conference. It must be patent to everybody that we have got to get these great supply bills into conference in the next two or three days or they are going to fail.

I do not like to scold; I am not going to scold; but I think the Senate ought to understand the precarious position we are in. The various Senate committees on appropriations have been diligent; they have worked night and day; the bills are here on the calendar ready to be taken up. We must curb this superabundance of talk or we are not going to get through the annual supply bills.

We have also a unanimous-consent agreement to take up another very interesting measure, subject to appropriation bills, and those in charge of the appropriation bills do not like to press them against this unanimous-consent agreement.

Mr. LA FOLLETTE. Mr. President—

Mr. WARREN. I have only a word more, and then I will yield. I simply want to lay before the Senate this condition in justice to the several committees on appropriations. They must have quick work or they must lie down and let these bills go over to another session.

Mr. LA FOLLETTE. Mr. President, the passage of the appropriation bills, of course, is important, but by unanimous consent the Senate held out the hope to those who are interested in the bill for the valuation of the railroad property of the country that it might be considered and passed to-day. It was expected at that time that the river and harbor bill would have been disposed of, but the debate has been protracted.

Mr. President, I acquiesce in all that the Senator from Wyoming [Mr. WARREN] says about the appropriation bills, the

tremendous labors that the committees having charge of those bills have put upon them, and the great importance of their passage at this session. But, Mr. President, I want to say now, and I do not believe my view of it is warped or twisted by having it pretty steadily before me for many years, that the valuation of the railroad property of this country is more important than the passage of all the appropriation bills. Had the value of the railroad property of this country been taken seven years ago, when I first presented it to the Senate and the Senate for the first time made a record upon it, it would have proved a saving of \$400,000,000 annually to the people of this country.

Mr. President, if we can be accorded the opportunity of considering the valuation bill this afternoon, much as I would like to take the time of the Senate in submitting some observations upon it, I shall be very glad to have it passed with the reading of the bill and the report that accompanies it. But, Mr. President, if this day is consumed with consideration of these appropriation bills and the passage of this bill is blocked, I want to say to the Senate, and I say it meaning every word, that some of these appropriation bills will be passed by another Congress. If it is in my power to secure it, the Senate will consider and act upon the bill providing for the valuation of railroad property at this session. I am sure a majority of the Senate want to do it, and I am going to be insistent upon it. I have taken scarcely any of the time of the session in debate upon any measures, and I sincerely hope that Senators will feel the importance of permitting votes to be taken without much discussion. There is no opportunity for it now upon any of these great bills; they have either to be passed, coming in as they do at this late hour, upon the reports of the committees or they are not going to pass at all.

Mr. LODGE. Mr. President, I voted for the Connecticut River bill in its original form and also as it passed the Senate. I voted for it in its original form because I was in sympathy with the policy embodied in the conservation clause, so called. I voted for the Minnesota dam proposition because it seemed to me to embody precisely the same principle. Like the Senator from Idaho [Mr. BORAH], I am utterly unable to see any distinction in the principle between the two, and I voted cheerfully for both.

Now, Mr. President, it is proposed to leave in the Minnesota bill and not allow the Connecticut River bill to go on, even without the objectionable conservation clause; it is proposed to keep it off. The only distinction seems to me to be that one is in Connecticut while the other is in the Valley of the Mississippi. Mr. President, I can say frankly that it does not seem to me that it is fair treatment, and if there is to be a distinction made it will not hasten the progress of the bill.

Mr. McLEAN. Mr. President, I shall not occupy more than two minutes of the time of the Senate, but I want to call the attention of the Senate to one point which, it seems to me, is the important point to be considered before we vote on this measure.

The Senate will remember that last Monday, when the bill was under consideration, I tried to get a vote upon the litigating proviso which is now embodied in the amendment offered by the Senator from Ohio, but the amendment offered by the Senator from Alabama [Mr. BANKHEAD] prevented that.

I said then that I thought it would be impossible for Congress to adopt a general policy controlling the water powers of this country until the vital question raised in the first section of the bill as reported from the committee had been answered by the Supreme Court of the United States.

It seems to me that my position has been greatly fortified and strengthened by subsequent events, for since that time it has developed that an amendment to the river and harbor bill involves precisely the same principle, and instead of having two schools of hydrological philosophy upon this subject we have now three or four or five.

It is not necessary for me to disagree with the Senator from Minnesota or the Senator from New York or the Senator from Idaho upon this question. It does seem to me that I can ask them to agree with me that it will be important before we decide this question ultimately to know which one of the three is right.

The proviso which the Senator from Ohio has in the amendment which he offers to-day provides the way, and the only way, and the only precedent that will be established by the amendment offered by the Senator from Ohio is that the Supreme Court of the United States will take this question in hand and not only say to Congress, but to the Executive Department of this country, what it can and can not do upon this all-important question.

I should like to ask the Senator from Virginia [Mr. SWANSON], who has had much to say about the position of the present Executive on this subject, if he can promise himself that the incoming administration will be any less likely to consider the rights of the people upon this important question than the outgoing administration. If that be the case, it means that you have prevented and stopped the development of water powers in this country for an indefinite period of time, unless the pending amendment is adopted. That is the important question which we must consider. If we want to take the position that will prevent altogether the creation of wealth in this country, because when it is created we think we shall be unable to control it, let us say so.

In view of the fact that we have one school representing one line of thought and purpose and another school representing another line of thought and purpose and still another representing another line of thought and purpose upon this question, we will realize before we are through with it that this is a navigation question from more than one point of view. If we keep the course we are now on the only possible result will be that we will sail in a circle until we strike a rock, and that rock will be the Constitution of the United States. If we adopt the amendment offered by the Senator from Ohio, we will go to the only place where we can get a pilot who can bring us into port.

Mr. PITTMAN. Mr. President, I wish to explain my position on this question, so as not to appear inconsistent.

I voted in the affirmative on the question as to whether or not the amendment was germane, because I believe that the power to create water power and dispose of it is germane to the control of navigation. I intend to vote against this amendment, because I think it is a dangerous policy to turn over to individual enterprise the improvement of navigation.

I think the senior Senator from Minnesota [Mr. NELSON] has correctly stated the distinction between the two propositions that have been discussed. I want my stand to be clear on this point, so that there may be no misunderstanding. I intend to vote against the pending amendment.

Mr. THOMAS. Mr. President, I have been so much impressed by the remarks of the Senator from Wisconsin [Mr. LA FOLLETTE] within the last few moments that I do not propose to take the time in a discussion of this amendment that I originally intended to occupy. I believe thoroughly that his statement of the importance of the bill providing for the ascertainment of the valuation of our great transportation companies is of more importance, as he has said, in its general effect upon the business and the welfare of the country than all the appropriation bills now pending for determination before this body. Hence, I want to see that bill crystallized into legislation before we adjourn, and I shall regret very much that any time which I may occupy would even indirectly contribute to its defeat.

Mr. President, I have no wish to block the financial legislation of this country. I realize the necessity of its enactment, to the end that the affairs of the Government may go on in their regular way, quite as deeply and profoundly as any other Member of this Chamber, but I do not think that because the present session has but a few remaining days to do business in we should for that reason hastily enact important legislation concerning the vast appropriation bills.

I want to impress, by way of preliminary, upon the attention of the Chamber the fact that this debate occurring at this time is largely, if not almost entirely, due to the fact that the appropriation bills are loaded down with amendments that are directed by and intended to subserve private interests instead of confining the appropriation bills to their legitimate purposes and objects.

The Connecticut River bill came up the other day for discussion. A good deal of time was devoted to it, perhaps more time than the importance of the subject in the opinion of some at least demanded. When the deliberate judgment of this body was taken it was against some of the principal features of that measure. It now appears practically in the same phraseology as an amendment to this appropriation bill, because of the fact, I presume, that this body did approve the amendment offered by the Senator from Minnesota with reference to water power in the Mississippi River and in which the cities of Minneapolis and St. Paul and the State University were interested.

I opposed that amendment upon the fundamental proposition that this Government has no power under the guise of improving navigation to spend money for private purposes, which was admittedly the amendment of the Senator from Missouri. I want to say in perfect candor that if that amendment is to stand I know of no reason why this one ought not also to stand, because, bad as it is, in my judgment it is not so bad as the one which is now a part of the bill up to this time in our deliberations concerning it. I shall vote against it, there-

fore, because of the principal objections urged against it the other day and also because it has no place or part in this appropriation bill.

It was stated by the Senator from Ohio last week that a great many of the items in this bill, under the guise of improving navigation were designed to create water power in the interest of corporations and individuals. I do not, of course, know what specific items the Senator referred to, but if it be a fact that the river and harbor bill is a bill that is designed to improve the navigation of the rivers and to protect the property of the country from our annually recurring floods and inundations, then it ought not to be loaded down with appropriations that are designed, under the guise of serving the public, to create property or promote the interests of large electric-power concerns throughout the country. I think it is better that we should ascertain and determine once for all whether appropriation bills are going to be what the name implies or whether they are going to be vehicles through the medium and agency of which large private interests can carry out their purposes and objects under the guise of improving the navigation of the rivers of this country.

I can not, therefore, Mr. President, subscribe to the proposition that the passage of appropriation bills is so essential and important, in view of the fact that these things occur in such bills. I am absolutely satisfied, as was stated by the Senator from Idaho [Mr. BORAH] a few moments ago, that the Minneapolis enterprise or scheme—and I use the term in no disrespectful manner—never could have been passed through this body, basing my opinion on the vote on the Connecticut River bill, unless it had been made a part and parcel of a great appropriation bill in which Members are interested, and very properly so, because of the advantages to be derived from its enactment, and also because of the demand, principally from the Mississippi River Valley, for appropriations for the protection of property and the improvement of the navigability of the river, it being at present, in view of the recent enormous floods, in a most unsatisfactory condition.

I was told the other day by a Member of this body that the total appropriations for this year in all of our several bills will be in excess of \$1,150,000,000, an amount so great that the imagination is staggered when we attempt to conceive of it. It is, if the statement be true—and I have no doubt that it is—the most enormous aggregate appropriation ever made by any Congress of the United States. The bills which contain in the aggregate this enormous sum come before this body within 10 days of its adjournment, and we are supposed to be able and to be capable of taking up the various items, criticizing them, and determining which of them are proper and which of them are not.

I have heard a great deal about conservation since I became a Member of this body. It seems to me that conservation of our revenues—the money of the people—and its appropriation along proper channels for public purposes, wisely provided for and wisely administered, is an element of conservation that appeals very strongly to the hearts, the consciences, and the judgment of all men. We may save at the spigot here by our general system of preserving the resources of the country and then waste at the bung-hole through these extravagant expenditures of the public money, and our efforts of conservation will be defeated by ourselves.

This stupendous sum of money, \$1,150,000,000, is the equivalent of \$11.50 per head for every man, woman, and child in these United States, calculating the population upon a basis of 100,000,000 souls. This is taxation which perhaps the people do not feel directly because of the manner in which the revenues are imposed and collected. The Democratic Party has recently, at the last election, accomplished a tremendous triumph, and has swept its national ticket into power by one of the largest majorities ever given to a candidate in the electoral college. That triumph was based, among other things, upon the assurance to the people, which it must keep, that taxation shall be reduced, particularly by a revision of the tariff. How is it possible for us to thus legislate, while, at the same time, we are making these enormous expenditures of public money? They may be necessary; I have not been long enough in this Chamber, Mr. President, to act as a censor of appropriation bills, and, certainly, I do not propose at any time to arrogate to myself any superior or abundant wisdom not possessed by my colleagues in this body; but we all know, as citizens cognizant of public opinion, that there are some measures of appropriation which have become so flagrant in their disposal of public moneys as to be termed "pork-barrel bills," a name, the significance of which is, of course, obvious to all, and which has been the outgrowth of the use of our powers of legislation to so dispose of public moneys as at least to create the suspicion that they were not at all times intended so much for the

public use as for private purposes; and among them is the river and harbor bill, swelled this year to more than \$8,000,000 in excess of the amount of the last appropriation.

The Senator from Ohio has called specific attention to certain items of appropriation referring to so-called improvements of so-called rivers which are not navigable, which never were navigable, and which can never be made navigable; and yet one of them, in the particular to which he referred, has in this bill an appropriation of \$270,000. I do not suppose that that is by any means a solitary instance of the method in which this bill has been constructed. I do not believe that I am extravagant when I say that perhaps one-third of the amount of the appropriations carried in this measure are appropriations either for the purpose of creating water power under the guise of improving rivers and harbors, or for the purpose of carrying on other enterprises in which individuals or corporations are largely interested, and which, therefore, justify the popular verdict as to the character and nature of such measures.

If it were not for the fact that the great Mississippi Valley needs the appropriations which this bill carries; if it were not for the fact that that mighty stream has recently overflowed its boundaries, swept levees away, and visited death and destruction on its course to the Gulf, I, personally, would rather see this bill fail than to see it become a law, carrying, as it does, the provisions to which I have called attention.

Now, Mr. President, addressing myself directly to this amendment for a moment—and I shall not detain the Senate longer—we are making precedents for the future. The Senator from Ohio has referred to certain amendments or certain changes which have been introduced into the body of this measure, by means of which it has been differentiated from the measure upon which we voted the other day. I do not question the purpose for which these amendments were designed; but we are now at the eleventh hour, so to speak, in the consideration of the bill proposing to attach to it an amendment that is designed to give a private corporation in the State of Connecticut the right to make certain improvements, in consideration of which it will obtain a water power, which it otherwise would not possess. It will get that water power by a contract from the Government, which does not own it, and we are going to put the measure through, not because of its merits, but because, being a part of a bill in which so many Senators are interested, they will vote for it lest the bill itself be defeated.

The Senator from Virginia [Mr. SWANSON] made the statement that if one of the amendments were incorporated in the bill, that being the Connecticut River bill as it passed the Senate the other day, the President of the United States might veto it. Mr. President, are we to be deterred from the consideration of the merits of a measure simply because the Executive of the United States may use his veto power and thus bring the legislation itself to nothing? There are many features of the bill which, in my judgment, would make it a God-send if the President did disapprove it. We are legislating in these bills for the next fiscal year, beginning in July. There have been sessions of Congress in the past that have adjourned without the enactment of measures like this; and yet the Government still survives. There have been sessions of Congresses which have adjourned which passed no river and harbor bill.

I recall particularly one a few years ago that was defeated by constant discussion upon the floor of this body by the late Senator from Montana, Mr. Carter. It did not seem to me—and my recollection is pretty good of the condition of affairs immediately following that time and since—that the failure of that bill stopped the wheels of Government or interfered with the general course of public affairs in the slightest degree.

We ought to take up these bills at an earlier period in the session. They should not come over at so late an hour; we ought to consider them item by item and then determine that which is designed for the public good and that which should have no place in legislation of this kind.

Before I take my seat, Mr. President, I want to say one further word upon a subject somewhat akin to and, perhaps, directly involved in this matter. It is the necessity, in my opinion, of legislation here which will enable the President of the United States to veto specific items in appropriation bills. We should give him the power to scan these enormous appropriations of money and to draw his pen through those items which, in his judgment, are not warranted either by the state of the public revenues or by the object which it is designed to subserve. By conferring upon him such authority we could save the Treasury of the United States millions of dollars every year and at the same time devote ample funds to the several departments for their support and maintenance during our successive fiscal periods.

The PRESIDENT pro tempore. The question in on the amendment submitted by the Senator from Ohio [Mr. BURTON].

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

The PRESIDENT pro tempore. The absence of a quorum being suggested, the roll will be called.

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

Ashurst	Curtis	Lippitt	Root
Bankhead	Dillingham	Lodge	Sheppard
Borah	du Pont	McCumber	Simmons
Bourne	Fletcher	McLean	Smith, Ariz.
Bradley	Foster	Martin, Va.	Smith, S. C.
Brady	Gallinger	Martine, N. J.	Smoot
Brandegee	Gamble	Myers	Stone
Briggs	Gardner	Nelson	Sutherland
Bristow	Gore	Newlands	Swanson
Burnham	Gronna	O'Gorman	Thomas
Burton	Guggenheim	Oliver	Thornton
Chamberlain	Hitchcock	Owen	Townsend
Clapp	Johnson, Me.	Page	Watson
Clark, Wyo.	Johnston, Ala.	Paynter	Webb
Clarke, Ark.	Jones	Percy	Wetmore
Crawford	Kavanaugh	Perkins	Williams
Culbertson	Kenyon	Polindexter	Works
Cullom	La Follette	Pomerene	
	Lea	Richardson	

The PRESIDENT pro tempore. On the roll call 74 Senators have answered to their names. A quorum of the Senate is present. The question is on the amendment submitted by the Senator from Ohio [Mr. BURTON]. [Putting the question.] By the sound the "noes" appear to have it.

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

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

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the junior Senator from Massachusetts [Mr. CRANE] and will vote. I vote "nay."

Mr. NELSON (when his name was called). I have a pair with the senior Senator from Georgia [Mr. BACON] and therefore withhold my vote.

Mr. CURTIS (when the name of Mr. SMITH of Michigan was called). I am requested to announce that the senior Senator from Michigan [Mr. SMITH] is paired with the junior Senator from Missouri [Mr. REED]. I will let this announcement stand for the day.

Mr. WILLIAMS (when his name was called). I wish to transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Indiana [Mr. SHIVELY] and will record my vote. I vote "nay."

The roll call was concluded.

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

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. STONE. I have a general pair with that Senator and therefore will not vote. If at liberty to vote, I should vote "nay."

Mr. BRADLEY (after having voted in the negative). I understand the Senator from Indiana [Mr. KERN], with whom I am paired, has not voted, and I therefore withdraw my vote.

Mr. SIMMONS (after having voted in the negative). I should like to inquire if the Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. SIMMONS. I withdraw my vote, as I have a general pair with that Senator.

The result was announced—yeas 27, nays 49, as follows:

YEAS—27.			
Brandegee	Dillingham	Lippitt	Page
Briggs	du Pont	Lodge	Perkins
Bristow	Gallinger	McCumber	Polindexter
Brown	Gore	McLean	Richardson
Burnham	Hitchcock	Newlands	Root
Burton	La Follette	Oliver	Townsend
Crawford	Lea	Owen	
NAYS—49.			
Bankhead	Foster	O'Gorman	Swanson
Borah	Gamble	Overman	Thomas
Bourne	Gardner	Paynter	Thornton
Brady	Gronna	Percy	Tillman
Bryan	Guggenheim	Pittman	Warren
Catron	Johnson, Me.	Pomerene	Watson
Chamberlain	Johnston, Ala.	Sheppard	Webb
Clarke, Ark.	Jones	Smith, Ariz.	Wetmore
Culbertson	Kavanaugh	Smith, Ga.	Williams
Cullom	Kenyon	Smith, Md.	Works
Cummins	Martin, Va.	Smith, S. C.	
Fall	Martine, N. J.	Smoot	
Fletcher	Myers	Sutherland	
NOT VOTING—19.			
Ashurst	Clark, Wyo.	Kern	Simmons
Bacon	Crane	Nelson	Smith, Mich.
Bradley	Curtis	Penrose	Stephenson
Chilton	Dixon	Reed	Stone
Clapp	Jackson	Shively	

So Mr. BURTON's amendment was rejected.

Mr. McLEAN. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Connecticut offers an amendment, which will be stated.

Mr. McLEAN. I will say that the amendment is the same as the amendment offered by the Senator from Alabama [Mr. BANKHEAD] and the Senator from Washington [Mr. JONES].

Mr. BANKHEAD. I did not offer the amendment. I suggested that I would do so, but I withdrew it.

Mr. McLEAN. Well, the amendment is the same as the amendment suggested by the Senator from Alabama. All I care to say with regard to this amendment is that it seems to me this measure, having been relieved of all its objectionable features, certainly ought to receive at the hands of the Senate a support equal to that given to the Minnesota proposition, which contains all of the objectionable features.

Mr. BORAH. May I ask if this amendment is the same as the bill which has passed the Senate?

Mr. McLEAN. It is the same as the bill which has passed the Senate.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 5, after line 18, it is proposed to insert—

Mr. McLEAN. I think, Mr. President, we might avoid the reading of the amendment. It is in precisely the same language as the bill which passed the Senate, and I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Is there objection to dispensing with the reading of the amendment?

Mr. BANKHEAD. Mr. President, I think the amendment had better be read.

The PRESIDENT pro tempore. The amendment will be read.

The Secretary proceeded to read the amendment, which is as follows:

That the assent of Congress is hereby given to the Connecticut River Co., a corporation organized and doing business under the laws of the State of Connecticut, to relocate its "Enfield Dam," so called, and to construct, maintain, and operate such relocated dam (which if located opposite Kings Island, in said river, shall extend across both branches of the river), together with works appurtenant and necessary thereto, across the Connecticut River at any point below a line crossing both branches of the river and Kings Island midway between the northerly and southerly ends of said island: *Provided*, That, except as may be otherwise specified in this act, the location, construction, maintenance, and operation of the structures herein authorized, and the exercise of the privileges hereby granted, shall be in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 23, 1906": *And provided further*, That the time for completing said dam and appurtenances may be extended by the Secretary of War, in his discretion, two years beyond the time prescribed in the aforesaid act: *And provided further*, That the rights and privileges hereby granted may be assigned with the written authorization of the Secretary of War, or in pursuance of the decree of a court of competent jurisdiction, but not otherwise: *Provided further*, That if at any time said Connecticut River Co., or its assigns, or its property, shall be owned or controlled by any device, permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that it shall form a part of, or in any way effect any combination, or be in anywise controlled by any combination in the form of an unlawful trust, or enter into any contract or conspiracy in restraint of trade in the production, development, generation, transmission, or sale of any power or electrical energy, then the permit herein granted shall be forfeited and canceled by the Secretary of War through appropriate proceedings instituted for that purpose in the courts of the United States.

SEC. 2. That the height to which said dam may be raised and maintained shall not be less than 39 feet above zero on the Hartford gauge: *Provided*, That said corporation shall permit the continuous discharge past said dam of all water flowing in the Connecticut River whenever the discharge into the pool created by the dam hereby authorized is 1,000 cubic feet per second or less, and at all greater discharges into said pool shall provide a minimum discharge past said dam of not less than 1,000 cubic feet per second: *And provided further*, That said corporation may, for not to exceed five hours between sunset and sunrise, limit the discharge past said dam to 500 cubic feet per second whenever such limitation will not, in the opinion of the Secretary of War, interfere with navigation. The measure of water thus to be discharged shall include all the water discharged through the lock herein provided for and the present locks and canal of said corporation: *And provided further*, That nothing in this act shall in any way authorize said corporation at any time or by any means to raise the surface of the river at the location just above the present Enfield Dam to any height which shall raise the surface of the river at the lower tailrace of the Chemical Paper Co. in Holyoke, Mass., higher than can result from the erection or maintenance of any dam or dams which said corporation is authorized to erect or maintain in accordance with the order and decree of the Circuit Court of the United States for the District of Connecticut, passed June 16, 1884, in the case of the Holyoke Water Co. v. the Connecticut River Co.

SEC. 3. That the said Connecticut River Co. shall build coincidentally with the construction of the said dam and appurtenances, at a location to be provided by said corporation and approved by the Secretary of War, and in accordance with plans approved by the Secretary of War and the Chief of Engineers, a lock of such kind and size, and with such equipment and appurtenances as shall conveniently and safely accommodate the present and prospective commerce of the river, and when the said lock and appurtenances shall have been completed the said corporation shall convey the same to the United States, free of cost, together with title to such lands as may be required for approaches to said lock and such land as may be necessary to the United States for the maintenance and operation thereof, and the United

States shall maintain and operate the said lock and appurtenances for the benefit of navigation, and the said corporation shall furnish to the United States, free of charge, water power, or power generated from water power, for operating and lighting the said constructions; and no tolls or charges of any kind shall be imposed or collected for the passage of any boat through the said lock or through any of the locks or canal of said corporation.

SEC. 4. That compensation shall be made by the said Connecticut River Co. to all persons or corporations whose lands or other property may be taken, overflowed, or otherwise damaged by the construction, maintenance, and operation of the said dam, lock, and appurtenant and accessory works, in accordance with the laws of the State where such lands or other property may be situated; but the United States shall not be held to have incurred any liability for such damages by the passage of this act.

SEC. 5. That the provisions of the act entitled "An act to regulate commerce," passed and approved on the 4th day of February, 1887, together with the amendments thereto, shall apply to any corporation or any person or persons engaged in transmitting hydroelectric power or electricity from one State, Territory, or District of the United States to any State, Territory, or District of the United States, or from one place in a Territory to another place in the same Territory or to any foreign country, and that the term "common carrier" as used in said act and the amendments thereto shall include companies engaged in transmitting hydroelectric power or electricity as aforesaid: *Provided*, That said act shall not apply to the transmission of hydroelectric power or electricity wholly within one State and not transmitted to or from a foreign country, from or to any State or Territory as aforesaid; that the rules prescribed in said act as to just and reasonable charges or rates and the procedure relative to other common carriers, in so far as applicable, shall apply to such company, person, or persons transmitting hydroelectric power or electricity as aforesaid, and to the fixing and establishing of just and reasonable charges or rates fully and completely.

Mr. BANKHEAD. Mr. President, as I understand the amendment is in the exact form of the bill which has passed the Senate, I will withdraw my demand for the reading of the amendment.

The PRESIDENT pro tempore. Without objection, the reading of the amendment will be dispensed with.

The question is on agreeing to the amendment submitted by the Senator from Connecticut [Mr. McLEAN].

Mr. POINDEXTER. On that I ask for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I again announce my general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the junior Senator from Massachusetts [Mr. CRANE] and vote. I vote "yea."

Mr. PAYNTER (when his name was called). I observe that the senior Senator from Colorado [Mr. GUGGENHEIM] is absent. As I have a general pair with him, I will withhold my vote.

Mr. STONE (when his name was called). I have a pair with the senior Senator from Wyoming [Mr. CLARK]. As he does not seem to be present, I withhold my vote.

Mr. WILLIAMS (when his name was called). I desire to transfer my general pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Indiana [Mr. SHIVELY] and will vote. I vote "nay."

The roll call was concluded.

Mr. NELSON. I desire to state that I have a general pair with the senior Senator from Georgia [Mr. BACON], and I therefore withhold my vote.

Mr. BRADLEY (after having voted in the affirmative). I desire to announce that I have transferred my pair with the Senator from Indiana [Mr. KERN] to the Senator from Maryland [Mr. JACKSON].

The result was announced—yeas 37, nays 35, as follows:

YEAS—37.

Borah	Cullom	Kenyon	Page
Bourne	Cummins	La Follette	Perkins
Bradley	Curtis	Lippitt	Richardson
Brady	Dillingham	Lodge	Root
Brandeggee	du Pont	McCumber	Sutherland
Briggs	Gallinger	McLean	Townsend
Brown	Gamble	Myers	Wetmore
Burnham	Gore	Newlands	
Barton	Hitchcock	Oliver	
Catron	Jones	Owen	

NAYS—35.

Bankhead	Foster	Overman	Smith, Md.
Bristow	Gronna	Percy	Smith, S. C.
Bryan	Johnson, Me.	Pittman	Swanson
Chamberlain	Johnson, Ala.	Poinexter	Thomas
Clarke, Ark.	Kavanaugh	Pomerene	Thornton
Crawford	Lea	Sheppard	Tillman
Culberson	Martin, Va.	Simmons	Webb
Fall	Martine, N. J.	Smith, Ariz.	Williams
Fletcher	O'Gorman	Smith, Ga.	

NOT VOTING—23.

Ashurst	Dixon	Paynter	Stephenson
Bacon	Gardner	Penrose	Stone
Chilton	Guggenheim	Reed	Warren
Clapp	Jackson	Shively	Watson
Clark, Wyo.	Kern	Smith, Mich.	Works
Crane	Nelson	Smoot	

So Mr. McLEAN's amendment was agreed to.

Mr. NELSON. I offer the amendment which I send to the desk. It provides for a survey, and should be inserted on page 68, after line 4.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 68, after line 4, it is proposed to insert:

Westchester Creek, N. Y., with a view to providing a channel width of 150 feet up to the point where it is crossed by the Fort Schuyler road.

The amendment was agreed to.

Mr. LEA. Mr. President, I rise to a question of privilege. On the previous roll call, on the amendment offered by the Senator from Ohio [Mr. BURTON], I voted "yea." If I had understood the question, I should have voted "nay." I ask unanimous consent that that change may be made.

The PRESIDENT pro tempore. The vote can not be changed. The Senator's statement will appear in the RECORD.

The PRESIDENT pro tempore subsequently said: A moment ago the Senator from Tennessee stated that he had voted under a misapprehension on a certain roll call, and desired to change his vote. The Chair suggested that that could not be done, but that the Senator's statement would appear in the RECORD. An examination of the rules reveals the fact that by unanimous consent the Senator can change his vote. Is there objection?

Mr. ROOT. I object.

The PRESIDENT pro tempore. The Senator from New York objects.

Mr. SMITH of Arizona. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 83, after line 7, it is proposed to insert:

That all sums of money heretofore expended on the east side of the Colorado River in revetment and levee-construction work under the Yuma irrigation project in Arizona, and now carried as a charge against a lien on the farms of the settlers under said project, be, and the same are hereby, declared a charge against the Treasury of the United States, and that the said charge shall not diminish the irrigation fund in the Treasury.

Mr. SMITH of Arizona. Mr. President, when the Colorado River, just south of Yuma, broke into the desert of California and created the Salton Sea and threatened the destruction of the Imperial Valley, a great amount of money was expended by the Government and by the Southern Pacific Railroad Co. in filling that break in the river. I understand that through the work necessary to accomplish this the waters were deflected from that bank over onto the lands on the Arizona side, covering a large body of the farming lands there held by settlers under the irrigation project. They immediately demanded protection, and it was furnished from the irrigation fund, and a large amount was spent and charged as a lien on the lands of these farmers under the project. The farmers were thus made to pay for keeping the Colorado within its channel.

I do not wish to detain the Senate at this late and important hour; but it is obviously just that these men's farms should not be covered with a lien for money expended by the Government in keeping that unruly river within its banks. It was not done on the California side, and it ought not to be done on the Arizona side.

Mr. BURTON. Mr. President, may I ask the Senator from Arizona a question?

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

Mr. SMITH of Arizona. Certainly.

Mr. BURTON. Has any estimate been made of these amounts?

Mr. SMITH of Arizona. Yes; I had an estimate made. It has run up now to six hundred and some odd-thousand dollars, as claimed by the Reclamation Service, and over a million as claimed by the water users.

Mr. BURTON. Was that estimate made in a river and harbor bill, or by the War Department, with a view to navigation, or in any connection with navigation?

Mr. SMITH of Arizona. No. I would not say that it is a question of navigation for which an estimate has been made, but that river is navigable, and known as a navigable river, and for many years has been navigated from the Gulf of California far north of Yuma, and in fact to where the Grand Canyon of the Colorado disembogues.

Mr. BURTON. Then there is no question of any expenditure or work for the promotion of navigation involved here, is there?

Mr. SMITH of Arizona. The navigation of the river is utterly lost forever without this. The river, in my judgment, will ultimately become navigable as soon as the Panama Canal is finished.

Mr. BURTON. Is the Government now engaged in any work to secure the navigability of that river?

Mr. SMITH of Arizona. It is engaged in the work of keeping up the banks on the California side.

Mr. BURTON. That, however, has nothing to do with any project of navigation, has it?

Mr. SMITH of Arizona. It is engaged in keeping those banks up for navigation, or whatever purpose it may have. I do not know what its purpose is. I am not here to commit myself to the statement that this is for the navigation of the Colorado River. I am here, though, to show that it is a navigable stream; we can not control it; we have no power over it, and in the organic act under which our State was admitted, the Government took possession not only of the Colorado River but of every other river in the States of both New Mexico and Arizona, and claimed jurisdiction to control and own them. It would be obviously unjust that the farmers to whom I have referred should have a lien placed on their lands for necessary improvements of the Colorado, a navigable river. Yet that is what has been done; and I am simply asking that they may be relieved from this awful burden.

I ask for a vote on my amendment, Mr. President.

Mr. ROOT. Mr. President, may the amendment be again stated?

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The SECRETARY. On page 83, after line 7, it is proposed to insert:

That all sums of money heretofore expended on the east side of the Colorado River in revetment and levee-construction work under the Yuma irrigation project in Arizona, and now carried as a charge against a lien on the farms of the settlers under said project, be, and the same are hereby, declared a charge against the Treasury of the United States, and that the said charge shall not diminish the irrigation fund in the Treasury.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Arizona. [Putting the question.] The noes appear to have it. The noes have it, and the amendment is not agreed to.

Mr. SMITH of Arizona. Mr. President, I should like to have a vote on that with a show of hands. Before the matter goes further, if I am in order—

The PRESIDENT pro tempore. The Senator is in order.

Mr. SMITH of Arizona. It has been suggested to me by a Senator apparently in sympathy with the amendment that it in no way differs from the appropriations made in this bill for leveeing the Mississippi River to prevent overflow on adjacent lands. You pay to keep that river in its banks and make overburdened farmers in Arizona pay to keep the Colorado within its proper limits. Of course, you pretend to levee the Mississippi to protect navigation, and it does protect it. Levee the Colorado and you can make it navigable and save the lands from overflow. The difference is too thin to fool anybody.

Mr. BURTON. Mr. President, I do not seek at all to contradict what the Senator from Arizona says, but no such item has ever been allowed in a river and harbor bill as that which he is trying to pass for a specific purpose.

Mr. SMITH of Arizona. Where did they get the money and how did they get it to levee other rivers?

Mr. BURTON. Under such a plan as this, wherever there is damage to adjacent lands by flood, an amendment might be introduced to make the cost of reparation or improvement a charge upon the Treasury.

Mr. SMITH of Arizona. How is it in the Mississippi River, as was suggested to me?

Mr. BURTON. That is in pursuance of specific reports. The policy of the Government for many years was based upon the idea that it aided navigation, and for years a clause was carried in the bill that it should not be expended, that no levees should be built, except in aid of navigation.

Mr. SMITH of Arizona. Then the Senator confesses that that is only a theory?

Mr. BURTON. Oh, no; I do not, Mr. President; but it is not worth while to go into that now.

Mr. SMITH of Arizona. I do not want to go into it.

Mr. BURTON. I do not care to go into the effect of levees upon navigation. They do have a certain effect upon navigation, however.

Mr. SMITH of Arizona. Yes; and they would have in this particular instance; and the Government some day must necessarily levee this river. The Government will do it for navigation purposes, and do it shortly, in my judgment, within the next four or five years. It will have to do it. It is a navigable river now. The Irrigation Service has simply taken from the irrigation fund this amount of money, and has done the work mentioned in this amendment. We say that they have no au-

thority to make that expenditure a lien on the lands of the poor farmers on the Arizona side of the river.

In other words, as matters stand, you have a lien on the lands of the farmers of this Yuma project who are struggling against awful conditions for a living; and yet you put this sum of six hundred and some odd thousand dollars as an actual lien on their farms in addition to the overlarge expenditure contemplated in the scheme.

Mr. ROOT. Are their farms irrigated?

Mr. SMITH of Arizona. They can not irrigate them with the river all over them. They are overirrigated. The river was drowning them out, but by no fault of theirs, but according to my information the damage or overflow was largely caused by impediments placed in the river by the Government or by others acting under its direct consent, but be that as it may, no duty devolved on the farmers of Yuma County to keep the Government's river within its banks.

Mr. SMOOT. I should like to ask the Senator if the revetment was made for the purpose of protecting any reclamation project?

Mr. SMITH of Arizona. I imagine the irrigation authorities would not have taken the irrigation money out of their own treasury and put it into this work unless their purpose in doing it was to protect those lands from absolute destruction. But inasmuch as the Government caused the destruction, it is certainly not right to make this a charge against the farmers, and it seems almost brutal to raise the technical question as to whether or not their relief is put on an appropriation bill or on a river and harbor bill when we have seen a dozen items in this very bill just as obnoxious, under the rules, as my amendment can possibly be.

Mr. SMOOT. Does the Senator contend that the improvements upon the Colorado River made to prevent the waters from overflowing the Imperial Valley in California were the cause of the water overflowing on the opposite side of the river?

Mr. SMITH of Arizona. I have had, and I wish I had before me now, statements by the dozen that in that effort they have thrown this water over on the Arizona side. That applies to the work of the Government, at least—whether at this particular time I will not say.

Mr. SMOOT. It is just opposite the works of the Government on the California side, is it?

Mr. SMITH of Arizona. That river drains a watershed almost as large or larger than that drained by the Ohio, and it comes down there in enormous torrents, fretting against the least restraint on it anywhere. There is no telling where it will burst through these alluvial banks, which are composed, as you know, of sand, which gives way instantly as soon as you put a hundred pounds of extra weight of running water against them.

Mr. SMOOT. How close is the overflow on the Arizona side to the works that were put in by the railroad company to protect the Imperial Valley? Is it one mile, or more?

Mr. SMITH of Arizona. As to the particular obstruction that I have heard was placed in the river, it is almost opposite, in my understanding of it; but of this I am not sure, nor does it matter where the obstruction was if it caused the damage.

Mr. SMOOT. It must be very near the Mexico line, then, because the point where the work was done by the railroad company was just before the Colorado River turns into Mexico.

Mr. SMITH of Arizona. Oh, I know where that is. I am as familiar with that as I am with the interior of this Chamber.

Mr. SMOOT. I thought I would ask the question for the information of the Senate.

Mr. ROOT. Has there been any report of a committee on this matter, or any report of engineers?

Mr. SMITH of Arizona. There has been no report on it, except a report of this expenditure by the department. Ever since I have been in the Senate I have been trying to get something done with it. As long as I stay here, I will still be trying to have justice done these farmers. How can they afford to clear more lands, when any flood might add another million to the lien on their farms? If Senators only knew the burdens the home makers of our country bear, they would not seek means to avoid just demands on the National Treasury, but rather would they hunt means to help them in the struggle.

Mr. BRANDEGEE obtained the floor.

Mr. POINDEXTER. I will ask unanimous consent to have the amendment reported.

Mr. BRANDEGEE. I have the floor, Mr. President.

The PRESIDENT pro tempore. The Senator from Connecticut is entitled to the floor.

Mr. BRANDEGEE. I simply wanted to express my surprise that Senators upon the other side of the center aisle, who have been beseeching the Senate for an hour or so not to load this bill down with extraneous amendments which would be apt to

impede its progress through various places where it must go before it becomes a law, should offer an amendment which is clearly out of order, but against which I will refrain from making the point of order. I simply make this remark to show the consistency that pervades the Chamber on all these matters.

Mr. SMITH of Arizona. If the Senator himself had been as consistent when he offered the Connecticut-dam bill as an amendment, we would have saved a couple of hours of debate.

Mr. BRANDEGEE. I notice, however, that the Senate voted that my amendment was germane.

Mr. SMITH of Arizona. It might do likewise in the case of my amendment, but I thank the Senator for not raising the point of order.

Mr. NEWLANDS. Mr. President—
The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. SMITH of Arizona. Certainly.

Mr. NEWLANDS. I wish to ask the Senator from Arizona whether the Colorado River is not capable of being made a navigable river by resorting to the same means that have prevailed upon other rivers, such as the Mississippi, with reference to bank protection and levee building and storage of flood waters?

Mr. SMITH of Arizona. There is no doubt in the world about it. It can be made a navigable river up nearly to the mouth of the Grand Canyon—will some day.

Mr. NEWLANDS. And it can also be made exceedingly useful in the development of water power and the reclamation of arid lands.

Mr. SMITH of Arizona. Yes; and that is what the great Imperial Valley and the Yuma project both rely on to-day. I mean the dam for irrigation. It is not high enough, however, to develop there much power for electrical purposes.

Mr. NEWLANDS. I understand the Senator's complaint to be that a very large sum of money, spent really in the line of making this a navigable river, has been fastened upon the irrigation fund and then fastened by that fund as a lien upon the farms of settlers under the Yuma project.

Mr. SMITH of Arizona. I am thankful to the Senator for making perfectly clear what I have so imperfectly said myself.

Mr. SMOOT. Mr. President, the reason I called the Senator's attention to the conditions, or asked him to explain the conditions, was this: I know that where the course of the waters of the Mississippi River has been changed from one side to the other, and caused overflows, there have been millions and millions of dollars of claims filed against the Government for those overflows; and I wanted the Senator, and also the Senate, to know whether or not this was in the same class as those claims on the Mississippi. I understood the Senator knows that those claims on both sides of the Mississippi have been made by the millions of dollars against the Government.

Mr. SMITH of Arizona. I know they have; but I wanted to avert any question of any such claims, believing as I do that this is a part of an ultimate scheme of making that river navigable so that vessels coming up from the South American countries through the Panama Canal can go by smaller craft directly up the Colorado River to the town of Yuma. It has been a navigable stream for 40 or 50 years; boats ran on it regularly; so it can be made a navigable river again, and this is an essential part of the work.

The real purpose of building these works was to keep the water out of those lands—that is the truth of it—just as they have erected levees on the Mississippi River to keep it off of the lands there. Now, these poor farmers in the State of Arizona have been burdened with that debt. They have to give up their lands if you put this burden on them, and it is just a question of whether the Government will assume it or make these men try to pay it. They can not possibly pay it, as a matter of fact.

Mr. SMOOT. The revetment, then, was not done for the purpose of navigation? It was done for the purpose of protecting the land?

Mr. SMITH of Arizona. I have stated as plainly as I could the immediate purpose, as I said to the Senator before. The reason they appealed to the irrigation fund, if they did so appeal, must have been because they were trying to save the land—their homes—all they had on earth.

Mr. BORAH. As I understand, this expenditure, whatever it is, is being charged up to the land of the settlers in that immediate vicinity?

Mr. SMITH of Arizona. Just to the few settlers there. They are charging it up to their land and making it a lien on their land.

Mr. BORAH. It is simply a question of whether the Government shall pay this sum or whether it will drive those settlers away, is it not?

Mr. SMITH of Arizona. That is the only question in the case.

Mr. BORAH. And the reclamation fund has been impaired to such an extent through these expenditures that a crisis has been reached in the reclamation proposition, and that is whether the Government will take care of that portion of the expense which it ought to take care of or whether it will drive these settlers from the land, because the settlers can not pay this expense.

Mr. SMITH of Arizona. In line with what the Senator has said, I know the condition of the farms there at Yuma very well. I was in consultation with the board of directors and the water users last summer. They claim, and I believe it to be true, that it is impossible for them to bear this burden. This tax is the straw that absolutely breaks the patient camel's back. Those men can not stand this tax and make their homes and live there.

Mr. ROOT. Mr. President, I do not understand on what authority under the law any tax was imposed on this land.

Mr. SMITH of Arizona. Does the Senator understand the reclamation act?

Mr. ROOT. I do understand the reclamation act.

Mr. SMITH of Arizona. Did that make any imposition of a tax on the land?

Mr. ROOT. This does not seem to have been a reclamation work.

Mr. SMITH of Arizona. Then the farmers should not pay it. The reclamation act makes the expense of any of its enterprises a claim on the water users under the project. The users thus finally have to pay the costs, no matter how expensive the engineers may make it. In this, as in most cases, the Government made a contract with these farmers known as the water-users' association—

Mr. ROOT. Yes.

Mr. SMITH of Arizona. In which the Government agreed to perfect this system or this project at a charge of so much an acre on each farm; but, as usual, the expense has run far above the estimate and put an overload on their patient shoulders.

Mr. ROOT. For irrigation.

Mr. SMITH of Arizona. For irrigation; yes, sir; that was the purpose of the contract. They did enter into that contract, and yet it is far above the contract they entered into in actual cost. It has quadrupled, I think, or, certainly, is twice or more times as great as the original contract. That lien rests on the farms; and, in addition to that, you are making this revetment work and levee building to keep the Colorado River from washing away everything left—the Government irrigation works and all—an additional charge on the water user.

Mr. ROOT. I understand that, undoubtedly, abuses have been committed in that way in getting settlers on lands upon the representation that there would be a small charge for irrigation, and then carrying on the work in such a way that there is a very heavy charge for irrigation.

I wish this matter could have been before the committee and we could have had the facts ascertained and heard what the Reclamation Service people had to say about it before the Senate acts upon it. I dislike very much to act upon a matter of so great an amount without more complete information and without hearing both sides of the question.

Mr. SMITH of Arizona. If there was not a house there, if there was not a farm there, it would be an absolute necessity to the Government that it should hold that river where it is. It is not only a navigable river, but it is an interstate and international stream. It goes into Mexico. It leaves the United States and international questions arise. That river will have to go across there, and there is no telling where ultimately it will make a channel or what vast expenditure would be incurred. It would be like the Rio Grande, which has spread out for miles and miles, and it absolutely loses itself in the waste of surrounding sands until not a drop of water is to be found in its proper bed. So this would happen here unless the levees are repaired and the river confined within some reasonable limits.

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from North Dakota?

Mr. SMITH of Arizona. I am very glad to yield.

Mr. McCUMBER. If I understand the Senator correctly, this is purely a reclamation project. The lien which is laid upon the land is a lien the consideration of which is to give the holders of the land the use of the water. It so happens that the charges have been three or four times as great as they expected they would be. If I now understand the Senator's position, he desires to relieve the lands entirely from the liens even though they may receive some benefits. Should we re-

lieve them from all of them, or should they be relieved from a portion, or what proportion?

Mr. SMITH of Arizona. As I understand the Senator, he is mistaken if he thinks I am attempting to relieve them from any of the reclamation work. They expect to bear that burden, great as it is, but it must be confined to a reasonable necessary cost. I am trying to keep this money that the Reclamation Service has spent for the Government in building levees on the banks of the Colorado River and aiding ultimately in making it a navigable stream, so that that charge shall not rest on the farmers. I am not complaining of the increased cost of the project at this time, but I am claiming that this charge fall upon the lands. Some of these farms are away from the river and its overflow would never touch them. Yet this charge rests on all of them. It was the duty of the Government primarily to keep the river within bounds anyhow, and the Government has to do it under every rule of economy and good sense.

Mr. McCUMBER. If I understand the Senator correctly, there is another cost in addition to the cost of the Reclamation Service of over \$600,000 that would in addition be made a lien upon their land. Under what law would that be made a lien upon their land?

Mr. SMITH of Arizona. Because under the irrigation law the contract with these water users is that the cost of the enterprise becomes a lien on the land. They have taken this money from the irrigation fund and have applied it to the Government needs, as well as the farmers' needs, and it is proposed to place this burden on these farmers instead of on the United States Treasury.

Mr. McCUMBER. Then it really comes, as I stated, under the Reclamation Service, and there is supposed to be a corresponding benefit, but the cost is so heavy that it would be impossible for the farmers benefited to bear it. That is true of quite a number of our Reclamation Service projects, but I do not know how we can rectify that mistake upon the floor of the Senate without some general law that will relieve them according to the necessities of the conditions.

Mr. SMITH of Arizona. I do not know of any such conditions anywhere else in the United States. All of us know that it has cost more than we expected. Certainly it is not from an act of God that the farmer expected to insure the United States. You will never develop the West by such action as this.

Mr. SMOOT. I wish to ask the Senator if, before this money was spent by the Reclamation Service, the water-users' association gave its consent for the spending of the money for the revetment of the banks of the river?

Mr. SMITH of Arizona. I do not know. I would say, that to my mind it would make no earthly difference; they would consent to anything when they had gotten into a place where they were about to be drowned. Duress is a defense against any contract.

Mr. SMOOT. To me it would make a great difference, of course, because if the water-users' association had requested the Reclamation Service to do that work and saw it was absolutely necessary, that at least would relieve the Reclamation Service, as it undertook the work to protect the water-users' land, because of the fact that they were requested by them and had agreed with them to give a lien upon the land for the repayment of the money.

Mr. SMITH of Arizona. If I knew the facts I would answer the Senator with perfect frankness. I imagine, and it is merely imagination, that the irrigation managers on the part of the Government saw this condition, and I have no doubt immediately themselves, without asking anybody, attempted to correct it. But whether they first exacted consent of the water users before acting makes, to my mind, very little difference. It had to be done, and done quickly, and the cost in justice is properly chargeable to the United States Treasury, or, if you prefer, to the reclamation fund as a loss, rather than that the farmers should bear the damage.

Mr. ROOT. Mr. President, is not this the real difficulty, that the managers of this reclamation project have undertaken to charge up against the users of water expenditures which ought not to be charged to that irrigation project?

Mr. SMITH of Arizona. That is what I think in this case. I do not know but that the emergency might have justified the service in doing it, but I do know that these struggling men ought not to be forced to bankruptcy in saving the Treasury of the United States from an obligation resting of right and under every sense of justice on it. The Colorado is a navigable river. It belongs to the United States. The people of Arizona have no right to control it. It is the duty of the Government to keep it within its banks.

Mr. ROOT. The emergency might have justified the service without making it the part of an irrigation project. I should feel disposed to go with the Senator from Arizona upon such a proposition, but I do not think that we are in possession of the data upon which to act here in this way. With the knowledge of the facts that I have, while feeling disposed to go with the Senator on his proposition, I do not think that the charge for controlling the great stream of the Colorado River ought to be treated as a part of an irrigation project. Just how much or how little ought to be taken out of that lien, whether it all ought to be taken out or a part taken out, it seems to me we can not determine here.

I hope the Senator will not press it.

Mr. WORKS. Mr. President, unfortunately I was out for a few minutes and I did not hear this proposed amendment. I should be glad to have it read.

The PRESIDENT pro tempore. The amendment will be again read.

The SECRETARY. On page 83, after line 7, insert:

That all sums of money heretofore expended on the east side of the Colorado River in revetment and levee construction work under the Yuma irrigation project in Arizona and now carried as a charge against and a lien on the farms of the settlers under said project be, and the same is hereby, declared a charge against the Treasury of the United States, and that the said charge shall not diminish the irrigation fund in the Treasury.

Mr. WORKS. Mr. President, the matter of improvement of the Colorado River is one in which I have a great deal of interest. The Imperial Valley, one of the richest valleys in the State of California, borders on this stream just below this reclamation project.

During the last session of Congress the President sent in a special message calling attention to the condition of the river and recommending that an appropriation be made for its improvement. The Secretary of the Interior took the same position with respect to it.

It was late in the session I appeared before the Appropriations Committee and attempted to secure an appropriation by that means. I was told at that time that it was a matter that should be presented to the Commerce Committee in connection with the river and harbor bill.

During this session I presented the matter to the Commerce Committee, and I was told there that it would have to be taken up in some other way; I do not know just why. Then I was advised that the only proper way to reach it would probably be by a special bill for that purpose.

I am exceedingly anxious to take such steps as will bring about the permanent improvement of this stream, so that navigation may be improved and at the same time the property of people owning land bordering upon the stream protected. It is a positive duty that rests upon the Government to see that this river is improved. The President recognized that fact. The Secretary of the Interior recognized the fact that it was necessary. The Government has proceeded in part to improve the condition of the river and has spent considerable money there, but has left it in an imperfect condition that needs attention.

With respect to this particular amendment, I am not advised as to whether it is one that the Senate ought to entertain or not; but I do want to call the attention of the Senate to the fact that this river does need improvement and that some appropriation ought to be made for that purpose, so that it may be improved in a permanent way that will put the river in proper condition.

It is a very treacherous stream. It changes its course from time to time whenever storms occur. Senators know that at one time it submerged practically the whole of the Imperial Valley, costing millions and millions of dollars. I do hope that when the proper time comes some appropriation may be made and this improvement entered upon in a practical way; but I have no disposition to bring the matter before the Senate by way of an amendment for the simple reason that it would involve discussion, and it is a matter that I think should be taken up separately and determined after proper discussion of the question.

Mr. BORAH. Mr. President, it seems to me it might be safe to let this amendment go on the bill, in view of the fact that everyone seems to concede that this is a river that ought to be cared for by the National Government, and that this work which has been done has been done for the purpose of keeping the river within its banks. Certainly we ought to agree upon the proposition that we ought not to impose this extraordinary burden upon the settlers on this reclamation project. While, technically speaking, it might not belong exactly to this bill, it is altogether certain that if it does not go on this bill it will never go in time to help the settlers, because they will be driven from their places.

It seems to me that we can very well afford to say that that portion of the money which has been expended for building embankments can be eliminated from the charge as against these settlers. Those settlers will not, as they are being driven to give up their homes, appreciate the beauties of parliamentary laws as they present themselves to us.

Mr. CRAWFORD. Mr. President, as is very often the case, a statement which naturally appeals and causes a responsive chord among Senators comes at a time when so far as necessary information is concerned the Senate is without it, and so far as that sort of preliminary investigation that should be made before legislative action is taken, we find there has been none.

I think this would be a very serious step to take. It is admitted that this was a part of a reclamation project. I understand it is admitted that this work was done as a part of a reclamation project, but that it is putting too great a burden on those within that project.

From statements which have been made it would seem that that is true, and that there are equities here; but they have not been considered by any committee; there have been no witnesses; there has been no investigation; there has been no committee report; there has been no governmental report; and in an appropriation bill to act without any information of that character, and upon simply a general impression that appeals to one, I think is hardly the way to proceed. I hope the Senator from Arizona will not press the amendment here.

Mr. SMITH of Arizona. Mr. President, after consultation with many Senators who seem to be in sympathy with my purpose, and to relieve the Senate of the pressure now on it, I will take the vote as already announced by the Chair and not proceed further with it.

But before I take my seat I want to say to the Senator from South Dakota that the amendment was drawn in the way it is for the reason that I intended to cover, as the record shows in the department, exactly the amount of money expended for this particular work. I have not named the specific sum because the records of the department would show the specific sum, and the estimate would be made upon the revetment and levee work alone.

So while the amount was not as certain, probably, as it ought to have been in the amendment, it was so easily capable of being made certain that the amendment would not have endangered the Treasury.

The PRESIDENT pro tempore. The amendment is not agreed to.

Mr. NELSON. In view of meeting the contingency developed by this objection I offer an amendment to be put in the column of surveys, so that no appropriation would be made for the Colorado River in the river and harbor bill until there has been an examination made by the engineers of the War Department. I offer an amendment to place this river on the list of surveys, and when we get the information from the War Department we will know what to do and what ought to be done. It is to come in at the end of line 8, page 76.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 8, page 76, insert:

Colorado River, with a view of developing and improving navigation.

The amendment was agreed to.

Mr. NEWLANDS. Mr. President, I offer an amendment regarding the river regulation board. I ask that it be read and that the question of its order be submitted to the Senate.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator suggests the absence of a quorum, and the roll will be called.

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

Ashurst	Dillingham	Martin, Va.	Smith, Md.
Borah	Dixon	Myers	Smith, Mich.
Bourne	Fall	Nelson	Smith, S. C.
Brandeggee	Fletcher	Newlands	Smoot
Briggs	Gallinger	Oliver	Stephenson
Bristow	Gamble	Owen	Sutherland
Bryan	Gronna	Page	Swanson
Burnham	Hitchcock	Paynter	Thomas
Burton	Jackson	Percy	Thornton
Catron	Johnson, Mo.	Perkins	Tillman
Chamberlain	Jones	Pittman	Townsend
Clapp	Kavanaugh	Poindexter	Webb
Clarke, Ark.	Kenyon	Richardson	Webb
Crawford	La Follette	Root	Williams
Culbertson	Lea	Sheppard	Works
Cullom	Lippitt	Simmons	
Cummins	McCumber	Smith, Ariz.	
Curtis	McLean	Smith, Ga.	

The PRESIDENT pro tempore. On the call of the roll 69 Senators have answered to their names. A quorum is present. The Senator from Nevada [Mr. NEWLANDS] offers an amendment, which will be stated.

Mr. NEWLANDS. Mr. President, instead of offering the amendment which I before offered and requested that the question be submitted to the Senate as to its being in order, I offer a condensed statement, which at present proposes to make no appropriation beyond the expenses of investigation and plans, providing \$500,000 for such investigation and plans, but providing that the plans shall be made in such a way as to involve an expenditure of \$50,000,000 annually, commencing on the completion of the Panama Canal and extending over a period of 10 years.

I will ask the Secretary to read the amendment which I send to the desk. I will state that the amendment is on the desks of Senators, having recently been printed.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Nevada will be stated.

The SECRETARY. It is proposed to insert the following:

A commission, to be known as the river regulation commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce and Labor, two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to bring into coordination and cooperation with the Corps of Engineers of the Army the other scientific or constructive services of the United States that relate to the study, development, and control of waterways and water resources and subjects related thereto, and to the development and regulation of interstate and foreign commerce, with a view to uniting such services through a board or boards in investigating questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, forestry, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil waste, cooperation of railways and waterways, and promotion of transfer facilities and sites, and in forming comprehensive plans for the development of the waterways and water resources of the country for every useful purpose by cooperation between the United States and the several States, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States; and such river regulation commission is authorized to appoint as members of such board or boards such engineers, transportation experts, experts in water development, and constructors of eminence as it may deem advisable to employ in connection with such plans. Such plans shall involve the expenditure by the United States of \$50,000,000 annually, commencing on the completion of the Panama Canal and extending over a period of 10 years. And for the expenses of such organization, investigation, and plans the sum of \$500,000 is hereby appropriated.

Mr. NEWLANDS. Mr. President, individually I believe that the work of construction should commence immediately.

Mr. LIPPITT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Rhode Island?

Mr. LIPPITT. I raise the point of order—

Mr. NEWLANDS. Mr. President, I did not yield for the point of order, though I will yield for a question.

The PRESIDENT pro tempore. The Senator from Nevada is entitled to the floor.

Mr. NEWLANDS. Mr. President, I believe the time has come for work. I believe that it has been absolutely developed to the satisfaction of the entire American people that the methods that have been employed for a hundred years in the regulation and control of our rivers are absolutely deficient. I believe that the public mind is made up that this work should proceed immediately, involving cooperation between the scientific services, cooperation between the Nation and the States, and involving an ample fund, amounting to at least \$50,000,000 annually for a period of 10 years, this work to follow and supplement the great work upon the Panama Canal; but I find such opposition—not on the outside, but on the inside, of Congress—to entering immediately upon such constructive work, that I yield to the demand for further information upon the subject. So I have condensed the legislation which I have sought upon this subject in a simple amendment, which provides for the organization of a river regulation commission, composed of four Secretaries in the President's Cabinet—the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce and Labor—who have jurisdiction of the various services that relate in any way with water, and also two Members of the Senate and two Members of the other House, with a view to utilizing the services of distinguished engineers and constructors, and also with a view of coordinating these services in such a way as to secure comprehensive plans involving this large expenditure of money within 10 years after the completion of the Panama Canal.

This amendment merely provides for the expenditure of only the moderate sum of \$500,000 in the making of the plans and investigations in order to convince Congress upon a subject concerning which the country is already convinced.

Now, Mr. President, I ask for a vote upon this amendment, which is simply a continuance of the present work of investigation going on under the river and harbor act, and it seems to me it is entirely germane.

Mr. TOWNSEND. Mr. President, may I ask the Senator why he terms it a "river regulation commission"? Is it not intended to cover the investigation of all waterways?

Mr. NEWLANDS. Of all waterways.

Mr. TOWNSEND. Then, why use that term?

Mr. NEWLANDS. Of all the rivers in the country. I want to distinguish it from harbor improvements.

Mr. LIPPITT. I make the point of order that the amendment is general legislation and not pertinent to the pending bill.

Mr. NEWLANDS. Well, Mr. President, if the Chair has any doubt upon that question, I should like to have it submitted to the Senate.

The PRESIDENT pro tempore. The Senator from Rhode Island makes the point of order on what ground?

Mr. LIPPITT. That the proposed amendment is general legislation and can not be attached to an appropriation bill.

The PRESIDENT pro tempore. The Chair is constrained to sustain the point of order.

Mr. NEWLANDS. I ask that the question be submitted to the Senate, Mr. President, and I do so at the request of numerous Senators.

The PRESIDENT pro tempore. The Chair is in no doubt on the point at all, and hence feels constrained to decide it.

Mr. NEWLANDS. Then, I appeal from that decision, Mr. President.

The PRESIDENT pro tempore. The Senator from Nevada appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] By the sound the "ayes" appear to have it.

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

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

The PRESIDENT pro tempore. The Senator from Montana suggests the absence of a quorum. The roll will be called.

Mr. OLIVER. Mr. President, I inquire if business has intervened since the last roll call?

The PRESIDENT pro tempore. The Chair thinks the roll should be called.

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

Ashurst	Cummins	Lippitt	Root
Bankhead	Curtis	Lodge	Sheppard
Borah	Dillingham	McCumber	Simmons
Bradley	Dixon	McLean	Smith, Ariz.
Brady	Fletcher	Martin, Va.	Smith, Ga.
Brandeggee	Foster	Martine, N. J.	Smith, Md.
Briggs	Gallinger	Myers	Smith, Mich.
Bristow	Gamble	Nelson	Smith, S. C.
Bryan	Gore	Newlands	Smoot
Burnham	Gronna	O'Gorman	Stephenson
Burton	Guggenheim	Oliver	Swanson
Cañon	Hitchcock	Overman	Thornton
Chamberlain	Jackson	Owen	Tillman
Clapp	Johnson, Me.	Page	Townsend
Clark, Wyo.	Jones	Percy	Webb
Clarke, Ark.	Kavanaugh	Perkins	Williams
Crawford	Kenyon	Pittman	Works
Culberson	La Follette	Poindexter	
Cullum	Lea	Richardson	

Mr. CLARK of Wyoming. My colleague, the Senator from Wyoming [Mr. WARREN], is detained from the Chamber by business of the Senate.

The PRESIDENT pro tempore. On the call of the roll 73 Senators have answered to their names. A quorum of the Senate is present. The Senator from Nevada appeals from the decision of the Chair.

Mr. CLAPP. Mr. President, I trust the Senator will withdraw his appeal. It is placing Senators in a position that is not at all pleasant. For one, I am heartily in favor of his proposition. The ruling of the Chair, however, is so manifestly just that I should have to vote to sustain the ruling, and consequently apparently vote against the amendment. It is not a test of the strength of it, and I trust the Senator will withdraw his appeal.

Mr. BRISTOW. Mr. President, I trust the Senator from Rhode Island [Mr. LIPPITT] will withdraw the point of order. It seems to me that this amendment is as germane as many others that have been adopted, and certainly it is as much in order as many other amendments which have been passed upon. It seems to me, under the circumstances, that the Senator from Nevada [Mr. NEWLANDS] has a right to an expression of the

Senate on the merits of his amendment. I dislike to vote to overrule the Chair, but, under the circumstances in which this comes before the Senate, it seems to me that, having let in these other amendments, it would be certainly unjust not to let this one in, or at least to have a vote upon it.

Mr. ROOT. If he is at liberty to do so, I hope the Senator from Rhode Island [Mr. LIPPITT] will withdraw his point of order, and let us have a vote. The fact is that it is apparent that the Senate is becoming very restive over the undue proportion of the time remaining that this river and harbor bill is taking. The various discussions upon it are extending so that it is going to crowd out a lot of other appropriation bills, and that is the real trouble. I think the Senate will be ready to vote on this amendment promptly; and I hope the Senator from Rhode Island will withdraw his point of order, with the understanding, which I think everybody will agree to, that we shall vote.

Mr. NEWLANDS. I should be very glad to stop further discussion if we could have a vote on this amendment.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Were the yeas and nays ordered on the appeal from the ruling of the Chair?

The PRESIDENT pro tempore. They were not.

Mr. LIPPITT. Mr. President, referring to what the Senator from New York has said, that the Senate is becoming restless over the time that is being consumed on this bill, I recognize that situation. His proposal is that I shall withdraw this point of order so that a vote may be taken upon the proposition itself for the purpose of saving time. I can see no better way of saving time than to have the appeal on the point of order voted upon by the Senate. I think the point of order is manifestly well taken. The Chair has ruled that, in his opinion, it is well taken; and if it is simply a question of saving time, I know of no better way to do it than to take a vote.

Mr. NEWLANDS. Mr. President, I will state that I believe the majority of this body favor this amendment. I do not wish to waste the time of the body in discussion. I shall be glad to vote, and vote immediately, upon it. I appeal to the Senator from Rhode Island to withdraw his point of order. I do not wish to urge this appeal, because many Senators have approached me and told me that while they were for this measure they did not feel that they could vote to overrule the decision of the Chair. Now, the question is, What was the decision of the Chair? Am I appealing from a decision not to submit this question to the Senate, or am I appealing from the decision of the Chair as to whether this is in order? I would gladly appeal from the decision of the Chair as to the former, but I would not like to press the appeal from the latter, because I know there are many Senators who favor this measure and who would vote for it, and yet who would be disposed to sustain the Chair upon the point of order. I would not wish, therefore, to appear to have an adverse vote that was not deserved.

I appeal to the Senator from Rhode Island to let us have a vote on this question, and let us put the bill through and let it go to the House, and let them consider the matter in conference.

Mr. MYERS. Mr. President, will the Senator from Nevada yield to me for a moment?

Mr. NEWLANDS. Yes.

Mr. MYERS. A few minutes ago the Senate, by a vote of the Senate, declared that the Connecticut River dam bill was a proper amendment to offer here. I have great respect for the Chair and the rulings of the Chair, and seldom if ever question them. According to my recollection, however, the Senate voted that the Connecticut River dam bill was a proper amendment, that it was not out of order; and it seems to me a precedent of that kind set by the Senate ought to be good for one day.

Mr. LIPPITT. Mr. President—

Mr. BRANDEGEE. Mr. President—

The PRESIDENT pro tempore. The Senator from Rhode Island first addressed the Chair.

Mr. LIPPITT. At the request of several Senators and with the understanding that the vote on this measure is to be taken without further debate I will withdraw the point of order.

The PRESIDENT pro tempore. The point of order is withdrawn.

Mr. McCUMBER. I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McCUMBER. It is that the Chair having once ruled that the point of order made was correctly made, and a vote being called for again upon that question, the Senator can not withdraw his point of order. It has already been decided.

The PRESIDENT pro tempore. The Chair is of opinion that the Senator can withdraw it by unanimous consent. Is there objection?

Mr. McCUMBER. I object.

Mr. POINDEXTER. Mr. President, a parliamentary inquiry. The PRESIDENT pro tempore. The Senator will state it.

Mr. POINDEXTER. As long as the question is pending upon an appeal from the decision of the Chair, the matter not having been finally determined, can not the Senator who made the point withdraw it? I should think he would have the privilege of withdrawing it so long as it is pending and undecided upon the appeal which has been taken.

Mr. BRANDEGEE. I make the point of order that an appeal from the decision of the Chair must be decided without debate.

The PRESIDENT pro tempore. The Senator is correct in that.

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

The PRESIDENT pro tempore. The Senator will state it.

Mr. NEWLANDS. Is the appeal from the decision of the Chair sustaining the point of order, or is it from the decision of the Chair refusing to submit the question to the Senate?

The PRESIDENT pro tempore. The Senator from Nevada [Mr. NEWLANDS] offered an amendment. The Senator from Rhode Island [Mr. LIPPITT] made the point of order that it was obnoxious to Rule XVI, being general legislation. The Chair sustained the point of order, and the Senator from Nevada took an appeal from the decision of the Chair.

Mr. NEWLANDS. Then I made a motion to submit that question of order to the Senate.

The PRESIDENT pro tempore. The Senator could not make that motion under the rule. It could not be entertained.

Mr. NEWLANDS. Very well, Mr. President. Then I withdraw my appeal.

The PRESIDENT pro tempore. The appeal is withdrawn.

Mr. POINDEXTER. A further parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. POINDEXTER. Is not the question now before the Senate the point of order insisted upon by the Senator from North Dakota [Mr. McCUMBER]?

The PRESIDENT pro tempore. That has been settled.

Mr. NEWLANDS. In view of the fact that a number of Senators have indicated to me that they wished to support this amendment and to support the bill of which this amendment is a condensation, and yet that they would feel constrained to vote to sustain the decision of the Chair upon the appeal, I withdraw my appeal.

The PRESIDENT pro tempore. Is there objection to the Senator withdrawing his appeal? The Chair hears none, and the appeal is withdrawn.

Mr. CUMMINS. I desire to say just one word. I am very sorry the Senator from Nevada has withdrawn his appeal, because I think the point of order was not well taken, and I was prepared to vote with the Senator on that proposition. But, as he has withdrawn it, I have nothing more to say.

The PRESIDENT pro tempore. The bill is still in the Committee of the Whole and open to amendment.

Mr. OWEN. Mr. President, I offer the following amendment:

That at any time prior to 10 days after the next ensuing regular session of Congress, the President of the United States shall have the right of veto as to any item in this act by returning the same to Congress with his disapproval.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

That at any time prior to 10 days after the next ensuing regular session of Congress the President of the United States shall have the right of veto as to any item in this act by returning the same to Congress with his disapproval.

Mr. NELSON. Mr. President, I make the point of order against that. We can do a great deal in the river and harbor bill, but we can not amend the Constitution of the United States.

The PRESIDENT pro tempore. On what ground does the Senator make the point of order?

Mr. NELSON. I make it on the ground that it is general legislation.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. OWEN obtained the floor.

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

The PRESIDENT pro tempore. The Senator will state it.

Mr. BRANDEGEE. Before the bill goes to the Senate, I wish to ask whether, in order to get a separate vote on any

amendment adopted by the committee, a Senator must reserve that right?

The PRESIDENT pro tempore. That is the rule.

Mr. BRANDEGEE. Then I will state that if any separate vote shall be asked upon the amendment concerning the Connecticut River dam, I shall demand the same separate vote upon the Minnesota Mississippi River amendment, but not otherwise.

Mr. WILLIAMS. If it is necessary to give notice of a separate vote upon the Connecticut River dam amendment, I give notice now that it will be demanded.

Mr. OWEN. Mr. President, the objection which I feel to this bill generally is that it seems to contain so many items that are of purely local importance and which are not apparently required by the general welfare or in the matter of providing transportation for the people of the United States in a broad sense. I notice, for instance, in this bill 31 items relating to various creeks and other streams—some of them of importance, no doubt—of New Jersey. I merely mention that as illustrative. A number of them, however, must be of purely local character.

For instance, I call attention to the item of \$33,500 on page 11 for improving Keyport Harbor, for improving Matawan Creek, for improving Raritan River, for improving South River, for improving Shoal Harbor, for improving Compton Creek, and for improving Cheesapeake Creek; \$20,000 for improving Raritan Bay; \$1,600 for improving Absecon Creek; \$45,000 for improving Absecon Inlet; \$5,000 for improving Alloway Creek; \$5,000 for improving Cooper River; \$15,443 for improving Elizabeth River; \$50,000 for improving Hackensack River; \$15,000 for improving Mantua Creek; \$30,000 for improving Maurice River; \$300,000 for improving Newark Bay and Passaic River; and \$13,000 for improving Raccoon Creek.

I have no doubt that is a very important stream—probably much more important than the Arkansas River, which is a thousand miles long, and runs through a number of States, but which is practically not provided for at all in this bill.

Then there is an item of \$15,000 for Salem River, \$10,000 for Shrewsbury River, \$1,000 for improving Toms River, \$5,000 for improving Tuckerton Creek, and \$3,000 for improving Woodbridge Creek.

This bill is full of items of that kind. I do not know where these important national demands come from, but I have just ground to believe that the form of the bill is due to the very great activity of individuals who are concerned in promoting the private interests of some small locality at the public expense and, incidentally, at the expense of the people of Oklahoma. I am opposed to the form of this bill; I am opposed to the whole principle upon which it seems to proceed. It seeks to serve a number of unimportant interests of a local character; and by engaging the interest of Members of either House in that way it is sought to pass this bill through both Houses and put an enormous expenditure upon the people of the United States without serving any adequate national purpose. Therefore I have introduced this proposed amendment to allow the President of the United States the right to disapprove any particular item of the bill within the time stated.

I understand the point of order made by the Senator from Minnesota [Mr. NELSON], who, in his interest in this bill, sees a great danger to the Constitution of the United States and would make the point of order that we have no right to amend the Constitution of the United States by an amendment of this character. The Constitution of the United States gives a right of veto to the President of the United States whether we will or whether we will not; but the Constitution of the United States also places the power of legislation in this body—in Congress. We have a right here to make a law, and we have a right to put on this bill a proviso that the head of the executive branch of the Government may return any item in the bill with his disapproval. I wish to take the voice of the Senate upon that question.

I should like to know what the ruling of the Chair is—whether or not this amendment is ruled out of order.

The PRESIDENT pro tempore. The Chair sustained the point of order on the ground that the Senator's amendment was general legislation on an appropriation bill.

Mr. OWEN. I appeal from the ruling of the Chair on the ground that the Senator from Ohio [Mr. BURTON] having very eloquently disclosed and accepted the fact that this is not an appropriation bill, and the Senate having confirmed that view on the Connecticut River item, the third paragraph of Rule XVI does not apply.

The PRESIDENT pro tempore. The Chair feels constrained, on that point, to rule that it is an appropriation bill according to the rules of the Senate. The Senator from Oklahoma appeals from the decision of the Chair on the point of order.

Mr. THOMAS. On that I call for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT pro tempore. Senators who are of the opinion that the ruling of the Chair was correct will, when their names are called, answer "yea." Those opposed will answer "nay."

Mr. CLARKE of Arkansas. Mr. President, I did not quite understand the form in which the Chair submitted the matter.

The PRESIDENT pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. CLARKE of Arkansas. Oh, yes.

The Secretary proceeded to call the roll.

Mr. SMITH of Michigan (when his name was called). I desire to transfer my pair with the junior Senator from Missouri [Mr. REED] to the senior Senator from Pennsylvania [Mr. PENROSE], if I have the consent of the Senator from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Very well.

Mr. SMITH of Michigan. I vote "yea."

Mr. WILLIAMS (when his name was called). Being relieved from my pair with the senior Senator from Pennsylvania [Mr. PENROSE] by the announcement of the Senator from Michigan [Mr. SMITH], I desire to vote. I vote "yea."

The roll call was concluded.

Mr. FOSTER. I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. In his absence I withhold my vote.

Mr. DU PONT. I should like to inquire whether the senior Senator from Texas [Mr. CULBERSON] has voted.

The PRESIDENT pro tempore. That Senator has not voted.

Mr. DU PONT. I have a general pair with the senior Senator from Texas. I will therefore withhold my vote.

Mr. CULLOM. I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the junior Senator from Massachusetts [Mr. CRANE] and vote "yea."

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

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. CLARK of Wyoming. I withdraw my vote. I am paired with that Senator.

The roll call resulted—yeas 64, nays 5, as follows:

YEAS—64.

Bankhead	Cummins	Lippitt	Richardson
Bourne	Curtis	Lodge	Root
Brady	Dillingham	McCumber	Sheppard
Brandegee	du Pont	McLean	Simmons
Briggs	Fall	Martin, Va.	Smith, Ga.
Bristow	Fletcher	Martine, N. J.	Smith, Mich.
Bryan	Gamble	Nelson	Smith, S. C.
Burnham	Gronna	O'Gorman	Smoot
Burton	Guggeheim	Oliver	Stephenson
Cañon	Jackson	Overman	Swanson
Chamberlain	Johnson, Me.	Page	Thornton
Clapp	Johnston, Ala.	Percy	Tillman
Clarke, Ark.	Jones	Perkins	Twinsend
Crawford	Kavanaugh	Pittman	Wetmore
Culbertson	Kenyon	Poinexter	Williams
Cullom	La Follette	Pomerene	Works

NAYS—5.

Ashurst	Owen	Thomas	Webb
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NOT VOTING—26.

Bacon	Dixon	Lea	Smith, Md.
Borah	Foster	Newlands	Stone
Bradley	Gallinger	Paynter	Sutherland
Brown	Gardner	Penrose	Warren
Chilton	Gore	Reed	Watson
Clark, Wyo.	Hitchcock	Shively	
Crane	Kern	Smith, Ariz.	

The PRESIDENT pro tempore. Upon the question, Shall the decision of the Chair stand as the judgment of the Senate, the yeas are 64 and the nays 5, and the point of order is sustained.

Mr. MARTINE of New Jersey. Mr. President, I was absent from the Chamber during the remarks of the Senator from Oklahoma [Mr. OWEN], but I feel that I would be utterly an inefficient Senator if I should keep my mouth closed after the unfortunate reference made in a belittling way to the appropriations for the Commonwealth which I in part represent.

I realize that many of these names may not seem dignified to the Senator from Oklahoma—Raccoon Creek, Toms River, Shrewsbury River, Tuckerton Creek, Woodbridge Creek. How blessed Oklahoma would be if it had the most insignificant one of these creeks wandering through that Commonwealth.

Mr. OWEN. We would be glad to have them.

Mr. MARTINE of New Jersey. I say, Mr. President, God knows far be it from me to advocate a pork-barrel measure. I

do not believe in profligacy. I was born and I have lived in frugality, and I would be the last representative of my State to advocate a scheme simply seeking the public crib for the expenditure of money without reference to results. I am opposed to any measure that savors of pork-barrelism. I feel that I represent an intelligent, industrious constituency, but at the same time while I represent a frugal constituency I do not represent a parsimonious, mean, and narrow constituency. We live in a Commonwealth that has progressed, a Commonwealth that has contributed much to the glory and history of this great Nation in the past, and a Commonwealth that to-day is carving a place in the history of this land. In manufacturing we are to-day about third in the States of this Nation.

My friend from Oklahoma refers in a belittling way to these various appropriations, such as that for the Elizabeth River improvement. According to the report submitted the amount is \$15,543. Let me say—and I am proud of it—that I appeared before the committee of the House and urged that that appropriation should be \$50,000, and I will state the reason why I did so.

I realize that on Kill Van Kull and Elizabeth River, passing up from the great harbor of New York City, there is a tonnage each year that outstrips the tonnage that passes through the great Suez Canal. The great contest is for cheaper transportation, cheaper bread and butter. The wharves and docks in the great city of New York, my birthplace, are fairly congested, until now the problem is where can the great ships that are building for the maritime commerce of the world find a mooring. There seems to be no hope on the New York side; but just across the Hudson River the State of New Jersey offers them an abiding place, and the world's commerce, in fact, may be taken care of there. We ask that the channel of Kill Van Kull and the improvement of Elizabeth River may have attention in order to afford better shipping facilities, and thereby cheaper food—cheaper bread to the country and to the world.

Remember, Mr. President, New Jersey is fortunately situated. It is at the very gateway of the commerce of this great Nation. All the commerce of Europe, and even that of Oklahoma and the mining industry of the far West passing over the great continental railroads, must find a shipping point on the New Jersey shore. We are the dispensing point not only for this country but for the great foreign shipping of the country.

Here, for the Newark Bay and the Passaic River improvement, \$300,000 is appropriated. Remember that is right at the threshold of the great metropolis of this country. The city of Newark has a population to-day of about 575,000 people. We are a busy, thriving hive of industry. Everything in the manufacturing line, from a cambric needle to a locomotive, is manufactured there. It is a great shipping point.

But in the hope that we may be greater, in the hope that we may facilitate the commerce of this great Nation, and at the same time advance the welfare of the Commonwealth of New Jersey and aid our fellow citizens throughout the length and breadth of this country, we press this improvement with all reason and with all fairness and with all justice.

Improving Shrewsbury River and its maintenance, a paltry sum of \$10,000 is appropriated. The shipping that passes through there each year runs into hundreds of thousands of tons.

Toms River is not dignified much in name, but only a pittance of \$1,000 is asked for that improvement. That is one of the paltry sums that my friend would sneeringly refer to.

Woodbridge Creek is within 8 miles of my home. "If it were called Woodbridge River it would have more character, for the name 'creek' seems insignificant. Let me say to you that Woodbridge Creek and the whole section thereabout is fairly laden with a clay product that is manufactured into almost every conceivable shape that is known to civilization to-day. Thousands upon thousands of tons each year are shipped from that point, and more would be shipped with more liberal facilities.

I have no cavil with the Senator from Oklahoma, but, oh, that he might get out and with a bigger, broader lens see the splendid coast of the great country of which he and I are humble members.

Mr. OWEN. Mr. President, I wish to make my profound acknowledgment to my well-beloved friend from New Jersey, and to offer, if I may be permitted to do so, my humble and complete apology to Raccoon Creek.

If the Senator had been present he would have learned that in pointing out the thirty-odd items relating to New Jersey I was simply using it for the purpose of illustrating the manner in which some States are abundantly provided for, while others are not provided for at all, and that the bill is composed of items of local value but of no national importance.

There was no purpose, of course, to reflect upon the honorable Commonwealth of New Jersey, but the purpose was to speak on the general character of this bill, which takes up these various items and which provides, in what I believe a haphazard way, for this creek and that creek and the other creek, without having a comprehensive, clear-cut plan by which the national interests would be conserved in an important and well-digested plan.

My objection to this bill remains. I shall vote against it. I am opposed to this character of legislation. It has been repeated over and over again, and I believe that we ought to follow a policy laid out along the line which has been suggested by the Senator from Nevada [Mr. NEWLANDS], that we ought to have a certain amount of money which shall be used for such purposes and then distributed according to the national interests.

There was no purpose, I beg the distinguished Senator from New Jersey to believe, to reflect upon his noble Commonwealth, for which I have the highest respect, and for him personally I have a peculiar regard. But one is obliged in speaking of a bill of this kind to illustrate it with some of the items from it, and my eye fell upon the thirty-odd items for New Jersey, and I proceeded to illustrate with New Jersey. That is all there is in that.

Oklahoma is quite willing to have a development of our national waterways. Oklahoma is not willing to have the National Treasury invaded for the purpose of promoting local interests merely at the expense of the National Treasury. It is against that character of legislation, without intending to discriminate as to any particular item in the bill, that I referred to these various creeks. I could have taken some other State and illustrated it the same way, but that sufficed for my purpose.

Mr. BURTON. Mr. President, I do not think the criticisms of the Senator from Oklahoma are well founded. They rest upon the use of the name "creek" in this bill. There are some channels having that designation which have a very important commerce. For instance, Newtown Creek on Long Island, near the city of Brooklyn, in greater Manhattan, has a tonnage of 5,400,000 tons with a valuation of over \$190,000,000. Passaic River, leading to the city of Newark, to which the Senator from Oklahoma referred, has a tonnage of 2,200,000, with a value of \$62,000,000. The Raritan River, to which he referred somewhat slightly, has a tonnage of something over 1,000,000, with a value of \$64,000,000. All the small streams in New Jersey, some of them tributary to New York and some to Philadelphia, furnish a certain amount of interstate commerce. The extravagance in our river and harbor bills is not in that direction. These small streams can be improved at a comparatively limited cost; and while the question may be raised whether they are proper objects for appropriations from the Federal Government, this custom has been pursued for many years, and the improvements make it possible to ship products from one State to another, making a part of our interstate commerce.

Newtown Creek has a greater tonnage which is of greater value than that of the three sections of the Mississippi River. Raccoon Creek has almost as much tonnage as the whole of the Arkansas River. The danger of waste or extravagance is in the construction of locks and dams for the canalizing of rivers, for the improvement of great rivers—I do not wish at this late hour to mention which they are—where there is little prospect of developing an important commerce and the money is really devoted to the protection of private property bordering upon them.

Nevertheless, Mr. President, I can not vote for this bill as it now is. Most of it is made up of commendable items, but there is much that is objectionable. I must particularly criticize some of the precedents which it establishes. We have heard a great deal here in the last few days in regard to precedents. Now, I want to call attention to one, a provision adopted here on Saturday morning last.

The bill as it came from the House sought to extend the jurisdiction of the Mississippi River Commission from Cape Girardeau up to Rock Island. The Senate Committee on Commerce, recognizing the manifest impropriety of that, suggested, in place of the provision of the House bill, an examination with a view to a future report, for which purpose \$100,000 was to be appropriated. That proposition was discussed at great length here and a compromise was adopted which was worse than either. I want to call attention to its real significance:

The Mississippi River Commission shall make an examination of the Mississippi River from Cape Girardeau, Mo., to Rock Island, Ill., with a view to such improvements as will at the same time promote navigation, develop water power, and protect property adjacent to said river from damage by floods; and in making such examination con-

sideration shall be given and recommendations made as to plans for cooperation by the localities affected; and for the purpose of such examination—

So much is retained of the recommendation of the Senate committee, but that part of the provision appropriating the sum of \$100,000 is cut out. Now, let us see what is put in its place—

and for the building of such levees between said points upon the river in aid of navigation as may be found necessary or desirable by the commission and approved by the Chief of Engineers the sum of \$200,000 is hereby appropriated.

Thus, in the same sentence there is a demand for an examination and its nullification by directing the Mississippi River Commission to perform work which it ought not perform until the examination is made and the report transmitted to Congress. Congress could not act intelligently and with full knowledge of the facts until after this examination is made. You mix the two here—the examination and the appropriation.

Why, Mr. President, if we adopt that class of provisions, we undermine the whole system. The very fundamental idea should be that we undertake no work whatever until careful examination has been made and an estimate furnished, not only that we may know whether or no the improvement is a good one, but that we may know what it will cost; and then, with all this information before it, let Congress decide. This paragraph slips in a provision allowing \$200,000 instead of \$100,000, and allowing the commission to go ahead before the examination is made.

There was a paragraph somewhat similar in the act of 1910, under which a million dollars was appropriated under a great deal of pressure for a so-called waterway from the Lakes to the Gulf. It was vigorously opposed by many of us. We thought it very objectionable; but even that contained the clause which will be found on page 34 of the river and harbor act of 1910. It provided for the presentation of plans, and so forth, and then stated:

And until these plans and estimates have been submitted and a project for the improvement adopted by Congress the appropriation of \$1,000,000 herein made shall not be available for expenditure.

Mr. President, if this paragraph goes in, the Committee on Rivers and Harbors of the other House and the Committee on Commerce of the Senate owe an apology to a multitude of persons who have come before Congress in the last 15 years. When they have come, and they have come often, asking us to make an appropriation and to order with that appropriation an examination, asking in case the report or the examination is favorable, that the improvement may proceed, we have said every time, "No; make your examination, then come to Congress and run the same gantlet that every other project has to run. If that report is favorable, and we approve it, then, and in that case, we will decide whether or not an appropriation should be made."

This may seem a trivial item, Mr. President, but it is an entering wedge for the expenditure of tens of millions of dollars in the upper Mississippi River before we have had time for consideration. It is also a beginning for the destruction of the most salutary and the most necessary feature of our whole system of river and harbor appropriations. I am very glad to know that the Senator from Arizona [Mr. SMITH] withdrew his amendment, which was subject to the same objection to which this paragraph is subject.

In view of that fact, Mr. President, and in view of the precedent which it will create, I can not vote for this bill. There are other objections, but I shall not detain the Senate to discuss them.

The bill was reported to the Senate as amended.

Mr. STONE. Mr. President—

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. STONE. Mr. President, I desire to make an inquiry. I had been called out to attend a session of a subcommittee of the Senate before which I had an amendment pending. I returned and found that the Senator from Ohio [Mr. BURTON] was engaged in one of his usual—

Mr. NEWLANDS. Mr. President, is the bill yet in the Senate?

The PRESIDENT pro tempore. The bill has been reported to the Senate. The Chair understood certain Senators to say that they desired to reserve two amendments, the Senator from Mississippi being one of those Senators.

Mr. NELSON. The Senator has not asked to reserve the amendment since the bill was reported to the Senate. There is no reservation asked at present.

The PRESIDENT pro tempore. Very well. Then the question is on concurring in the amendment made as in Committee of the Whole.

Mr. BORAH. Mr. President, I understand that there were two reservations made.

The PRESIDENT pro tempore. There was a suggestion made to the Chair that reservations might be made, but they have not been made.

Mr. POINDEXTER. I understood the Senator from Mississippi gave notice that he would ask for a separate vote—

The PRESIDENT pro tempore. The Senator did give notice, but he has not demanded a separate vote.

Mr. POINDEXTER. I ask for a separate vote upon the Senator's reservation.

The PRESIDENT pro tempore. The Senator from Washington asks a separate vote upon the Connecticut River project, on page 5.

Mr. BRANDEGEE. I demand a separate vote upon the amendment contained on pages 53 and 54, relating to the Municipal Electric Co. of the State of Minnesota.

The PRESIDENT pro tempore. Without objection, the other amendments made, as in Committee of the Whole, will be concurred in. The question is upon concurring in the amendment upon page 5, relating to the Connecticut River project.

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

The PRESIDENT pro tempore. The yeas and nays are demanded.

Mr. BANKHEAD. I should like to understand what that amendment is.

The PRESIDENT pro tempore. It is the amendment agreed to, as in Committee of the Whole, in reference to the Connecticut River dam.

Mr. BANKHEAD. Is it the amendment offered by the Senator from Connecticut, on which the vote is about to be taken?

The PRESIDENT pro tempore. It is. The Senator from Washington [Mr. POINDEXTER] demands the yeas and nays. Is there a second?

Mr. CLARKE of Arkansas. I have no objection to the yeas and nays being ordered if a sufficient number of Senators second the demand, but I desire to say—

The PRESIDENT pro tempore. The Chair thinks the demand for the yeas and nays has not yet been seconded. Senators seconding the demand will please raise their hands. [After counting.] There is not a sufficient number seconding the demand, and the yeas and nays are not ordered. The question is on concurring in the amendment reserved on page 5.

Mr. POINDEXTER. Mr. President, I notice the junior Senator from Colorado [Mr. THOMAS] had his hand up, and I do not think the Chair counted him. I should like the question to be again put.

The PRESIDENT pro tempore. The Chair will again put the request. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered.

Mr. CLARKE of Arkansas. Mr. President, I am going to vote to put that amendment on this bill, although I know it ought not to be there. If this were the last word in the passage of this bill, of course I should not do so, because it is perfectly plain that if the amendment is put upon the bill and sent to the President as a part of it, in order to maintain his reputation for consistency he will doubtless veto the entire measure. He did so in a parallel case, when there was a failure to make provision for the support of the Commerce Court. I am too much interested in this bill to want to test out the endurance of the President in the matter of consistency; but bad examples have been set here, and, having been set, they have been followed, as they usually are. Bad examples are always followed, while good examples are rarely ever followed, or, at all events, they are not cited as precedents and do not, upon the mere statement of them, constitute a sufficient reason for doing right the second or third time, but a bad precedent is always an unanswerable argument in favor of doing another bad thing.

I now realize that a great mistake was made in putting all this legislation relating to waterways upon this bill. The fact of the business is that this matter of legislating upon appropriation bills is another manifestation of a curse which rested on this country just after the Civil War in the shape of reconstruction measures. The Democratic membership of the Senate committed themselves to the addition of general legislation on appropriation bills as a means of keeping soldiers away from the polls, under a practice that prevailed at that time. It seemed to justify itself, but, like everything else, the worst things in this world are the abuses of good ones, and so the practice has been kept up.

I have formulated in my own mind a plan which will regulate my own conduct hereafter. I shall only favor the addition of legislation to appropriation bills when the matter relates to something that is practically not contested and the conditions

of the situation justify such action, or where there is a difference of policy, where technical objections may defeat the popular will, or where some fundamental principles of government are at stake—matters of large import, matters of far-reaching importance; but I do not intend to lend my aid to the passage, as part of appropriation bills, of measures that are disputed in character or that relate to new features of legislation which ought to be thrashed out upon their own merits, without the opportunity to hold up, if I may use such a phrase, important issues of another character in which the membership of the Senate is interested, and practically to compel a surrender of your own individual judgment as to the merits of a particular measure in order to accomplish something of greater importance.

It is not a system of legitimate legislation to permit that to be done. It is an abuse of it. I think the common sense, the enlightened sense of the Senate, ought to be adequate to the correction of that practice.

There will be a conference upon this particular bill, when all these water matters will undergo investigation in the light of the objections that have been urged here. The sentiment of the Senate on the question of whether or not the National Government shall have a right to levy tolls upon water-power grants has been, after a full argument, settled. Now the attempt is made to jeopardize the life of this important bill, one in which many sections of this country are interested, and in which my section of the country is vitally interested, in order to compel a reversal of that position.

I confess that I would submit, with a frank statement of the fact that I was submitting, to an imposition put upon me, because of the interest of my people, to permit things to go through which, upon their own merits, I would not vote for in order to secure for them the splendid advantages that will come to them upon the approval of this particular bill. I hope hereafter that such legislation as this may be put upon a higher plane of independence; that appropriation bills will be confined to matters of appropriation; and that matters of legislation of a disputed character will be compelled to work their destinies out through the slow processes of discussion in this tribunal and elsewhere.

Because I know that this matter will go to conference, because I know the views of another branch, and because I know the views of the President, I am perfectly willing to vote to put this amendment on, knowing that it would be fatal to the bill if it went on and was accepted by the other House, and under the belief that the common sense of the situation will finally commend itself to those Senators and Members of the other House who will constitute the conference committee, and that they will make some adjustment of it that will give expression to the known sentiments of each House, and will not permit this important bill to be loaded down to the extent of jeopardizing its very existence.

So that I say I shall vote for something that I am not abstractly in favor of, in order that I may get it in a place where it will receive the consideration that it is not likely to receive here this afternoon. It if results in leaving this particular water-power legislation out of this bill, well and good. That will best conform to my ideas of what should be done, until the outlines of the question have been completely settled so that they will be no longer open to discussion here.

I do not say that it is an unfair advantage to take of the opportunity, because when you are within the rules of a body that has power to exercise you are within your rights, for rules are made to give advantage when that is necessarily evolved from their application. In what I have had to say I do not complain of the action of anybody, but I think this system has gone to a point where abuses have become perfectly apparent.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole, on which the yeas and nays have been ordered.

Mr. SMITH of Georgia. I ask that the amendment be stated.

The PRESIDENT pro tempore. Does the Senator desire that it be read?

Mr. SMITH of Georgia. I am now informed that it is the Connecticut dam proposition.

The PRESIDENT pro tempore. That is the question to be voted on.

Mr. SMITH of Georgia. Then I do not care to have it read.

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

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the junior Senator from Massachusetts [Mr. CRANE] and will vote. I vote "yea."

Mr. NELSON (when his name was called). I am paired with the senior Senator from Georgia [Mr. BACON] on this matter, and therefore withhold my vote.

Mr. SMITH of Michigan (when his name was called). I again announce my pair with the junior Senator from Missouri [Mr. REED], and withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Indiana [Mr. SHIVELY], I desire to vote. I vote "nay."

The roll call was concluded.

Mr. BRADLEY. I transfer my pair with the junior Senator from Indiana [Mr. KERN] to the senior Senator from Nebraska [Mr. BROWN] and will vote. I vote "yea."

Mr. FOSTER (after having voted in the negative). I have a general pair with the Senator from Wyoming [Mr. WARREN], who is absent on public business. I transfer that pair to the junior Senator from Alabama [Mr. JOHNSTON] and will allow my vote to stand.

Mr. CLARK of Wyoming. I desire to announce that my colleague [Mr. WARREN] is unavoidably absent on the business of the Senate.

Mr. CULBERSON (after having voted in the negative). I inquire if the Senator from Delaware [Mr. DU PONT] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. CULBERSON. As I have a general pair with that Senator, I withdraw my vote.

The result was announced—yeas 39, nays 37, as follows:

YEAS—39.

Ashurst	Clark, Wyo.	Jackson	Oliver
Borah	Clarke, Ark.	Jones	Owen
Bourne	Cullom	Kenyon	Page
Bradley	Cummins	La Follette	Perkins
Brandegee	Curtis	Lippitt	Richardson
Briggs	Dillingham	Lodge	Root
Burnham	Gallinger	McCumber	Stephenson
Burton	Gamble	McLean	Townsend
Catron	Guggenheim	Myers	Wetmore
Clapp	Hitchcock	Newlands	

NAYS—37.

Bankhead	Johnson, Me.	Poin Dexter	Thomas
Bristow	Kavanaugh	Pomerene	Thornton
Bryan	Lea	Sheppard	Tillman
Chamberlain	Martin, Va.	Simmons	Watson
Crawford	Martine, N. J.	Smith, Ariz.	Webb
Fall	O'Gorman	Smith, Ga.	Williams
Fletcher	Overman	Smith, Md.	Works
Foster	Paynter	Smith, S. C.	
Gardner	Percy	Stone	
Gronna	Pittman	Swanson	

NOT VOTING—19.

Bacon	Culberson	Kern	Smith, Mich.
Brady	Dixon	Nelson	Smoot
Brown	du Pont	Penrose	Sutherland
Chilton	Gore	Reed	Warren
Crane	Johnston, Ala.	Shively	

So the amendment made as in Committee of the Whole was concurred in.

The PRESIDENT pro tempore. The question is now upon the next reserved amendment, which will be stated.

The SECRETARY. The amendment is on pages 53 and 54, relative to power at Minneapolis and St. Paul.

Mr. BRANDEGEE. I do not care for a separate vote upon that.

Mr. BORAH. I do not desire to ask for a ye-and-nay vote, but I want an opportunity to vote on the proposition.

The PRESIDENT pro tempore. The question is upon concurring in the amendment.

The amendment was concurred in.

The PRESIDENT pro tempore. The bill is in the Senate, open to amendment. If no amendment be proposed, the question will be, Shall the amendments be engrossed and the bill read a third time?

Mr. NEWLANDS. Mr. President, I now renew the amendment that I offered a short time ago, providing simply for an investigation, organization, and plans, constituting a river-regulation commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce and Labor, two Members of the Senate, and two Members of the House, leaving out the last sentence but one—the sentence which provides that the plans shall involve the expenditure of \$50,000,000 annually. A point of order was made against that amendment by the Senator from North Dakota [Mr. MCCUMBER], and he has indicated his willingness to withdraw his objection if the sentence to which I have referred is left out. I therefore move the adoption of this amendment.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment, which will be stated.

Mr. NELSON. The amendment has been already read. I do not think it is necessary to read it again.

The PRESIDENT pro tempore. Without objection, the reading of the amendment will be dispensed with.

Mr. GRONNA. I should like to have read the portion which was stricken out.

The PRESIDENT pro tempore. The part stricken out will be stated.

The SECRETARY. The part stricken out is on page 3 of the printed amendment, line 12, and is as follows:

Such plans shall involve the expenditure by the United States of \$50,000,000 annually, commencing on the completion of the Panama Canal and extending over a period of 10 years.

Mr. NEWLANDS. That portion, I will say, is stricken out of the amendment. I now offer it as amended in that way.

Mr. BRANDEGEE. Mr. President, before voting upon the amendment I desire to say that with that part stricken out I shall be glad to support it, and if the system proves a success after its organization I shall be glad to vote for appropriations for it.

The amendment was agreed to, as follows:

SEC. 3. A commission, to be known as the river-regulation commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce and Labor, two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to bring into coordination and cooperation with the Corps of Engineers of the Army the other scientific or constructive services of the United States that relate to the study, development, and control of waterways and water resources and subjects related thereto, and to the development and regulation of interstate and foreign commerce, with a view to uniting such services through a board or boards in investigating questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, forestry, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil waste, cooperation of railways and waterways, and promotion of transfer facilities and sites, and in forming comprehensive plans for the development of the waterways and water resources of the country for every useful purpose by cooperation between the United States and the several States, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States; and such river-regulation commission is authorized to appoint as members of such board or boards such engineers, transportation experts, experts in water development, and constructors of eminence as it may deem advisable to employ in connection with such plans. And for the expenses of such organization, investigation, and plans the sum of \$500,000 is hereby appropriated.

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

The bill was read the third time and passed.

PHYSICAL VALUATION OF RAILROADS.

Mr. LA FOLLETTE. Mr. President, pursuant to the unanimous-consent agreement, I move that the Senate proceed to the consideration of House bill 22593, to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for physical valuation of the property of carriers subject thereto and securing information concerning their stocks and bonds and boards of directors.

Several Senators addressed the Chair.

Mr. LA FOLLETTE. I will yield, that some routine business may be transacted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, transmitted to the Senate resolutions of the House of Representatives on the life and public services of Hon. WELDON BRINTON HEYBURN, late a Senator from the State of Idaho.

The message also transmitted to the Senate resolutions of the House of Representatives on the life and public services of Hon. ROBERT L. TAYLOR, late a Senator from the State of Tennessee.

The message further transmitted to the Senate resolutions of the House of Representatives on the life and public services of Hon. JEFF DAVIS, late a Senator from the State of Arkansas.

The message also transmitted to the Senate resolutions of the House of Representatives on the life and public services of Hon. ROBERT C. WICKLIFFE, late a Representative from the State of Louisiana.

The message further transmitted to the Senate resolutions of the House of Representatives on the life and public services of Hon. CARL C. ANDERSON, late a Representative from the State of Ohio.

The message also transmitted to the Senate resolutions of the House of Representatives on the life and public services of Hon. SYLVESTER CLARK SMITH, late a Representative from the State of California.

The message further transmitted to the Senate resolutions of the House of Representatives on the life and public services of Hon. GEORGE S. LEGARE, late a Representative from the State of South Carolina.

ENROLLED BILLS SIGNED.

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

H. R. 20102. An act relating to proof of signatures and handwriting; and

H. R. 26279. An act granting the Fifth-Third National Bank of Cincinnati, Ohio, the right to use original charter No. 20.

AGRICULTURE APPROPRIATION BILL.

Mr. BURNHAM. Mr. President, a notice appears on the calendar that upon the disposition of the Indian appropriation bill I shall call up House bill 28283, the Agriculture appropriation bill. I desire to give notice now that immediately after the disposition of the Post Office appropriation bill I shall ask the Senate to consider the agricultural appropriation bill.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. ROOT, from the Committee on the Judiciary, to which was referred the bill (S. 8454) to amend section 914 of the Revised Statutes, reported it without amendment.

Mr. CUMMINS, from the Committee on the Judiciary, to which were referred the following bills, reported them each with amendments, and submitted reports thereon:

S. 7600. A bill legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada (Rept. No. 1299); and

S. 3194. A bill to revise section 985 of the Revised Statutes of the United States (Rept. No. 1308).

Mr. POINDEXTER, from the Committee on Pacific Islands and Porto Rico, to which was referred the bill (H. R. 20048) declaring that all citizens of Porto Rico and certain natives permanently residing in said island shall be citizens of the United States, reported it without amendment and submitted a report (No. 1300) thereon.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (H. R. 28469) granting two condemned cannon to the Walkill Valley Cemetery Association, of Orange County, N. Y., reported it without amendment and submitted a report (No. 1301) thereon.

He also, from the same committee, to which was referred the bill (H. R. 26078) for the relief of Charles S. Kincaid, reported it with amendments and submitted a report (No. 1302) thereon.

Mr. LEA, from the Committee on Military Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 5107. A bill for the relief of W. D. McLean, alias Donald McLean (Rept. No. 1306); and

S. 6675. A bill to grant an honorable discharge to Philip Cook (Rept. No. 1307).

Mr. LEA, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 118) authorizing the Secretary of War to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina, reported it with an amendment and submitted a report (No. 1303) thereon.

He also, from the same committee, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 5200. A bill to authorize the President to appoint A. C. G. Williams-Foote, late first lieutenant in the Philippine Scouts, to the grade of first lieutenant in the United States Army, and place him on the retired list (Rept. No. 1304); and

S. 5201. A bill to authorize the President to appoint Clarence C. Faw, late second lieutenant in the Philippine Scouts, to the grade of second lieutenant in the United States Army, and place him on the retired list (Rept. No. 1305).

THE VIRGINIA TERMINAL CO.

Mr. PAYNTER. Mr. President, on Saturday there was reported from the Committee on the District of Columbia the bill (S. 7640) to incorporate the Virginia Terminal Co. My information is from a party living on M Street, over which this road will pass, that there have been no hearings at all upon the bill, and it means the construction of a street car line for a mile through this city, and provides that it shall go over the lines of some other street car company here, besides not allowing the property owners or the street car company to be heard, although the street is a narrow one and two tracks are provided for. I am advised that the committee acted upon the recommendation of the Commissioners of the District of Columbia, and they took such action because the committee was pressed for time and did not feel that hearings could be given. I therefore move to recommit the bill to the Committee on the District of Columbia, with a view to having the parties interested heard. By this motion I do not intend any reflection, of course, upon the action of the committee.

The PRESIDENT pro tempore. The bill will be recommitted to the Committee on the District of Columbia.

ADDITIONAL AMENDMENTS TO APPROPRIATION BILLS.

Mr. McCUMBER submitted an amendment proposing to increase the appropriation for the Glacier National Park, Mont., from \$75,000 to \$250,000, 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.

Mr. BORAH submitted an amendment providing that hereafter no part of the appropriation for fortifications and armament thereof for the Panama Canal shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of work of any employee of the United States Government, etc., 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.

Mr. KENYON submitted an amendment proposing to strike out from the agricultural appropriation bill the provision providing for the purchase and distribution of valuable seeds, intended to be proposed by him to the agricultural appropriation bill, which was ordered to lie on the table and be printed.

Mr. TOWNSEND submitted an amendment proposing to appropriate \$750 each to pay Charles M. Campbell and Charles A. Davidson, late clerks of the courts of the United States for Indian Territory, for fees earned by them for performing services not required of clerks of United States courts in other districts, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. FALL submitted an amendment proposing to appropriate \$60,800 for the support and education of 400 Indian pupils at the Indian school at Albuquerque, N. Mex., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

He also submitted an amendment providing for pay of one special assistant to the United States Attorney General, district of New Mexico, who shall act as attorney for the Pueblo Indians of New Mexico, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table and be printed.

Mr. CURTIS submitted an amendment proposing to appropriate \$1,200 to pay F. H. Wakefield for preparing the history of legislation for the Senate in the third session of the Sixty-second Congress, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRANDEGEE submitted an amendment proposing to appropriate \$140,000 for the erection of a public building at Middletown, in the State of Connecticut, intended to be proposed by him to the omnibus public buildings bill, which was ordered to lie on the table and be printed.

Mr. JONES submitted an amendment proposing to increase the appropriation for a post-office building at Seattle, Wash., from \$300,000 to \$1,250,000, intended to be proposed by him to the omnibus public buildings bill, which was ordered to lie on the table and be printed.

Mr. OLIVER submitted an amendment providing that the proceeds of the sale of the post-office site situated at Liberty Avenue and Sixteenth Street, Pittsburgh, Pa., together with the additional sum of \$750,000, not to exceed \$1,500,000 in all, be appropriated for the purchase of another site for a post office in that city, etc., intended to be proposed by him to the omnibus public buildings bill, which was ordered to lie on the table and be printed.

Mr. LODGE submitted an amendment proposing to appropriate \$2,000 for the salary of one assistant in the Bureau of Fisheries, Division of Inquiry respecting food fishes, etc., 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.

SPEECH OF MR. JUSTICE HOLMES (S. DOC. NO. 1106).

Mr. LODGE. I have a copy of a speech of Mr. Justice Holmes, delivered at a dinner of the Harvard Law School Association, of New York, on February 15, 1913. I ask that the speech be printed as a Senate document.

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

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On February 20, 1913:

S. 104. An act for the relief of Carl Krueger; and

S. 8035. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

On February 24, 1913:

S. 2733. An act for the relief of the estate of Almon P. Frederick.

COMMISSION ON ECONOMY AND EFFICIENCY (S. DOC. NO. 1105).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Appropriations and ordered to be printed:

To the Senate:

In response to the resolution of the Senate, dated February 21, 1913, requesting that I send to the Senate any additional information submitted by the Commission on Economy and Efficiency relating to the matter of saving in recovery of Government waste paper, I transmit herewith reports of the commission on the subject dated September 21, 1912, and February 11, 1913.

WM. H. TAFT.

THE WHITE HOUSE, February 24, 1913.

PHYSICAL VALUATION OF RAILROADS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 22593) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof by providing for physical valuation of the property of carriers subject thereto and securing information concerning their stocks and bonds and boards of directors, which had been reported from the Committee on Interstate Commerce with amendment.

The Secretary proceeded to read the bill.

The first amendment was, on page 1, line 8, to strike out all down to line 3 on page 4 and to insert:

SEC. 19a. That the commission shall, as hereinafter provided, investigate, ascertain, and report the value of all the property owned or used by every common carrier subject to the provisions of this act. To enable the commission to make such investigation and report it is authorized to employ such experts and other assistants as may be necessary. The commission may appoint examiners who shall have power to administer oaths, examine witnesses, and take testimony. The commission shall make an inventory which shall list the property of every common carrier subject to the provisions of this act in detail and show the value thereof as hereinafter provided, and shall classify the physical property, as nearly as practicable, in conformity with the classification of expenditures for road and equipment as prescribed by the Interstate Commerce Commission.

First. In such investigation said commission shall ascertain and report in detail as to each piece of property owned or used by said common carrier for its purposes as a common carrier, the original cost to date, the cost of reproduction new, the cost of reproduction less depreciation, and an analysis of the methods by which these several costs are obtained, and the reason for their differences, if any. The commission shall in like manner ascertain and report separately other values, and elements of value, if any, of the property of such common carrier, and an analysis of the methods of valuation employed, and of the reasons for any differences between any such value and each of the foregoing cost values.

Second. Such investigation and report shall state in detail and separately from improvements the original cost of all lands, rights of way, and terminals owned or used for the purposes of a common carrier, and ascertained as of the time of dedication to public use, and the present value of the same, and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value.

Third. Such investigation and report shall show separately the property held for purposes other than those of a common carrier and the original cost and present value of the same, together with an analysis of the methods of valuation employed.

Fourth. In ascertaining the original cost to date of the property of such common carrier the commission, in addition to such other elements as it may deem necessary, shall investigate and report upon the history and organization of the present and of any previous corpora-

tion operating such property; upon any increases or decreases of stocks, bonds, or other securities in any reorganization; upon moneys received by any such corporation by reason of any issues of stocks, bonds, or other securities; upon the syndicating, banking, and other financial arrangements under which such issues were made and the expense thereof; and upon the net and gross earnings of such corporations; and shall also ascertain and report in such detail as may be determined by the commission upon the expenditure of all moneys and the purposes for which the same were expended.

Fifth. The commission shall ascertain and report the amount and value of any aid, gift, grant of right of way, or donation made to any such common carrier, or to any previous corporation operating such property, by the Government of the United States or by any State, county, or municipal government, or by individuals, associations, or corporations; and it shall also ascertain and report the grants of land to any such common carrier, or any previous corporation operating such property, by the Government of the United States, or by any State, county, or municipal government, and the amount of money derived from the sale of any portion of such grants and the value of the unsold portion thereof at the time acquired and at the present time; also the amount and value of any concession and allowance made by such common carrier to the Government of the United States or to any State, county, or municipal government in consideration of such aid, gift, grant, or donation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment just read.

Mr. BRISTOW. Does the Senator from Wisconsin desire to make a statement? If so, I wish to make some inquiries after he has made his statement.

Mr. LA FOLLETTE. Mr. President, I do not desire to take the time of the Senate to make any statement upon this bill unless I can save time by so doing. Perhaps we can make better progress with the bill by my answering as best I can any questions which may be asked by Senators. It may be that I might say just this—

Mr. SMITH of Georgia. Will the Senator yield to me?

Mr. LA FOLLETTE. I will.

Mr. SMITH of Georgia. I should like very much to have the Senator, as briefly as he can, explain the necessity for the amendment as a substitute for the original measure. I think it will not only be helpful to us here, but it will be helpful to the friends of the measure who may desire, when they understand the change, without a reference and without a committee of conference, to adopt the change upon the floor of the House.

Mr. LA FOLLETTE. Mr. President, I believe the pending bill to be more important and far-reaching in the benefits which will ultimately flow from it than any measure which Congress has enacted in many years.

Standing here after the long and arduous struggle, I may be pardoned a backward glance along the rugged way which those have come to this final achievement.

The act to regulate interstate commerce which passed in 1887, after a protracted contest of 13 years, declared *unreasonable rates to be unlawful*.

The report made by the Committee on Interstate Commerce when it presented the bill to the Senate 26 years ago stated the evils which the bill was intended to remedy. From that report I quote the following:

That local rates are unreasonably high as compared with through rates.

That both local rates and through rates are unreasonably high at noncompeting points, either from the absence of competition or in consequence of pooling agreements that restrict its operation.

That rates are established without apparent regard to the services performed and are based largely upon what the traffic will bear.

That the stock and bonded indebtedness of the roads largely exceed the actual cost of their construction or their present value, and that unreasonable rates are charged in the effort to pay dividends on watered stock and interest on bonds improperly issued.

The enactment of the law in 1887 was the culmination of a long struggle extending over a period of nearly 14 years. The contest from the beginning was a contest for reasonable rates.

The public was beguiled into the belief that the act of 1887 would insure reasonable rates. While it declared reasonable rates to be the only rates which a railroad company could lawfully charge, it provided no means whatever under which the commission created by the act could, in the public interest, ascertain the value of the property used by the railroads in carrying the commerce of the country. Without such valuation the commission were powerless to ascertain whether a rate was reasonable per se. All that it could do in any case was to compare the rate challenged with some existing rate maintained for a similar service. Hence the best that can be said for the enforcement of the law is that it has tended toward the equalization of rates. But it is clear that there may be a wide difference between reasonable rates and equal rates.

In the general revision of the interstate-commerce act in 1906 Congress refused to provide for the valuation of railway property. In 1910, when the third and last general revision of the interstate-commerce law occurred, the Congress again rejected a provision for the valuation of railway property.

The act to regulate commerce, therefore, stands to-day wholly lacking in any provision for this vitally important requirement.

No intelligent man needs the finding of courts or the recommendation of experts to inform him before purchasing a business of the imperative necessity of ascertaining the fair value of the property used in the business, the cost of operation, and the expense of maintaining the plant or property. But Congress, professing to provide for the enforcement of reasonable transportation rates, willfully disregarded the plain declarations of the Supreme Court and the repeated recommendations of the Interstate Commerce Commission and refused to provide for railway valuation, the only means by which reasonable rates might be ascertained.

As early as 1896 the Supreme Court of the United States had said:

The utmost that any corporation operating a public highway can rightfully demand * * * is such compensation for the use of its property as will be just both to it and to the public. * * *

If the corporation can not maintain such a highway and earn dividends for its stockholders, it is a misfortune for it and them which the Constitution does not require to be remedied by imposing unjust burdens upon the public. (164 U. S., 578.)

And in 1897 the court was even more explicit when it declared that—

If a railroad corporation has bonded its property for an amount that exceeds its fair value, or if its capitalization is largely fictitious, it may not impose upon the public the burden of such increased rates as may be required for the purpose of realizing profits upon such excessive valuation or fictitious capitalization.

We hold, however, that the basis of all calculation as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative sanction must be the fair value of the property being used by it for the convenience of the public. * * *

What the company is entitled to ask is a fair return upon the value of that which it employs for the public convenience. On the other hand, what the public is entitled to demand is that no more be exacted from it for the use of a public highway than the services rendered by it are reasonably worth.

Clearly, then, the reasonable rate is a fair return upon the value of the property which the railroad employs for the public convenience, and the valuation of railway property is imperatively required in the public interest.

In 1903 the Interstate Commerce Commission recommended legislation to enable it to secure a valuation of railroad property. It said:

Among the subjects which deserve the attention of Congress is the need of a trustworthy valuation of railway property.

After devoting several pages to a presentation of the reasons which make it imperative to secure this information, and the necessity of additional legislation to that end, the commission says further:

A large number of questions incident to the valuation of railroad properties suggest themselves in addition to those which have been mentioned. This report can not, however, enter into further detail. Sufficient has been said to indicate the importance of an authoritative determination of railway values. It is respectfully recommended that Congress take this matter under advisement with a view to such legislative action as may be deemed appropriate.

The commission says further:

To determine what are just and reasonable rates for public carriage is a Government function of the highest utility. This is the central idea of regulation and the special field of its usefulness.

Regarding the importance of ascertaining the value of railway property for the determination of reasonable rates, the commission says further in the same report:

No tribunal upon which the duty may be imposed, whether legislative, administrative, or judicial, can pass a satisfactory judgment upon the reasonableness of railway rates without taking into account the value of railway property.

In its report in 1907 the commission said:

Reference has been made in these reports to the importance of a physical valuation of railway properties. The considerations submitted in favor of such valuation need not be repeated at this time. It may, however, be proper to call attention to the fact that the introduction into operating expenses of a set of depreciation accounts brings prominently into view an added necessity for an inventory of railway property.

The chief purpose of the depreciation of accounts is to protect the investor against the depletion of his property by an understatement of the cost of maintenance and to protect the public against the maintenance of unduly high rates by charging improvements to cost of transportation. These accounts, which serve so important a purpose, require for their proper and safe administration complete and accurate information relative to the value of the property to which they apply, and this information can only be secured by a formal appraisal embracing all classes of railway property.

In 1908 the commission said:

The commission has, in previous reports, expressed the opinion that it would be wise for Congress to make provision for a physical valuation of railway property, and desires to reaffirm in this report its confidence in the wisdom of such a measure. The change which has gradually taken place in the past few years, as well as the increased responsibilities imposed upon the commission by the amended act to regulate commerce, makes continually clearer the importance of an authoritative valuation of railway property made in a uniform manner for all carriers in all parts of the country.

There is a growing tendency on the part of carriers to meet attacks upon their rates by making proof, through their own experts and officials, of the value of or the cost of reproducing their physical proper-

ties. In what is known as the Spokane case, which is now under advisement by the commission and which involves the reasonableness of the general schedules of Spokane rates on the Great Northern and Northern Pacific, the defendants, apparently at the expense of much time and labor, compiled elaborate and detailed valuations and offered them in evidence before the commission in the defense of the rates of which complaint has been made. It is obviously impossible for shippers who are the complainants in such cases to meet and rebut such testimony, or even intelligently to cross-examine the railroad witnesses by whom such proof is made. In addition to the large expense of retaining experts competent to make such investigations, neither the shippers nor their experts and agents under existing statutes have any right of access to the property of carriers. The carriers, on the other hand, being in possession of the information or having access to the records and to the property from which the information may be compiled and gathered, can use it or not in any given case, as their interests may require. These considerations suggest the need of an official valuation of interstate carriers by the commission, or under other governmental authority, which may be available in rate contests not only to the shippers who make the complaints and to the carriers who must defend their rates, but also to the commission, by which such issues must be decided.

In its report for 1909 the commission again returns to the subject of valuation, which for years it has been endeavoring to force upon the attention of the committees of Congress having control of this subject of legislation. It says:

There is, in our opinion, urgent need of the physical valuation of the interstate railways of this country. In the so-called Spokane case the engineers of the Northern Pacific and Great Northern Railways estimated the cost of reproducing those properties in the spring of 1907. In the trial of pending suits brought by the above companies to enjoin certain rates upon lumber, which the commission had established from the Pacific coast to certain destinations, these same engineers have again estimated the cost of reproduction in 1909. The estimates of the latter year exceed the estimates of 1907 by over 25 per cent.

There is no way by which the Government can properly meet this testimony. Even assuming that the valuation of our railways would be of no assistance to this commission in establishing reasonable rates, it is still necessary, if those rates are to be successfully defended when attacked by the carriers, that some means be furnished by which, within reasonable limits, a value can be established which shall be binding upon the courts and the commission.

In 1911 the commission repeated its recommendations made in 1910, concluding its statement with the following:

The experiences of the commission during the past year in its efforts to enforce and administer the law, serve only to confirm the views expressed in our last, as well as in previous reports, in support of our recommendations for the valuation of railway property. This recommendation we respectfully renew.

In 1912 the commission again renewed its recommendation for physical valuation.

After all these years it is now proposed to authorize and direct the Interstate Commerce Commission to ascertain and report to Congress the value of the several classes of property of carriers engaged in interstate commerce.

Mr. President, the amendments proposed to the House bill simply make its purpose more definite and certain.

I think I may say, Mr. President, that the phraseology of the measure which passed the House is identical with the bill introduced by me seven years ago in the Senate of the United States, with the exception of two paragraphs which relate principally to the financial history of the railroads. That matter contained on pages 2 and 3 of the bill, being the portion stricken out, was added when the bill was introduced in the House. The bill which I offered in the Senate seven years ago was in the best form in which I could draft it at that time. We were just then starting in upon the work in my home State. Scarcely anything had been done in other States in the way of valuation of railroad property for rate-making purposes. But during the years that have intervened we have been gaining knowledge and experience, and the courts and the State commissions and the Interstate Commerce Commission have had forced upon their consideration the subject of railway valuation presented in a more or less crude and unscientific way.

I might say, in passing, that in this seven-year interval I have reintroduced the bill at the beginning of each Congress in the same form in which I first introduced it, my purpose being to keep the subject alive. I have tried to secure action upon it by the Senate Committee on Interstate Commerce and have missed no opportunity to force its consideration by the Senate whenever any measure was pending to which it would be germane as an amendment. Twice in that period I succeeded in getting a record vote upon the question. I have felt the educational value of keeping this important subject to the fore, but until the present session I have never addressed myself to the framing of a soundly economic measure, adjusted to meet the recent decisions and the progress made in the valuation of railroads by the different State commissions of the country.

When the bill came over from the House, with the other members of the subcommittee I undertook the recasting of the measure to report to the Senate Committee on Interstate Commerce.

As a result, the amendments which appear in the Senate print have been worked out. We have called to our assistance—and later they appeared before the full committee—men who have

had much to do in a practical way with the valuation of the railroads in a number of the States, and these men have given us the benefit of their experience, their training, and their knowledge.

The work of valuing the railroads of this country must be done in the first instance by experts, and, necessarily, those experts will be guided in their labors by the specific directions given them in the text of the statute. As the value of their work will depend wholly upon its accuracy, it is vital that the terminology of this statute shall be economically exact.

In the five numbered paragraphs of section 19a as reported by the committee we have employed the precise terms necessary to secure the value of every element of the property owned or used by the common carrier for its purposes as a common carrier, which it is contended should be included in ascertaining the value of the property.

This bill does not prescribe the values that shall ultimately be assembled by the Interstate Commerce Commission in ascertaining the fair value as a basis for rate making, but it does direct the Interstate Commerce Commission to ascertain every element of value which, under the decisions of the courts—the courts are still in a transition period—is now being considered as properly included in ascertaining the fair value of the railroad property as a whole in fixing reasonable rates.

Mr. President, the committee recommends striking out the first five paragraphs of the House bill, which in some respects are indefinite and uncertain and deal with some matters not properly within the scope of a bill designed to provide for a valuation of the several classes of property of carriers subject to the act to regulate commerce. In lieu thereof the committee proposes certain amendments which it believes essential to enable the commission to secure every element of the value of the property of the common carrier so classified and analyzed as to enable the commission and the courts to determine the fair value of such property for rate-making purposes.

The courts from the first have used various terms descriptive of the values and elements of value to be determined as a basis for ascertaining the fair value of railway property. Some of these terms they have altogether rejected. Others have come to have an accepted meaning by commissions and courts and are recognized as covering all the elements of value attaching to the property of common carriers for rate-making purposes. When these values are once ascertained, each aids in correcting the other, and is given such weight as it is entitled to in enabling the commission and the court to arrive at the fair value of the property of the carrier used for its purposes as a common carrier. These terms accepted by recognized authority are: (1) The original cost to date; (2) cost of reproduction new; (3) cost of reproduction less depreciation; (4) other values and elements of value, that is, intangible values.

As amended by the Senate committee, the bill provides in the first subdivision of section 19-a for ascertaining these values.

(1) THE ORIGINAL COST TO DATE.

Existing railroads have actually been built up through a series of years. The construction has been piecemeal and has advanced with the growth of the business. The original cost to date will, at every stage of construction, take account of the prices paid at the time for property, material, and labor, the amount of money paid out for legal services, engineers, architects, designers, management in organizing the corporation, and constructing the road.

I digress just a moment to say, Mr. President, that in ascertaining the value of one of the public utilities of Wisconsin our commission carried its work over a period of 40 years. It found one case where there was manifestly a job perpetrated upon the public, where one contractor was allowed \$3 a day for labor employed, when the going price of labor ascertained by the commission as prevailing at that time was \$1.50 per day. They did not allow the \$3, which was an imposition upon the public, but permitted only the actual value of the labor at that time to be charged up as a part of the capitalization of the road. That is what the tracing out of the original cost to date will mean on every one of these properties.

I can understand how the question will at once be raised in the minds of Senators as to the difficulty, particularly with respect to many of these older roads, of ascertaining these facts; and you will find the opinion expressed by theorists upon the subject that to do so is impossible. But we have had in Wisconsin—they have had in the State of Washington and in other States—an experience that contradicts these theories. It is possible to ascertain this original cost.

In the case of the gas plant in the city of Milwaukee, although the books did not furnish the figures, the cost of all the materials entering into the construction of that plant was determined as of the time. It simply requires industry and

thoroughness on the part of the commission charged with the responsibility. And in no other way can the public ever be informed of the exact amount actually invested by the carrier, excepting by establishing the original cost to date.

The original cost to date will also show the exact amount received from the sale of stocks and bonds and, if the bonds have been sold at a discount, the price realized and all the expenses of brokerage. It will show the amount paid in by stockholders. If stocks or bonds have been issued for property instead of cash, the value of the acquired property will be ascertained. If the present corporation has acquired the property or any portion thereof at less than its physical value, or through some form of manipulation or combination or deception to the public, with a view of strengthening its monopoly character and increasing its prospect for excessive value, or if its expenditures do not represent reasonable expenditures which ordinary business management would not have approved, all of these facts will be disclosed by ascertaining the original cost to date, and the matter will be dealt with by the court when it comes to pass upon that question. The Supreme Court has already in one notable case, the Stanislaus case, rejected excessive costs and manifestly extravagant expenditures made by the corporation, and denied their right to capitalize those extravagant and corrupt expenditures against the public. It will be for the commission and the courts to determine to what extent, if at all, such investments will be allowed to be capitalized as against the public for rate-making purposes. In short, the original cost to date will show the true investment.

As to the importance of obtaining the original cost to date, Mr. Henry L. Gray, engineer of the public service commission of the State of Washington, says:

This work (the ascertainment of the original cost to date) was of the maximum value, as it acquainted the engineers not only with the cost of the lines as a whole but also with the cost of many isolated structures, such as bridges, buildings, etc. It also informed them as to the overhead cost, such as engineering, legal and general expenses, and other kindred items. With this knowledge it was a comparatively easy matter to reduce the cost of the different classes of property to a unit basis, such as the cost of bridges per linear foot, the cost of buildings per square foot of floor area. Being in possession of the detailed cost of all the modern structures, a most desirable guide was available in fixing the cost of reproduction. Without the knowledge of these costs as obtained, it would have been utterly impossible to intelligently dispute the estimates later prepared by the railroads.

Clyde B. Aitchison, chairman of the Oregon commission, says:

Any rule based on reproduction value less depreciation which ignores the item of original cost, additions, and betterments is not only economically and legally unsound but is fraught with possibilities of greatest danger to the country.

Commissioner Maltbie, of the New York Public Service Commission, says:

I think altogether too much attention has been given to cost of reproduction and too little to investment—original cost to date. Where we can obtain the actual facts regarding the cost of the existing plant, we put much more emphasis upon these figures than upon estimates of engineers.

Prof. John R. Commons, of the University of Wisconsin, and at the present time a member of the Wisconsin Industrial Commission, speaking before the committee of the importance of ascertaining these three items of cost—(1) original cost to date, (2) cost of reproduction new, and (3) cost of reproduction less depreciation—says:

The court or commission must necessarily have these three items. It must have this engineering cost of reproduction; it must have the cost of the property less depreciation; and it must have its historical cost—original cost to date—in order to get a true, fair, or reasonable value. It may be that none of these three is reasonable, and it must check and compare in order to see where it is coming out. It could not properly make a mere arithmetical compromise or average between them, but it should work it out on principle. * * * In the original cost everything that is involved in the question of cost to the present owner is included and can not be avoided. It is included, however, under this condition, which the court carries through all of its reasoning on these questions, that that price or cost must have been reasonable. But if there has been fraud or misrepresentation or monopoly, unwarranted and unjust and unfair to the public, that must also be considered. If, on the other hand, the company has been in severe straits, has not been earning dividends, and therefore the purchase was a sacrifice sale or price or cost, that must be given due weight. In the treatment of those questions which have been more or less touched upon by the courts, the idea is to find what, under normal and reasonable condition, would have been paid at that time. And I think that is the reason for using the term "original cost" instead of "actual cost," for the real thing that is meant to be determined is the actual cost at the time of acquisition. But actual cost may be very different from reasonable cost. It may have to be an estimated cost if the books are lacking; that is, the probable cost at that time. Consequently, the term "original," I think, has come to be pretty well recognized by commissions, by engineers and accountants, as well as those cases which come up to the courts as a basis upon which to ascertain the actual cost. The term "original" is equivalent to "actual" as against the speculative or hypothetical.

Prof. Edward W. Bemis, late of the Chicago University and public-utility expert, who has had the widest practical experi-

ence in valuing public utilities, regarding the importance of obtaining the original cost to date, said:

That—the original cost to date—is recognized in the courts as one element to be considered. The Wisconsin commission recognizes it as important in its investigation of railroads as well as municipal utilities. The gas and electric light commission has recognized it in Massachusetts since its creation, and courts are recognizing it everywhere.

So much for the original cost to date.

(2) COST OF REPRODUCTION NEW.

This will show the exact cost of reconstructing the property in all its parts at existing prices.

There is a contention to-day by the owners of public utilities and by those representing all common carriers that "cost of reproduction new" is the true basis for the fixing of rates. I myself do not agree with that view. While this cost was once accepted—and the Supreme Court is still frequently quoted as in favor of cost of reproduction new as an element which must be considered in the fixing of rates—with every decision that comes from State courts or from the Supreme Court of the United States it becomes more and more a diminishing element in ascertaining the fair value which is to be used for rate-making purposes. But since there is still a contention that it is an element to be considered, and since there is recognition of it in the decisions of the Supreme Court, not yet eliminated, it is included in this bill.

Mr. POINDEXTER. Mr. President—

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

Mr. LA FOLLETTE. I yield.

Mr. POINDEXTER. Does the bill provide for a separate ascertainment of the present value and the original value?

Mr. LA FOLLETTE. It provides for separate ascertainment—

Mr. POINDEXTER. Or rather a separate statement.

Mr. LA FOLLETTE. "Present value" is not a safe term to use without extended definition and qualification. The danger of employing it without limiting its application lies in its current use by engineers to mean the earning power of a public utility. And the earning power of a public utility is based upon existing rates. Values based upon existing rates aim to justify existing rates. Hence the very purpose of determining the present value would preclude any reduction in rates and lead to reasoning in a circle. The bill provides for separate ascertainment of original cost to date, the cost of reproduction new, and the cost of reproduction less depreciation. We simply get all these elements of value and label each one of them.

Mr. FLETCHER. Mr. President—

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

Mr. LA FOLLETTE. I do.

Mr. FLETCHER. I inquire of the Senator if he thinks the bill sufficiently provides for a hearing before the final determination for all parties who are interested?

Mr. LA FOLLETTE. I will come to that later. Let me say to the Senator from Florida that I want to take up consecutively each one of the paragraphs of the bill.

Mr. SMITH of Georgia. That question arises out of an amendment contained later on in the bill.

Mr. LA FOLLETTE. Yes; and I will come to it in a very few moments.

As stated, Mr. President, the cost of reproduction new will show the exact cost of reconstructing the property in all its parts at existing prices. While this may be regarded as a classification of diminishing value, it is contended that it is entitled to consideration in ascertaining the value of the physical properties of the carrier, and that contention is recognized by some commissions and some courts. It is therefore included as a separate classification in the bill.

(3) THE COST OF REPRODUCTION LESS DEPRECIATION.

This will show the exact cost of reproduction in existing condition. This cost is arrived at by taking the amount of depreciation which has occurred in every part of the property since it was laid down or employed in the public service. This is an element of value so generally considered essential by commissions and courts that the wisdom of establishing it will not be questioned. That is, the commission will determine the cost of the railroad as it is to-day. Certain portions of the property are new and have just been put in; others are well worn. All those elements will be carefully scanned and their value taken account of, so that when this item of value is returned we will know what that property is worth as it stands to-day.

Mr. JOHNSTON of Alabama. Mr. President, will the Senator allow me to ask him if the right of way is to be included in that ascertainment?

Mr. LA FOLLETTE. That is taken care of in this bill separately from other matters. I will come to it a little later.

(4) OTHER VALUES AND OTHER ELEMENTS OF VALUE—THAT IS, INTANGIBLE VALUES.

There is contention as to what intangible or whether, in fact, any intangible values should be included by a commission or rate-making body in assembling the values to be made the basis of the fair value upon which rates shall be fixed. The claim is made in behalf of public utilities that going value, good will, and franchise value should all be ascertained and capitalized. Going value is the cost of developing the business organization of a common carrier after the physical property has been completed. After you have constructed the road, put on the rolling stock, and are ready to begin operating, an expenditure of money is required in establishing the business before the common carrier begins to pay reasonably fair returns on the capital invested. The amount so expended measures the going value. If there is an intangible value that can be rightfully incorporated in the values to be considered in the making of fair rates, it is this one of going value. It is ascertainable. Where they have kept their books honestly and fairly the books will show the exact expenditures.

When you come to the next intangible value, good will, my own opinion is that it is an intangible element which should not be included or considered by the commission in determining the fair value of a common carrier as a basis for rate making. Good will is an expenditure made to take business away from a competitor. Good will implies the existence of competitors furnishing the same product and selling it in the same market. The customers of a common carrier have no freedom of choice, because the common carrier is a natural monopoly and the public has no option of dealing with it in case they are dissatisfied. They are bound to use the common carrier even though it earns their ill will instead of their good will.

Mr. OVERMAN. May I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. LA FOLLETTE. Certainly.

Mr. OVERMAN. A railroad company may place a mortgage of a million dollars on its property, and then a second mortgage. The books will show that first mortgage and that the company received a million dollars; they will also show the second mortgage and the receipt of another million—when we all know that these millions did not go into building that road. How will that be ascertained? The books show that they have spent the money.

Mr. LA FOLLETTE. We have provided in this bill for a most accurate, complete, and careful return of every dollar received and expended by the common carrier engaged in interstate commerce.

Mr. OVERMAN. They will ascertain, then, where that money went?

Mr. LA FOLLETTE. They will not only ascertain what became of the money received upon mortgages, but we have provided in this bill for a strictly accurate accounting of all moneys received by the common carrier from whatever source, and a like accounting for all moneys expended by the corporation for whatever purposes.

Mr. BRISTOW. Mr. President—

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

Mr. BRISTOW. If the Senator prefers to go on and finish, I will not interrupt him. I have a question which I should like to ask him now, or I can wait, as will best suit his convenience.

Mr. LA FOLLETTE. Just as the Senator likes.

Mr. BRISTOW. In speaking of the cost of reproduction new as an element of value and of the value as a going concern, the cost of reproduction new would include the value as a going concern, would it not?

Mr. LA FOLLETTE. Not at all. The cost of reproduction new is the cost of reproducing the property entire at present prices. The value of the property as a going concern is that additional expenditure required in developing the business after the physical property has been completely assembled.

Mr. BRISTOW. But the cost of reproduction new must include the interest on the money that has been used during the period of construction. Now, to illustrate—

Mr. LA FOLLETTE. In ascertaining the cost of reproduction new there is no actual construction. It is a theoretical value determined from the estimate of engineers, based on reproducing the property at present prices of labor and material. That is all it is. It does not take into account anything else. Of course, in getting the value of the actual construction of a road the interest on any capital lying idle under reasonably good business management would have to be taken into account as a

proper expenditure, but this element of value does not appear in getting the "cost of reproduction new." It is an item of value which would be taken account of in determining the "original cost to date."

Mr. BRISTOW. My understanding has been—the Senator has a great deal more information on this subject than I have—that when a railroad in a suit has undertaken to show the present value, or the cost of reproduction, it has always added an item of capital used pending the period of construction; and in a case in which the Northern Pacific Railway Co. was concerned—

Mr. LA FOLLETTE. Proving the value of a property by the methods described by the Senator from Kansas would be the blending of "reproduction new" and "original cost to date," the common carrier availing itself of such elements in the two as would contribute to show the highest possible values of the property as a whole. In this bill we have provided for completely separating these two values.

Mr. BRISTOW. That is the very point.

Mr. LA FOLLETTE. That is, the method suggested by the Senator combines "original cost to date" with "reproduction new." I could see how that would be a very attractive proposition to a railroad corporation. We are now in an era of high prices. In 1897 we were in an era of low prices. Much of the property of existing roads, much of the materials that entered into their construction, were bought at that time. If all the material that was bought at low prices can be charged up at existing high prices, and then, in addition, the capital which an examination of their books shows was lying idle at the time of actual construction, they might so combine the elements of those two classes of valuation greatly to their advantage. But they will not be permitted to do that under this bill. The several valuations will be analyzed; they will be classified; a cleavage will run through between those two elements of cost, and they will not be permitted to include in "reproduction new" any of these items that will appear in "original cost to date."

Mr. BRISTOW. If the Senator will just permit me a suggestion, if the railroad should be permitted to submit the original cost to date as the original cost, and then should take in another element, the cost of reproduction, and then another element, that of good will, and merge those three elements of cost into one, the Senator can readily see that there would be a great deal of duplication of cost in the ultimate result.

Mr. LA FOLLETTE. Mr. President, the fact that these different items of cost are to be obtained by the commission does not mean that they are to be added together, as Prof. Commons says in the matter from which I have just read, nor does it mean that they are all to be added together and averaged, but it means that they are all to be secured for the enlightenment of the commission and the courts. This bill does not undertake to direct the commission as to what relative weight should be given the several valuations they are authorized to make. I do not believe that Congress is prepared to solve that problem. I doubt if any body of men in this country is at this moment prepared to finally settle all of the complex questions involved. And therefore I think it would be a mistake to attempt to set the boundaries and fix the limitations absolutely by statute at this time. As I have said, the decisions of the courts are undergoing modification. There was a time when they declared that stocks and bonds should be taken into account. That position has been abandoned and is no longer contended for even by the carriers.

I have no doubt, I will say to the Senator from Kansas, that elements are being weighed to-day by the courts which ultimately will be eliminated, when the principles are finally settled and determined, upon which the rates of the common carriers of this country will be based.

Mr. BRISTOW. One more question, if the Senator will permit me, in regard to the first section of the bill. Of course I am in thorough accord with the views expressed by the Senator. What I want is to have the values ascertained in the details, so that we can tell what costs should be taken into consideration in fixing the value.

To illustrate, the Baltimore & Ohio Railroad, from Cincinnati to St. Louis, was formerly known as the Ohio & Mississippi. It has been reconstructed in recent years, since it became a part of the Baltimore & Ohio, the tracks have been rebuilt, and a large section of the original road has been abandoned. It is no longer used; the rails have been taken up. From my point of view the cost of the construction of that original road, which has been abandoned, should be no more taken into account in the fixing of the value of that railroad than the cost of an engine that has been abandoned. It is a part of dead property. I want the valuation to be so taken that it will not be, as far as Congress is concerned, an expression of opinion or view in any way that the cost of that track, from the beginning down to the

present time, should be taken into consideration in fixing its value.

Mr. LA FOLLETTE. I will say to my friend from Kansas that every item of expenditure will appear in "original cost to date," and I think it is proper that it should, because it is right for the public to know just how much money has been invested in the property of the common carrier; and it is further right that it should be known just how much of that has been invested by the common carrier itself and how much by the public. The "original cost to date," together with the financial history of all the transactions of the common carrier provided for later in the bill, will give to the public that information.

But to conclude as to these intangible values. The elements of value which will finally constitute fair value for rate-making purposes are steadily narrowing. They are not expanding. No decision by commission or court will stand which is ultimately found to be unfair to the public or to the common carrier.

The third subdivision of section 19-a requires the commission to ascertain and report separately the property held by railroads for purposes other than those of a common carrier. This subdivision and likewise the fifth, which relates to grants and donations and aids and all that, will furnish information that in some aspects will be useful to the commission and to which from every point of view the public is rightfully entitled.

Now I come to the paragraph to which the Senator from Alabama directed my attention.

The fourth subdivision of section 19-a relates to the financial history of the common carrier, and covers all transactions material to the ultimate purpose for which this bill is enacted. It reads as follows:

Fourth. In ascertaining the original cost to date of the property of such common carrier the commission, in addition to such other elements as it may deem necessary, shall investigate and report upon the history and organization of the present and of any previous corporation operating such property; upon any increases or decreases of stocks, bonds, or other securities, in any reorganization; upon moneys received by any such corporation by reason of any issues of stocks, bonds, or other securities; upon the syndicating, banking, and other financial arrangements under which such issues were made and the expense thereof; and upon the net and gross earnings of such corporations; and shall also ascertain and report in such detail as may be determined by the commission upon the expenditure of all moneys and the purposes for which the same were expended.

The terms of this fourth subdivision are plain and do not require to be defined. When the commission has complied with its requirements and reported to Congress, we shall be advised of all the financial operations of every common carrier. Whenever there has been a juggling of the stock and bond operations of a common carrier, with a rake-off to insiders, all of the facts will be laid bare. An important element of this provision is that requiring the commission to report upon the expenditures of all moneys received by the carrier and the purposes for which the same were expended.

The president of the Pennsylvania Co. testified in the Advance Rate cases decided in 1911 that since 1887, when the interstate-commerce act went into effect, his company had expended on the Pennsylvania Railroad lines east of Pittsburgh \$262,000,000 from earnings. During all of this time this company has collected in rates from the public enough to maintain its property, meet operating expenses, pay handsome dividends on all its stock, and besides has exacted enough more from the public to accumulate an enormous surplus. Out of that surplus the Pennsylvania Co. has expended a sum equal to nearly two-thirds of the total cost of the construction of the 2,123 miles owned by the company. That surplus, I believe, is wrongfully taken from the public, and I believe that ultimately common carriers will not be allowed to capitalize it against the public.

In discussion of the subject on another occasion before the Senate I presented a table showing that 31 railroads had within a period of five years paid for permanent construction out of surplus profits exacted from the public amounting to more than \$350,000,000. Thus out of surplus they make extensive improvements and investments for which they should contribute new capital. Then they capitalize these investments and improvements, wrongfully accumulated out of the profits on excessive rates, and in turn make this the basis for charging still higher rates. It is high time that this whole subject should be carefully investigated. The public has a right to know exactly how much has been invested in railroad property, and it likewise has a right to know how much of this investment was contributed by the owners of the roads and how much by the public.

The railroad corporations engaged in interstate commerce have not been and are not now regulated as to reasonable rates, for you can not ascertain what a reasonable rate is until you know the value of the property employed in the business; and after 26 years we are now about to ascertain the value of that property and establish a standard for fixing reasonable rates,

if we pass this bill. But during all the time that has intervened for 26 years the carriers have gone on exacting from the public what they chose, taking enough to pay operating expenses and to meet maintenance. That was proper. In addition they have taken enough to pay interest and dividends—and that was right, provided they were not paying interest and dividends on fictitious capitalization.

And then, besides that, they have taken from the public hundreds upon hundreds of millions and put it into surplus, using that surplus to construct new lines, to build great and expensive and palatial terminals all over this country. Then they have capitalized those new lines and those terminals, assessing the public for the money which the public has put into the business.

Mr. President, I do not believe that is going to be permitted in the end. We are just approaching this big question. This bill does not attempt to settle the issue involved in the capitalization of surplus expended in permanent improvements and in construction.

The amendments in the succeeding paragraphs of the bill relate to procedure and are designed to make the original purposes of those paragraphs more definite and certain of administration. Under the terms of the House bill whenever the commission completes the valuation of the property of any common carrier it is required to give notice and grant a hearing thereon to such carrier, with a view of making any necessary corrections before such valuation becomes final. The Senate committee amendment designates such completed valuation as "tentative" for the time being, and provides that notice shall be given not only to the common carrier but also to the Attorney General of the United States, the governor of any State in which the property so valued is located, and to such additional parties as the commission may prescribe.

That will give the commission an opportunity to send notice of valuation to boards of trade and shippers' associations in the territory covered by the valuation, so everyone who is interested can appear and be heard. The Attorney General would represent in a broad way all the public, and any governor can direct the attorney general of any State through which the lines run to protest against or be heard in favor of the valuation.

If no protest is filed, the valuation becomes final—that is, final to the extent that it is prima facie evidence whenever a rate case arises. Upon protest being made, the commission, after hearing all the testimony, may correct the tentative value if found to be erroneous in the light of all the evidence presented. Then that becomes the final value and prima facie evidence of the fair value of the property of the common carrier in issue.

After the final value shall have been thus established, in any proceeding to fix rates under the interstate-commerce act this final value may be assailed before the commission by the carrier or by any interested party for the public or any association of shippers.

In the event that an appeal is taken from the order of the commission fixing rates and such appeal involves the final value of the property of the carrier as fixed by the commission and upon the trial evidence shall be introduced regarding such value, which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto, the court, before proceeding to render judgment, shall transmit a copy of such evidence to the commission and shall stay further proceedings in said action for such time as the court shall determine from the date of such transmission. Upon the receipt of such evidence the commission shall consider the same and may fix a final value different from the one fixed in the first instance, and may alter, amend, or rescind any order which it has made involving said final value, and shall report its action thereon to said court within the time fixed by the court. If the commission shall alter, modify, or amend its order, such altered, modified, or amended order shall take the place of the original order complained of and judgment shall be rendered thereon, as though made by the commission in the first instance. If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order. The purpose of this provision is—

Mr. CRAWFORD. To prevent delay.

Mr. LA FOLLETTE. Yes; solely to prevent delay.

Mr. SMITH of Georgia. That is an order as to final value.

Mr. LA FOLLETTE. The order referred to is the order which the commission entered in the proceedings to fix rates. It is assumed that the rates would be related to the value of the property of the carrier. If the carrier or any party interested for the public on the hearing of the appeal before the court, offers new and material evidence as to the value of the prop-

erty, evidence which might, for example, cause the rates fixed by the commission to be held by the court to make the rates fixed in the order of the commission confiscatory, or, on the other hand, so high as to be unjust to the public, the commission should have the opportunity to consider this new evidence as to the value of the property and modify its order if, in the judgment of the commission, it ought to be modified. And this provision of the bill is for the purpose of preventing the delay incident to having the case tried out—even to the court of last resort, it might be—on evidence as to the value of the property different from that heard by the commission when it passed upon the proceedings in the first instance.

Mr. President, out of 32 cases tried by the commission which were appealed to the Supreme Court up to 1906—when I went over the records very carefully at the time the Hepburn bill was pending here—26 of the 32 cases were reversed, because the railway companies withheld important testimony upon the hearing before the commission, offering it instead when the case was heard on appeal before the court.

Mr. SMITH of Georgia. I will ask the Senator if he does contemplate in some other provision or some other statute a direction that if the commission modifies the estimate of final value it shall also have the opportunity to pass upon the question as to whether it is necessary to modify the directions with reference to rates.

Mr. LA FOLLETTE. This very amendment covers that specifically and exactly. I will say to the Senator from Georgia that the order which is modified, provided they find the testimony material, is the order which fixes the rate. You see, they make no finding with regard to valuation in that hearing. It is the rate case that they are trying, and the order of the commission has to do with rates, and there is no separate finding on the value. But the value is weighed in determining the rate. If the court receives new testimony as to value, it is required to transmit this new evidence to the commission, and—

Upon the receipt of such evidence the commission shall consider the same and may fix a final value different from the one fixed in the first instance, and may alter, modify, amend, or rescind any order which it has made involving said final value.

That is, the order which it has made in the rate case involving the value.

Mr. CRAWFORD. It is really a rate-making order.

Mr. LA FOLLETTE. It is a rate-making order—

And shall report its action thereon to said court within the time fixed by the court.

Mr. SMITH of South Carolina. I should like to ask if the general object of the bill in fixing the physical valuation of railroads in this country has not for its ultimate purpose the equitable adjustment of rates in every case.

Mr. LA FOLLETTE. Certainly.

Mr. SMITH of South Carolina. I was misled by the question of the Senator from Georgia.

Mr. LA FOLLETTE. It has to do with the value as affecting the rates. That is the purpose of this amendment.

Mr. SMITH of Georgia. I understand, of course, that that is true, but what was troubling me is the language on page 11, which seemed to limit the modified order by the commission to a modification of their estimate of final value. I was afraid the language might be construed to limit their action to the estimate of the final value and not extend to a modification of their order with reference to the rate.

Mr. LA FOLLETTE. The word "order" is used throughout that amendment as applying solely to the rate. The words "final value" are used as applying to the value of the railroad property.

Mr. SMITH of Georgia. If the Senator will allow me to read three or four lines—

Mr. LA FOLLETTE. Certainly.

Mr. SMITH of Georgia (reading)—

Upon the receipt of such evidence the commission shall consider the same—

That is, new evidence as to value—

and may fix a final value different from the one fixed in the first instance, and may alter, modify, amend, or rescind any order which it has made involving said final value.

Mr. LA FOLLETTE. You see, the order as to rates involves the value.

Mr. SMITH of Georgia. Should not that be "based upon the final value" rather than "involving final value"? Might not that language be construed to mean that the order itself was simply one fixing the value?

Mr. LA FOLLETTE. I do not think so.

Mr. SMITH of Georgia. I was afraid the language might be construed to limit the modified order.

Mr. CUMMINS. May I suggest that if the Senator will read the next clause he will find that it is perfectly clear?

Mr. SMITH of Georgia (reading)—

If the commission shall alter, modify, or amend its order, such altered, modified, or amended order shall take the place of the original order complained of and judgment shall be rendered thereon, as though made by the commission in the first instance.

I suppose, then, that means the order complained of before the court would be the order fixing the rate.

Mr. LA FOLLETTE. Fixing the rate.

Mr. SMITH of Georgia. Therefore, this language should be construed to reach the order fixing the rates.

Mr. LA FOLLETTE. It would be so construed by the courts, I have no doubt.

Now, Mr. President, just one thing more and I am done. I neglected to call attention to one other amendment, which provides for ascertaining:

In detail and separately from improvements, the original cost of all lands, rights of way, and terminals owned or used for the purposes of a common carrier, and ascertained as of the time of dedication to public use, and the present value of the same, and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value.

This requires the commission to ascertain the original cost of the land which the railroad company has acquired for its purposes as a common carrier and also the present value of such land. It will ascertain this original cost and present value separately for improvements. The primary purpose in establishing these values separately I shall state very frankly. It is to put into the possession of the commission and upon record the data which will enable us ultimately to try out the question and determine the right of the railroads to capitalize the unearned increment.

I do not propose to argue that issue now. It will be contested upon both sides with all the vigor which its great importance demands. The land for rights of way, stations, yards, terminals, and the like, much of which was acquired through the exercise of the power of eminent domain, has, because of the improvement of adjoining property, increased in value enormously. In the meantime the public has made it profitable for the railroads to hold and use this property. The railroads were not given the power of eminent domain by the State to enable it to speculate in real-estate values, but solely to take the land for a public use.

Whatever may be the tendency in some of the decisions at present, the everlasting right will prevail in the end. It may take many years. The courts may fortify error with error, but justice will finally prevail. This important provision opens the way, as do others in this bill, to secure ultimate justice for the public.

This bill, then, as it is proposed to be amended, provides in specific terms for ascertaining the values of the property of the common carriers engaged in interstate commerce. By its terms these values will be so classified and analyzed as to admit of raising every question material to fair valuation between the carrier and the public.

When completed the work of the commission will show just how much the common carrier has invested, and it will also show just how much of the total amount invested was contributed by the public; it will show the value of the unearned increment on lands, rights of way, and terminals; it will show how much surplus has been invested in extensions, permanent improvements, and betterments. Upon this showing the right of the carrier to capitalize unearned increment and surplus so invested can be tried out and determined. Whether Congress has power by legislation to exercise a control and fix limitations regarding these matters is reserved for future consideration and action.

Mr. POMERENE. Mr. President—

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

Mr. LA FOLLETTE. Certainly.

Mr. POMERENE. Before the Senator takes his seat I wish to call his attention to page 10 of the bill, where it is provided that—

If upon the trial of any action involving a final value fixed by the commission evidence shall be introduced regarding such value which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto, the court, before proceeding to render judgment, shall transmit a copy of such evidence to the commission.

And so forth.

From a literal reading of this it would seem that if there was the slightest additional evidence—

Mr. LA FOLLETTE. I think there should be—

Mr. POMERENE. I was going to suggest, on page 11, line 1, after the word "thereto," to insert "and substantially affecting said value."

Mr. LA FOLLETTE. I remember there was a discussion in the committee as to whether the word "material" should be

used, and I think that the committee assented to it. Through some slip we did not get it down on the copy brought in.

Mr. POMERENE. I shall at the proper time ask that that amendment—

Mr. LA FOLLETTE. What is the language?

Mr. POMERENE. I propose to offer as an amendment, on page 11, line 1, after the word "thereto," to insert "and substantially affecting said value."

The PRESIDENT pro tempore. Another amendment is now before the Senate.

Mr. LA FOLLETTE. I believe that is so, Mr. President.

Mr. BRISTOW. Mr. President, I rise to speak more with a view of securing the opinion of members of the committee as to what the phraseology of the bills means than anything else, because I believe I am in perfect harmony with the views as expressed by the Senator from Wisconsin as to what values ought to be considered.

In answer to a question which I asked the Senator from Wisconsin as to the meaning of the term "the original cost to date" he indicated that that was a term used to apply to the expenditures that had been made in detail from the beginning of the construction of the road down to the present date. If all the elements of such cost will be set forth so that we may know how much was expended for a track that has been abandoned and no longer used and how much has been expended for a new track that has been built for the purpose of economizing operations, that is entirely satisfactory to me. What I wanted to know was whether the original cost to date would require the commission to set forth these various elements of cost in detail.

Mr. LA FOLLETTE. The Senator will notice in line 20 they are required to report in detail, and they are also required to analyze their costs. I will say to him that wherever there has been an ascertainment of the original cost to date, in so far as I know anything about it, they have gone into every item, and their cost sheets show everything of that sort. The trouble with attempting to enumerate what they shall do, to fix a limitation, is that if you say that they shall make statements about improvements under that they probably would not be required to go into detail about anything else except improvements. There are many items of the original cost that would not be covered by improvements, and I think there would be a danger in making any attempt to list and specify there unless you are certain that you were covering every single item of expenditure.

Mr. BRISTOW. There is one point I wanted to bring out in regard to that feature of the bill that requires the commission to ascertain the cost of production new. Such a finding, in my opinion, is not of any great value, so far as the rate making is concerned. It is a vacillating quantity; it does not represent in any sense the investment of the company in the construction of the road. To illustrate: In a suit that was pending the estimated cost of the reproduction of the Northern Pacific Railroad was involved. I am informed the same engineer reported in 1907 and in 1909 as to the cost of reproduction new, and the value fixed in 1909 was \$185,000,000 more than the same engineer fixed the value of reproduction new in 1907.

Mr. LA FOLLETTE. That is a difference of 25 per cent.

Mr. BRISTOW. It is a difference of 25 per cent in two years as to the cost of reproducing new the railroad. That did not have anything to do with the investment which had been made in this property, and it seems to me that it is not a very material element of value to be considered in rate making.

There was another item that was taken into consideration at the same time by this engineer.

Mr. LA FOLLETTE. If the Senator will permit me, there was evidently just the employment of the engineer's imagination in that case, and the Interstate Commerce Commission was utterly helpless and powerless, and so they appealed to Congress, as they have done for the last 9 or 10 years, to give them authority to ascertain the value of the properties of the railroad company, in order that they might meet just such testimony as that. But let me say to the Senator on that question, that the Supreme Court of the United States has listed that as one of the values to be considered, and it has not yet by any express declaration eliminated it as a value to be ignored. So it seemed to the committee that we ought to give it its place here. I will, however, say to the Senator that I am confident that the views of all the advanced commissions of the country that are doing this valuation work are that there should be a very inconsiderable weight given to reproduction new.

Mr. BRISTOW. Now, in considering reproduction new, the engineer considers the time which it would take to build the road. I will illustrate by the Santa Fe Railroad. It would require to construct the Santa Fe Railroad, as it now exists, probably 10 years, perhaps longer than that. I have been advised that the engineers, in estimating the cost of reproducing

new, take into consideration the value of the capital used during the period of time that construction was going on, and, of course, they give no credit to the earnings which the road would have made during its reconstruction. So in that respect the charge is made as to the cost of reproducing new, while the earnings that the property made during the course of its growth is not taken into consideration.

Mr. LA FOLLETTE. If the Senator will permit me, I will say that I have here a very recent volume, Valuation of Public-Service Corporations, that gives all of the decisions up to the end of 1912, and I do not know but that it gives some of the decisions later than that; it is just out. I will say to the Senator that it is perfectly apparent that substantially all of the commissions of the country are making the valuation of reproduction new a negligible quantity. I do not believe that the Senator needs to feel any apprehension about the Interstate Commerce Commission giving undue weight to that element. That was incorporated in the bill because it was felt that it would save contention, since it can be asserted that there is the authority of the court for it.

Mr. BRISTOW. Continuing the statement as to the estimate of cost of the Northern Pacific Railroad, I will say that this element of interest which I have referred to that was counted in by the engineer in the 1907 valuation on the property—that is, the interest on the money that was used in the road's construction during the period of time necessary to construct it—was \$22,677,000, while in the valuation of 1909, two years later, the item of interest aggregated \$164,000,000. This was an estimate on the same property by the same engineer. He was simply estimating the cost of reproduction at different periods of the same railroad.

Another item was the estimate of local organization and expense during this imaginary construction of the road. In 1907 this figure was fixed at \$3,736,000, while in 1909 it was estimated at \$12,136,000. I simply incorporate these figures into my remarks to show that, in my opinion, the question of reproduction is not a very substantial or certain element of value to take into consideration.

What I regard as the most important phase of the bill, however, is that which relates to the unearned increment. The Pennsylvania Railroad Co., to illustrate, has of course very valuable terminals in the cities of Washington, Baltimore, Philadelphia, and New York. It would be practically impossible to construct a railroad from Washington to Boston now and get desirable terminal facilities in the great cities between here and there. There is not enough money available for such purpose. Those railroads that now exist which have terminal facilities in those cities secured them at a time when it did not require a great investment, comparatively speaking. They had the right to use certain lands for this specific purpose. I do not believe that the increase in the value of that land due to the growth of population is an element of value which any railroad company is entitled to use in rate making.

The unearned-increment value of that property is due to the increase of population and the growth of the business of the cities. The franchise—that is, the right to use that real estate—if capitalized at the amount that it would now cost to secure such real estate, would amount to mortgaging to the corporation the commercial development of the country. I do not believe that the increased value of the right of way or any element of unearned increment should be taken into consideration in dealing with the value of the property of these carriers, so far as rate making is concerned.

I am anxious to have the opinion of the Senator from Wisconsin and the other Senators on the subcommittee, who have given this subject very great thought, as to whether the language on page 10, taken in connection with that which precedes it, would recognize the principle that the carriers have a right to capitalize unearned increment or to charge rates upon a value based in any degree upon unearned increment.

I read from line 10, page 10, of the bill:

All final valuations by the commission and the classification thereof shall be published, and shall be prima facie evidence of the value of the property in all proceedings under the act to regulate commerce as of the date of the fixing thereof—

And so forth.

Since we provide in the bill for ascertaining the value of the unearned increment, does the language I have read on page 10 authorize such value to be taken into consideration as prima facie evidence of the value of the property? Does the Senator understand the question?

Mr. LA FOLLETTE. I think I understand the Senator. The provision is:

All final valuations by the commission and the classification thereof shall be published, and shall be prima facie evidence of the value of the property in all proceedings under the act to regulate commerce as of the date of the fixing thereof.

Of course it has to be construed with everything that precedes and that follows it in the bill.

Mr. BRISTOW. Does that recognize—

Mr. LA FOLLETTE. I do not think it recognizes any particular value; it simply provides that they shall all be ascertained—

Mr. BRISTOW. We provide that this unearned increment shall be ascertained—

Mr. LA FOLLETTE. That they shall become tentative values until this hearing is had.

Mr. BRISTOW. This is a final valuation. The language is:

All final valuations by the commission and the classification thereof shall be published, and shall be prima facie evidence of the value—

Mr. LA FOLLETTE. This valuation is simply prima facie evidence of the value, and when the case is heard upon a question of rates before the court those values are all subject to attack both by the public and by the railroad company.

Mr. BRISTOW. Does that clause or phrase require the commission or the court to take into consideration the value of the unearned increment as an element in fixing a rate?

Mr. LA FOLLETTE. It certainly does not.

Mr. BRISTOW. That is the question that has bothered me.

Mr. NELSON. Mr. President, will the Senator allow me?

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

Mr. BRISTOW. Certainly.

Mr. NELSON. On the very point the Senator from Kansas suggests, I desire to say that the State of Minnesota and other States were defeated under the decision of Judge Sanborn on the valuation theory based upon increment and increase in value. For instance, in that case the railroad company went on to show that to get the right of way now would cost them a hundred dollars an acre, whereas when it was secured a few years ago, to my knowledge, they paid only from five to ten dollars an acre. Then they went on in the same case to show the value of their terminals in the Twin Cities, which they had originally secured for a merely nominal sum, but owing to the growth of the cities and to the fact that they had become great railroad centers the terminals had increased in value more than a thousand per cent. The railroad company put that increased valuation into the case, both as to the right of way and as to the terminals, and then, on the basis of that, the court said that it was not getting income enough. So it was that basis of physical valuation used by the court in that case that beat us in the court below, the circuit court of appeals; and if we are beaten in the Supreme Court it will be because of that very thing.

Mr. CUMMINS. Mr. President—

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

Mr. BRISTOW. I do.

Mr. CUMMINS. I think possibly there is a little misapprehension here about the bill. It seems to me that the Senator from Kansas does not look at it from the proper point of view. The Congress of the United States can not declare the standard of values by which the property of any railroad company can be measured, nor the value of any other property. That is purely a judicial question, and it finally will be settled by the courts. Congress or its instrumentality, the Interstate Commerce Commission, fixes the rates of the railroads. The railroad company attacks the rate. It attacks it because the legislature, or the commission exercising legislative functions, has invaded its constitutional rights; that is, has taken its property without due process of law or has taken it without just compensation. That is the basis of all the appeals or proceedings which the railroads bring in the courts in order to annul or set aside an order of the commission. When such a case comes to the court it is for the court to say, and the court will say in every instance, what the evidence shows in regard to the value of the property used by the common carrier.

Mr. NELSON. Right there may I ask a question?

Mr. CUMMINS. Here we are simply attempting to furnish the people of the country the evidence from all the various standpoints, which they can not furnish themselves because of the vastness of the undertaking.

Mr. NELSON. I wanted just to put one very brief question to the Senator to see if I am correct. Is not the finding of the Interstate Commerce Commission upon the facts in a rate case, if there is evidence to support it, binding upon the court?

Mr. CUMMINS. It is.

Mr. NELSON. And the court can not overrule it or retry it?

Mr. CUMMINS. That, however, is only upon the issue; but if the commission should find the Pennsylvania Railroad, for instance, was worth only \$10, that would not be binding in any court. Of course, the Senator from Minnesota will agree with me about that.

Mr. NELSON. Of course, if there is no evidence to support it.

Mr. CUMMINS. But when the case reaches the court the complainant has the right to introduce testimony regarding the value of the property that has been devoted to the public use and concerning which the rate is fixed. There is nothing that can prevent—nor do I believe there is anything that can prevent—the exercise of that right on the part of the common carrier.

This bill, however, is to furnish both the common carrier and the shipper, or the State, or whoever may be the adversary, prima facie evidence with regard to the value of the property that has been devoted to the public use and to control and to regulate which the rate attacked has been made.

Mr. NELSON. Mr. President, will the Senator allow me, in connection with his remarks, to make a statement?

Mr. CUMMINS. Certainly.

Mr. NELSON. The one thing that I had difficulty with in this bill—most of it is good, and I approve of it—is that part of the bill from line 21, on page 10, down to line 18, on page 11. That seems to contemplate, if I understand the language, that the court is to retry the facts found by the Interstate Commerce Commission. Let me read that:

If upon the trial of any action involving a final value fixed by the commission—

That may be in a rate case—

evidence shall be introduced regarding such value which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto, the court, before proceeding to render judgment, shall transmit a copy of such evidence to the commission, and shall stay further proceedings in said action for such time as the judgment, shall transmit a copy of such evidence to the commission, court shall determine from the date of such transmission—

And so forth.

That clearly contemplates that there must be a retrial before the court upon the facts. I do not understand that to be the existing law. I understand the existing law to be that the Interstate Commerce Commission passes upon the question of fact as to whether or not a rate is reasonable, and its finding, if it is supported by evidence, binds the court above.

Mr. CUMMINS. That, however, does not include the question of value. That is seen by a reference to the very case to which the Senator from Minnesota has just referred, where the Northern Pacific road—

Mr. LA FOLLETTE and Mr. OWEN addressed the Chair.

The PRESIDENT pro tempore. The Chair is unable to determine who is entitled to the floor. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. BRISTOW. I yield to the Senator from Iowa.

Mr. CUMMINS. I will surrender the floor until I can take it in my own right, then. I wished to answer the question of the Senator from Kansas, but I will withhold my answer.

Mr. BRISTOW. I am anxious to have the question answered.

Mr. OWEN. Mr. President—

The PRESIDENT pro tempore. The Chair simply desires to suggest that for the orderly transaction of business it is necessary that the Chair should be addressed, and Senators should get permission to interrupt. There were five Senators on the floor at the time the Chair made the suggestion.

Mr. CUMMINS. Mr. President, I hope I have not incurred the censure of the Chair.

The PRESIDENT pro tempore. Not at all.

Mr. CUMMINS. I did address the Chair; I did secure the consent of the Senator from Kansas to answer. I was therefore a little surprised to have it suggested that I was improperly occupying the floor.

The PRESIDENT pro tempore. The Chair owes the Senator an apology, then, if that is the fact. The Chair overlooked that.

Mr. BRISTOW. The Senator, however, had not arrived at the real, vital part of his answer to the question I asked. It is the important question in the bill to me. I am very firmly of the opinion that a railroad company has no right to charge the public with rates that will enable it to earn a return on the unearned-increment value of its right of way and its terminals; but I want the lawyers who have had charge of the framing of the bill to construe the language, as to whether or not the lines that I refer to, on page 10, beginning with the words "All final valuations," and so forth, do recognize the fact, and make prima facie evidence as a part of the value this element of value known as unearned increment.

Mr. OWEN. Mr. President—

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

Mr. BRISTOW. I do.

Mr. OWEN. Mr. President, the words "prima facie" in line 12 necessarily exclude finality. It is only prima facie as to the fact. The fact itself may be disputed; but the principle to

which the Senator very properly refers would not appear in this finding.

The facts having been ascertained *prima facie*, the facts themselves being subject to correction, then the principle of whether or not the unearned increment could be capitalized and the public charged with interest upon the unearned increment is a principle to be determined by the court upon debate. Facts, merely, are ascertained; and even the facts are not ascertained with complete finality, but merely *prima facie*.

The Senator from Minnesota points out that the statement that—

If, upon the trial of any action involving a final value—

The value fixed by the commission—

evidence shall be introduced regarding such value which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto—

it shall send it back for ascertainment of the fact before the court proceeds—is only a declaration that this finding of fact upon certain evidence submitted shall not be final, but may be again sent back if those concerned offer additional evidence which was not before the commission. The purpose of that section is to prevent a trick of discrediting those who find the facts by submitting to those charged with the finding of the facts incomplete evidence which afterwards is more completely submitted to the court, and the court, finding that additional evidence or materially different evidence is submitted to the court from that which was originally submitted to the commission, simply sends it back, as a court would send a case back to a commissioner to further ascertain the fact upon new evidence.

That answers the question of the Senator from Minnesota. I have already answered the question submitted by the Senator from Kansas.

Mr. THOMAS. Mr. President—

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

Mr. BRISTOW. I do.

Mr. THOMAS. I understood the Senator from Kansas to say, and I quite agree with him, that this unearned increment should not be the subject of capitalization. I want to inquire whether the Senator thinks it should be assessed against the companies for taxation.

Mr. BRISTOW. I think not, of course. I do not think a value that can not be used as a basis of earning power should be used as a basis of taxation.

Mr. THOMAS. I think it is so assessed generally all over the country and taxes collected upon it.

Mr. CLAPP and Mr. OLIVER addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Minnesota, who first addressed the Chair?

Mr. BRISTOW. I do.

Mr. CLAPP. I wanted to say this: I do not think the Senator from Kansas exactly grasps the force of these provisions. I agree with the Senator from Kansas that the unearned increment should not be the basis; but suppose the court, when it comes to pass on the question, should regard it otherwise? The theory of this bill is that the Government shall ascertain these various values in these various ways, to the end that the court, if it rejects one basis or adopts another, has the figures before it, instead of simply reversing the order and requiring those decisions to be litigated *de novo*. That is the theory and the principle upon which the bill is framed; not that it is conclusive upon anybody, for it is for the courts to say which of these various bases it will take in the last analysis.

Mr. OLIVER. Mr. President—

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

Mr. BRISTOW. I do.

Mr. OLIVER. I should like to ask the Senator from Kansas and the Senator from Iowa, who, I understand, is about to speak, as to the probable time they will occupy in discussing this bill. I think if it is likely that great time will be consumed we should take a recess and come back here this evening.

Mr. BRISTOW. I will say, so far as I am concerned, that I am through. All I wanted was an expression, in regard to the construction of the language I have read here, from the Senator from Wisconsin [Mr. LA FOLLETTE], who is in charge of the bill, and from the Senator from Iowa [Mr. CUMMINS], who is a member of the subcommittee. I have great confidence in their judgment, and, knowing that their purposes and mine are exactly the same in regard to this valuation, I will yield the apprehensions that I have as to the construction of this language to their judgment, supplemented, as it is, by that of the Senator from Oklahoma and the Senator from Minnesota, in whose judgment I also have great confidence. I am for this bill

if it does not recognize or fortify the theory that carriers have a right to capitalize or earn returns on unearned increment or a value that cost them nothing to secure. If it did recognize such a right, I would not support it; but having been assured by the authors of the bill that no such right is recognized by the language used, I will vote for the measure.

Mr. POINDEXTER. Mr. President, I was going to put what I had to say in the form of a question to the Senator from Kansas, but I only want to call attention to a possible construction of this language which I think is the danger that the Senator from Kansas has in mind.

Of course I know that the view of the framers of the bill is that it does not undertake to say what value or what class of values shall be used as a basis for fixing rates. It leaves that entirely undetermined, and the Senator from Kansas is apprehensive that this language will be construed to have the effect of a legislative declaration that the unearned increment shall be included.

Congress has a right to do that. That would not be any confiscation of the property of the carrier. It would be increasing the valuation upon which rates must be based. Congress, under the decision of the courts, has not the power to put the valuation so low as to amount to a confiscation of property. But there could be no constitutional objection raised to a legislative act declaring that the unearned increment shall be included in the valuation, because that would be within the purview of Congress in fixing public policy. Congress has power to fix railroad rates, and out of that power grows power to fix the basis upon which rates shall be determined.

There is this possible construction of the act: The language to which the Senator from Kansas has called attention is:

All final valuations by the commission—

That includes this valuation, among others, which includes the unearned increment—

All final valuations by the commission and the classification thereof shall be published and shall be *prima facie* evidence of the value of the property in all proceedings under the act to regulate commerce as of the date of the fixing thereof, and in all judicial proceedings for the enforcement of the act approved February 4, 1887.

One of the judicial proceedings for the enforcement of that act would be a judicial proceeding to determine whether or not a rate fixed by the Interstate Commerce Commission was a reasonable rate or a lawful rate. Here is an act which says that in that action—

All final valuations by the commission * * * shall be *prima facie* evidence of the value of the property.

And there is danger that some court would come along and construe that language as being a declaration of Congress that the valuation, including the unearned increment, shall be taken as a basis of fixing the rate. It could be easily removed from the realm of doubt by the insertion of a few words negating that possible construction.

Mr. CUMMINS. Mr. President, I do not quite agree with the Senator from Washington with regard to the competency of Congress to say the unearned increment shall not be considered as a part of the value of railway property. However, that is not material to this discussion.

Mr. POINDEXTER. Mr. President—

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

Mr. CUMMINS. I do.

Mr. POINDEXTER. The Senator, I think, misapprehended what I said. What I said, or intended to say, was just the opposite. I did not say Congress probably has not the right to say that the unearned increment shall not be considered. What I said was that Congress has the right to say that it should be considered, which is quite a different proposition.

Mr. CUMMINS. I have a little doubt about that also, Mr. President. However, neither is material to this discussion.

It seems to me, as I tried to say before, that the purpose of the bill is a little bit misapprehended. This bill is intended to authorize the Interstate Commerce Commission to send out its appraisers, its experts, and secure almost all the information that is conceivable with regard to the value of railway property. When all this information is collected, then the commission hears the case and decides what is the fair value of the railroad property.

Undoubtedly the information sought here, among other things, includes the unearned increment, or the increased value of lands, lots, and terminals of the railway company. But no court has hitherto said that the unearned increment ought not to be and must not be considered as a part of the value of the railway property. Personally, I do not believe it should be considered. I have another standard in my mind, namely, the value for the purposes of a common carrier rather than the

value as determined by the use to which adjacent property may be put.

However that may be, this bill recognizes what the courts have already declared may be elements in the value of railway property. All the knowledge that can be secured is gathered and laid before the commission. Then the railroads are called, the public is called, and they try out the question before the commission as to the value of any particular railway property.

Mr. NELSON. Will the Senator yield to me?

Mr. CUMMINS. Certainly.

Mr. NELSON. The difficulty with me about the bill is in the following language:

If, upon the trial of any action involving a final value fixed by the commission, evidence shall be introduced regarding such value which is found by the court to be different from that offered upon the hearing before the commission, etc.

I will not read the entire paragraph. Does that contemplate that this final ex parte valuation to be made by the commission is finally to be revised by the court? Is it ultimately to be a court valuation?

Mr. CUMMINS. The Senator is thinking of one thing and I am talking about another. When the suit is brought before the court in a proceeding to attack, annul, and set aside the order of the commission—

Mr. NELSON. In a rate case.

Mr. CUMMINS. Then the finding which the commission has made with regard to the value of the railway property, if that becomes material, is prima facie evidence of the value of that property.

Mr. NELSON. But this contemplates, if you read the paragraph through—

Mr. CUMMINS. Just allow me. The railroad company need not introduce it. It can go on and introduce any evidence it pleases with regard to the value of the property of the company. The final finding of the commission in this proceeding is prima facie evidence in that suit.

Mr. NELSON. I understand that.

Mr. CUMMINS. But it is not conclusive. Either party can introduce additional testimony.

Mr. NELSON. In that case pending?

Mr. CUMMINS. Yes.

Mr. NELSON. Before the commission?

Mr. CUMMINS. Before the court.

Mr. NELSON. In a rate case retried before the court?

Mr. CUMMINS. Certainly.

Mr. NELSON. On the facts?

Mr. CUMMINS. Certainly.

Mr. NELSON. I suppose the finding of the commission on the facts—

Mr. CUMMINS. The commission does not make any finding of the value of the property. The commission sees whether any rate is a fair and reasonable rate. The railroad says "That is not true; it is not a fair and reasonable rate; it confiscates our property. Therefore we bring a suit to enjoin the commission from putting the rate into force." Thereupon it proceeds to prove the value of the property, and that it rendered the service for which it makes the charge. The Senator from Minnesota does not say that the common carrier can not in such a suit as that prove the value of the property which renders the service which has been regulated by the commission. I am sure he will not assert that.

Mr. NELSON. What I mean is this: Does this refer to an actual trial, an actual rate case, or does it refer simply to a case concerning the valuation fixed by the commission?

Mr. CUMMINS. It refers to an actual rate case.

Mr. NELSON. Let me read the language here:

If upon the trial of any action involving a final value fixed by the commission, evidence shall be introduced regarding such value which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto, the court, before proceeding to render judgment shall transmit a copy of such evidence to the commission—

Mr. CUMMINS. No; not judgment on the value of the property, judgment upon the order which has been entered by the commission regulating a rate or fixing a rate.

Mr. NELSON (reading)—

the court before proceeding to render judgment shall transmit a copy of such evidence to the commission and shall stay further proceedings in said action for such time as the court shall determine from the date of such transmission.

In other words, if the court concludes that the Interstate Commerce Commission has not found the facts properly they are to be retried in the court, and then the court is to transmit it to the Interstate Commerce Commission.

Mr. LA FOLLETTE. Oh, no, no.

Mr. ROOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. Certainly.

Mr. NELSON. I want an understanding on that question.

Mr. ROOT. I wish to make a suggestion to the Senator from Minnesota. There may now be an issue raised upon which a question of value will be a relevant fact. The Interstate Commerce Commission has made an order fixing the rates, and the railway company comes into court asserting that those rates are confiscatory. Upon that issue the question of value is a relevant and material fact, is it not?

Under the provision the Senator from Minnesota has adverted to it seems to me that that question of value is not made material and relevant under any circumstances in which it is not now material and relevant. It does not broaden the jurisdiction of the court to consider that question of value at all. It merely relates to the evidence of value in the cases where the court now can consider it and where they will then consider it. It merely puts into the trial of the question of value where it can now be tried and will then be tried new prima facie evidence supplied by the determination of the commission. It does not permit the court to retry that case or to review the decision of the commission under any other circumstances than they can do it now.

Mr. NELSON. Let me call the Senator's attention to this language:

The court, before proceeding to render judgment, shall transmit a copy of such evidence to the commission, and shall stay further proceedings in said action for such time as the court shall determine from the date of such transmission. Upon the receipt of such evidence—

Not the evidence taken before the commission, the evidence taken in court—

the commission shall consider the same and may fix a final value different from the one fixed in the first instance

In other words, instead of acting on their own volition and in their own manner, the court takes evidence and sends it to them, and upon that evidence taken in court they have the liberty of changing the judgment they formed in the first instance.

Mr. CUMMINS. They have.

Mr. NELSON. Is not that a retrial of the case upon the facts in the language of the bill? Does not that take the legislative function we have transferred to the Interstate Commerce Commission upon the question of fact? Does it not indirectly transfer it to the courts?

Mr. CUMMINS. I think not, Mr. President. I think that is intended simply to enable the commission to change the order with respect to the rate that it has already made. If evidence with regard to value is developed in the court that has not been developed before the commission in its general work, and it has made an order fixing a rate upon a value which it finds to be wrong, then it is given the opportunity to change the order which is being attacked in the court, as may be required by the additional or different evidence with regard to the value of the property. I do not think that it changes in the least degree the relation of the commission to the court. It simply furnishes, as I said in the beginning, evidence either for the railway company or for the public with regard to the value of the property that is devoted to public use—evidence that, of course, is not conclusive, and, in my opinion, it would not be competent for us to make it conclusive.

Mr. NELSON. But the Senator will concede that it changes the procedure which now prevails.

Mr. CUMMINS. I do not think it does at all; that is, if the Senator means the substance of the procedure. The railway company that complains of the action of the commission must still bring suit in a court of competent jurisdiction to annul the order of the commission. When it has brought the suit and made the issue it may take the work of the commission that is here provided for and introduce it as prima facie evidence of the value of the property, or the Government can take the work of the commission and introduce it as prima facie evidence of the value of the property. That is the only respect in which the relation has been changed.

Mr. NELSON. Let me call attention here to the final language of this paragraph.

If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

Mr. CUMMINS. Certainly.

Mr. NELSON. Now, what does this contemplate? It contemplates that after the Interstate Commerce Commission has made a finding and issued an order the other party goes into court, evidence is taken in the court, and that evidence is to be sent back to the Interstate Commerce Commission, so that they can revise and change their judgment in the first instance. I do not understand that any such practice prevails under the law now. I have never heard of that. Has the Senator heard of it?

Mr. CUMMINS. It can not, except so far as the rehearing is concerned. The commission has a perfect right to rehear

any case that may be before it, or that it may have decided, and enter another and a different order. Of course there is no provision in the law now for sending back the additional evidence with regard to value, because we have no provision in the law now for securing the proof of value.

Mr. NELSON. Does it not amount to this, to talk plainly? The Interstate Commerce Commission has a hearing, takes the evidence, fixes the rate. The railroad company go into court to attack that, introduce more evidence, and then, after they have introduced more evidence, the court is to stay the case, send that evidence back to the Interstate Commerce Commission, and the poor commission is at liberty to revise its hearings. But this provision states that if they see fit not to do so, they can adhere to their original judgment.

Mr. CUMMINS. That is all right.

Mr. NELSON. Then why should we take this evidence in the court and send it back to the commission?

Mr. CUMMINS. I do not understand the Senator from Minnesota. He does not seem to me to have the same conception of the procedure that I have. I can not quite gather his objection to it. I thought he started out with the idea that it broadens the review of the court over the action of the commission. Now he seems to object to it because it increases the labor of the commission.

Mr. NELSON. No; I do not. I object to it because it injects a new mode of trial before the Interstate Commerce Commission, and it makes a double trial. After the railroads go into court and evidence is taken in the case different from that before the Interstate Commerce Commission, the case is to be stayed and the evidence is to be sent back to the commissioners, and they are to mulch over it again. Here is the language:

If the commission shall alter, modify, or amend its order, such altered, modified, or amended order shall take the place of the original order complained of and judgment shall be rendered thereon, as though made by the commission in the first instance.

Now listen to this language:

If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

Let me call attention to the decision of the Supreme Court recently, at the present term, in the case of the Interstate Commerce Commission and the United States, appellant, against The Louisville & Nashville Railroad Co.:

On the appeal here the Government insisted that while the act of 1887 to regulate commerce (24 Stat., 379, secs. 14, 15, 16) made the orders of the commission only prima facie correct, a different result followed from the provision in the Hepburn Act of 1906 (34 Stat., 584, sec. 15), that rates should be set aside if after a hearing the "commission shall be of the opinion that the charge was unreasonable." In such case it insisted that the order based on such opinion is conclusive and (though Interstate Commerce Commission v. Union Pacific Railroad, 222 U. S., 547, was to the contrary) could not be set aside, even if the finding was wholly without substantial evidence to support it.

1. But the statute gave the right to a full hearing, and that conferred the privilege of introducing testimony, and at the same time imposed the duty of deciding in accordance with the facts proved.

In this case the court held that the Interstate Commerce Commission could not, on its own knowledge, on its own records, decide the case; that there must be a hearing and evidence be taken in the case before they could render any decision.

Mr. CUMMINS. The view of the Senator from Minnesota does not seem to me to be a sound one. I have already stated my understanding of that paragraph and my general opinion of the bill. While I am inflexibly opposed to capitalizing what is known as unearned increment, I am not opposed to securing from a governmental tribunal a judgment as to the real value of the railroad property, and if our Government tribunal includes unearned increment, we must submit unless there is a legislative escape, and I do not believe there is.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee as reported.

The amendment was agreed to.

The next amendment of the Committee on Interstate Commerce was, on page 7, line 1, before the word "commission," to strike out "The" and insert "Except as herein otherwise provided, the"; in line 7, after the word "and," to insert "separately"; and in line 9, after the words "District of Columbia," to insert "classified and in detail as herein required," so as to make the paragraph read:

Except as herein otherwise provided, the commission shall have power to prescribe the method of procedure to be followed in the conduct of the investigation, the form in which the results of the valuation shall be submitted, and the classification of the elements that constitute the ascertained value, and such investigation shall show the value of the property of every common carrier as a whole and separately, the value of its property in each of the several States and Territories and the District of Columbia, classified and in detail as herein required.

The amendment was agreed to.

The next amendment was, on page 8, line 8, after the word "law," to insert "Unless otherwise ordered by the commission,

with the reasons therefor, the records and data of the commission shall be open to the inspection and examination of the public," so as to make the paragraph read:

Every common carrier subject to the provisions of this act shall furnish to the commission or its agents from time to time and as the commission may require maps, profiles, contracts, reports of engineers, and any other documents, records, and papers, or copies of any or all of the same, in aid of such investigation and determination of the value of the property of said common carrier, and shall grant to all agents of the commission free access to its right of way, its property, and its accounts, records, and memoranda whenever and wherever requested by any such duly authorized agent, and every common carrier is hereby directed and required to cooperate with and aid the commission in the work of the valuation of its property in such further particulars and to such extent as the commission may require and direct, and all rules and regulations made by the commission for the purpose of administering the provisions of this section and section 20 of this act shall have the full force and effect of law. Unless otherwise ordered by the commission, with the reasons therefor, the records and data of the commission shall be open to the inspection and examination of the public.

The amendment was agreed to.

The next amendment was, on page 8, line 17, after the word "time," where it occurs the second time, to strike out "as may be required for the proper regulation of such common carriers under the provisions of this act"; in line 19, after the word "its," to strike out "valuation of property" and insert "valuations"; in line 20, after the word "correction," to insert "classified and"; in line 21, after the word "and," where it occurs the first time, to insert "separately"; and, in line 22, after the word "which," to insert "valuations, both original and corrected, shall be tentative valuations and," so as to make the paragraph read:

Upon the completion of the valuation herein provided for the commission shall thereafter in like manner keep itself informed of all extensions and improvements or other changes in the condition and value of the property of all common carriers, and shall ascertain the value thereof, and shall from time to time revise and correct its valuations, showing such revision and correction classified and as a whole and separately in each of the several States and Territories and the District of Columbia, which valuations, both original and corrected, shall be tentative valuations and shall be reported to Congress at the beginning of each regular session.

The amendment was agreed to.

The next amendment was, on page 9, line 2, after the words "in its," to strike out "valuation" and insert "valuations of each class of property"; and in line 4, after the word "shall," to strike out "report currently to the commission, and as the commission may require, all improvements and changes in its property, and file with the commission copies of all contracts for such improvements and changes at the time the same are executed" and insert "make such reports and furnish such information as the commission may require," so as to make the paragraph read:

To enable the commission to make such changes and corrections in its valuations of each class of property, every common carrier subject to the provisions of this act shall make such reports and furnish such information as the commission may require.

The amendment was agreed to.

The next amendment was, on page 9, line 11, before the word "valuation," to insert "tentative"; in the same line, after the word "carrier," to insert "as herein directed"; in line 12, before the word "valuation," to strike out "said" and insert "such"; in line 14, after the word "carrier," to strike out "stating" and insert "the Attorney General of the United States, the governor of any State in which the property so valued is located, and to such additional parties as the commission may prescribe, stating"; in line 19, after the word "allow," to strike out "the carrier"; and in line 22, after the word "final," to insert "as of the date thereof," so as to make the paragraph read:

Whenever the commission shall have completed the tentative valuation of the property of any common carrier, as herein directed, and before such valuation shall become final, the commission shall give notice by registered letter to the said carrier, the Attorney General of the United States, the governor of any State in which the property so valued is located, and to such additional parties as the commission may prescribe, stating the valuation placed upon the several classes of property of said carrier, and shall allow 30 days in which to file a protest of the same with the commission. If no protest is filed within 30 days, said valuation shall become final as of the date thereof.

The amendment was agreed to.

The next amendment was, on page 9, line 23, after the word "filed," to strike out "by any common carrier"; on page 10, line 3, after the word "presented," to strike out "by such common carrier"; in line 4, after the words "port of," to strike out "its" and insert "any such"; in line 5, after the word "such," to insert "tentative"; in line 7, after the word "valuation," to strike out "is incorrect" and insert "should not become final"; in line 9, after the word "corrected," to insert "tentative"; in the same line, after the word "final," to insert "as of the date thereof"; in line 12, after the word "evidence," to strike out "relative to" and insert "of"; and in line 13, after the word "under," to strike out "this act" and insert "the act to regulate commerce as of the date of the fixing

thereof, and in all judicial proceedings for the enforcement of the act approved February 4, 1887, commonly known as 'the act to regulate commerce,' and the various acts amendatory thereof, and in all judicial proceedings brought to enjoin, set aside, annul, or suspend, in whole or in part, any order of the Interstate Commerce Commission," so as to read:

If notice of protest is filed, the commission shall fix a time for hearing the same, and shall proceed as promptly as may be to hear and consider any matter relative and material thereto which may be presented in support of any such protest so filed as aforesaid. If after hearing any protest of such tentative valuation under the provisions of this act the commission shall be of the opinion that its valuation should not become final, it shall make such changes as may be necessary, and shall issue an order making such corrected tentative valuation final as of the date thereof. All final valuations by the commission and the classification thereof shall be published and shall be prima facie evidence of the value of the property in all proceedings under the act to regulate commerce as of the date of the fixing thereof, and in all judicial proceedings for the enforcement of the act approved February 4, 1887, commonly known as "the act to regulate commerce," and the various acts amendatory thereof, and in all judicial proceedings brought to enjoin, set aside, annul, or suspend, in whole or in part, any order of the Interstate Commerce Commission.

The amendment was agreed to.

The next amendment was, on page 10, after line 21, to insert:

If upon the trial of any action involving a final value fixed by the commission, evidence shall be introduced regarding such value which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto, the court, before proceeding to render judgment shall transmit a copy of such evidence to the commission, and shall stay further proceedings in said action for such time as the court shall determine from the date of such transmission. Upon the receipt of such evidence the commission shall consider the same and may fix a final value different from the one fixed in the first instance, and may alter, modify, amend, or rescind any order which it has made involving said final value, and shall report its action thereon to said court within the time fixed by the court. If the commission shall alter, modify, or amend its order, such altered, modified, or amended order shall take the place of the original order complained of and judgment shall be rendered thereon, as though made by the commission in the first instance. If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

The amendment was agreed to.

The next amendment was, on page 12, line 1, after the word "in," to strike out "this act" and insert "section 16 of the act to regulate commerce," so as to read:

The provisions of this section shall apply to receivers of carriers and operating trustees. In case of failure or refusal on the part of any carrier, receiver, or trustee to comply herewith, such carrier, receiver, or trustee shall forfeit to the United States the sum of \$500 for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in section 16 of the act to regulate commerce.

The amendment was agreed to.

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

Mr. NEWLANDS. Mr. President, I regard with great gratification the almost unanimous report of the Committee on Interstate Commerce upon this railroad-valuation bill. As a member of that committee I have for years favored such legislation and have frequently introduced resolutions relating to a legislative program and providing for such valuation. So far as I have been individually concerned I have been disposed to submit the task of ascertaining that valuation and the principles which should control it to the Interstate Commerce Commission itself, feeling assured that they would avail themselves of the services of economists and competent experts, and would present in their report every element of value upon which a court would be called upon to act.

The Senator from Wisconsin [Mr. LA FOLLETTE], with that great care and precision with which he always moves in matters relating to economic legislation, has insisted that we should in the bill itself present the principles of valuation and define and secure the ascertainment of the different elements of value, every element of value, which could possibly be considered by a court in determining the question of fair valuation, and this bill I think is very accurately framed along that line.

The testimony and aid of valuable experts—Prof. Bemis and Prof. Commons, of the University of Wisconsin—have been utilized in this work. I think that this bill is a piece of legislation that can be regarded as fairly perfect. I believe that it will serve a great purpose and that it will practically end in the future the contentions that have been going on between the railroads and the public. I believe that the system of regulation which we inaugurated over 20 years ago regarding railroads, if pursued with reference to the trusts, would by this time have practically settled the trust question as we have settled the railroad question.

The creation of a great regulating commission, acting as the servant of Congress upon these important public questions affecting the regulation of interstate commerce, would have resulted most satisfactorily in the adjustment of the trust question; and I hope that the legislation we have perfected, legislation which we have gradually introduced regarding the rail-

road question, will be introduced regarding the control of the great trust organizations of the country.

I regard with great satisfaction the outcome of the labors of the committee, and view it as a most satisfactory step in a fair solution of the relations between the public and the railroads.

Mr. POMERENE. On page 11, line 1, after the word "thereto," I move to amend by inserting the words "and substantially affecting said value."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 11, line 1, after the word "thereto," it is proposed to insert the words "and substantially affecting said value."

The amendment was agreed to.

Mr. GRONNA. Mr. President, I had intended to make a few observations on some of the provisions of the bill; but I am anxious to have it pass this evening. I have the utmost confidence in the members of the committee. I know that the Senator from Wisconsin [Mr. LA FOLLETTE] has given this question a great deal of study; that he has made it a part of his life work. So I shall not detain the Senate or delay the passage of the bill by further remarks at this time. I shall vote for it.

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

The bill was read the third time and passed.

The title was amended so as to read, "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities."

ISSUANCE OF INTERLOCUTORY INJUNCTIONS.

Mr. ROOT. From the Committee on the Judiciary I report back favorably with amendments the bill (S. 8439) restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or of an order made by an administrative board or commission created by and acting under the statute of a State, and I submit a report (No. 1309) thereon. I call the attention of the Senator from South Dakota [Mr. CRAWFORD] to the bill.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent for the present consideration of the bill.

Mr. NELSON. It is a very short bill and will take but a moment.

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

The Secretary proceeded to read the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert a substitute.

Mr. WILLIAMS. Mr. President, we have been here ever since 10 o'clock this morning and it is now half past seven. I move that the Senate adjourn; and if the Senate does not adjourn I shall ask for a quorum.

Mr. GAMBLE. Mr. President—

The PRESIDENT pro tempore. The Senator from Mississippi moves that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 25, 1913, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

Monday, February 24, 1913.

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O God our Father, our life, our salvation; whose favor follows the faithful to uphold, sustain, and guide them in every good work. May we be faithful in the work Thou hast given us to do that we may reach the highest and best results and thus add somewhat to the progress of the world, and Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday, Sunday, February 23, 1913, was read and approved.

DISTRICT OF COLUMBIA BUSINESS.

The SPEAKER. To-day is District day under the rule, and the Chair recognizes the gentleman from Kentucky [Mr. JOHNSON].

REVOKING LICENSES OF HOTEL PROPRIETORS AND OTHERS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up House joint resolution 398, authorizing the Commissioners of the District of Columbia to revoke licenses under certain conditions, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized to revoke the license of any merchant, storekeeper, hotel proprietor, hack or taxicab owner, or persons, firm, or corporation engaged in business in the District of Columbia under the terms of license regulations of the District of Columbia, as duly promulgated and enforced by the Commissioners of the District of Columbia under authority conferred upon them by Congress, who shall increase the price or prices charged for his wares or services, as the case may be, on the occasion of any holiday or event the observance or celebration of which shall have the effect of causing an unusual number of persons other than residents of the District of Columbia, to visit the city of Washington for the purpose of participating in or observing such holiday or event.

SEC. 2. That in the case of hotels or restaurants or other businesses which maintain regularly in their establishments printed tariffs or schedules of prices, a schedule or tariff of charges higher than the usual rates that may be found in use in such places on such holidays or special occasions shall constitute prima facie evidence that such prices were increased.

SEC. 3. That in all other cases it shall require the sworn testimony of not less than three adult persons to constitute evidence sufficient for the revocation of license.

SEC. 4. That any citizen of the United States may make complaint under authority granted by this resolution, such complaints to be made in the police courts of the District of Columbia, and that conviction therein shall constitute basis for the revocation of license by the commissioners.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk reported the following committee amendments:

Page 1, line 4, after the word "hereby," strike out the word "authorized," and insert the words "directed and empowered."

Line 6, after the word "owner," insert the words "or driver."

Page 2, line 1, after the word "shall," strike out the word "increase" and insert "advance."

Line 2, after the word "his," insert the words "rents, accommodations."

Line 5, strike out the words "an unusual number of persons" and insert the word "person."

The foregoing amendments were severally agreed to.

Mr. JOHNSON of Kentucky. Mr. Speaker, I also move to amend, in line 5, by inserting the word "any" before the word "person."

The SPEAKER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The Clerk read as follows:

Page 2, line 6, after the word "residents," insert the words "a resident."

Lines 7 and 8, strike out the words "city of Washington for the purpose of participating or observing" and insert the words "District of Columbia on account of."

Line 11, after the word "which," insert the word "usually," and after the word "maintain" strike out the word "regularly."

Line 12, strike out the word "establishments" and insert the words "places of business," and after the word "printed" insert the words "or written."

Line 13, strike out the word "higher" and insert the word "greater."

Line 14, after the word "the," insert the word "prior," and after the word "rates" strike out the words "that may be found."

The foregoing amendments were severally agreed to.

The Clerk read as follows:

Strike out all of section 3.

The SPEAKER. The question is on agreeing to the amendments.

Mr. MANN. Mr. Speaker, this joint resolution apparently is intended to authorize the Commissioners of the District of Columbia to revoke the license of a storekeeper, hotel proprietor, driver of a cab, and so forth, who raises prices during the inaugural festivities or during any other festive or holiday or mournful occasion. This section which it is proposed to strike out makes provision for the method of calling attention to the District Commissioners of evidence upon which a revocation of license may be based, as follows:

That in all other cases it shall require the sworn testimony of not less than three adult persons to constitute evidence sufficient for the revocation of license.

The committee in reporting the resolution had recommended that that section be stricken out, and later on provide for a penalty for the violation of any provision hereafter. The next section left in the resolution provides that any citizen of the United States may make complaint under authority granted by the resolution, such complaint to be made in the police court of the District of Columbia, and that conviction therein shall constitute the basis for the revocation of the license. If the resolution is intended to be serious, it ought to be considered seriously, but if it is intended as a joke it ought to provoke mirth. There is no method of getting into the police court.

There is no prohibition in the resolution against anything—there is nothing to violate. It does no prohibit anybody from raising prices. It merely provides that in case prices are raised the District Commissioners may revoke the license. The only method of enforcing that is to file the complaint in the police court, and on conviction in the police court the license can be revoked. Conviction of what? There is no prohibition in the bill. There is nothing prohibited in the bill if it passes. You can not take a case into the police court to enforce something unless there is a prohibition. Unless Congress declares that something is prohibited, there is no way of convicting anybody.

Another amendment to the resolution further provides that for any violation of any provision hereafter there shall be a fine not exceeding \$25 for the offense, and that anyone aggrieved may board at the hotel as long as the matter is pending. But the only direction to anybody is to the District Commissioners. The only persons who can violate the law, if it is a law, are the District Commissioners for not revoking the license; and under the provisions of this resolution, if the hotel keeper raises his prices and the District Commissioners refuse to revoke the license, they might be subjected to fine, but meanwhile, pending the proceedings, the aggrieved person would live at the hotel free. It seems to me that if the resolution is to amount to anything section 3 ought not to be stricken out. There ought to be a method of presenting the matter to the commissioners, because with section 3 out there is no way of getting the matter before the commissioners except by conviction in the court, and there is nothing on which to convict anyone in the court.

The SPEAKER. Without objection—

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced the yeas seemed to have it.

Mr. JOHNSON of Kentucky. Mr. Speaker, I would like to say that provision of the bill says there shall be testimony of not less than three persons. It is impossible to have the testimony of three persons, for only the hotel proprietor and the guest at the hotel are witnesses of the transaction, and for that reason it was stricken out. That provision of the bill requires three witnesses to the transaction. If a man goes to a hotel and stops and he is robbed, there are only two witnesses, perhaps, to the transaction. One is the clerk or representative of the hotel, who does the robbing, and the other is the man who is robbed, who is a stranger, and there can be but one witness, and that is himself; and it would be more than a coincidence if there would be three other people who would hear it, and the committee were therefore of the opinion that that section of the bill requiring three witnesses should be eliminated. Mr. Speaker, I ask for a division upon the adoption of the amendment.

The SPEAKER. The gentleman from Kentucky demands a division.

The House divided; and there were—yeas 30, yeas 4.

So the amendment was adopted.

The Clerk read as follows:

Page 2, line 20, strike out, after the word "section," the figure "4," and insert the figure "3."

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

The Clerk read as follows:

Line 22, page 2, strike out the word "complaints" and insert the word "complaint."

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

The Clerk read as follows:

Line 22, page 2, strike out the word "courts" and insert the word "court."

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

The Clerk read as follows:

Line 24, page 2, strike out the words "by the commissioners" and insert the words:

"and the said commissioners shall at once, without any option upon their part, cancel the license or permit of any person, corporation, or firm so convicted."

"The further penalty for any violation of any provision hereof shall be a fine of not exceeding \$25 for each offense. Anyone aggrieved by any violation of any of the provisions of this act relative to hotels, boarding houses, lodging houses, or cafés may, during the time he may remain in the District of Columbia for the purpose of prosecuting his complaint, continue at said offending hotel, boarding house, lodging house, or café for either lodging or table board free of charge: *Provided*, That the person complained of shall be found guilty in a court of competent jurisdiction in the District of Columbia."

"Any complainant under the provisions of this act who shall not receive the same accommodations while awaiting a judicial determination of the charge against the defendant hotel, boarding house, lodging house, or café shall have cause of action against any such offender for damages, both actual and punitive."

"This act shall take effect upon its passage."

Mr. MANN. Mr. Speaker, I would suggest, in passing, that the word "punitive" be spelled correctly. Section 1 of the bill directs the Commissioners of the District to revoke a license of hotel keepers, café proprietors, owners of vehicles, and so forth, who raise prices. That is all it does. It does not prohibit the raising of prices. It merely directs the commissioners to revoke the license. Section 2 of the bill provides what is raising of prices—that is, an increase in the price over the usual schedule of charges. Then this section comes along and, as proposed to be amended, provides that the conviction of anyone shall constitute the basis for the revocation of a license. I would ask the gentleman, Conviction of what? No prohibition is in the bill against the raising of prices. There is a mere direction to the commissioners to revoke the license. Then the amendment goes on and provides the further penalty for any violation of any provision thereof shall be a fine of not exceeding \$25 for each offense. Now, the only provision of the bill that can be violated is the provision which directs the commissioners to revoke the license. Then it goes on and says that anyone aggrieved by any violation of any provision of this act relative to hotels, boarding houses, lodging houses, or cafés may, during the time he may remain in the District of Columbia for the purpose of prosecuting his complaint, continue at said offending hotel, boarding house, lodging house, or café, for either lodging or table board, free of charge, provided that the person complained of shall be found guilty in a court of competent jurisdiction in the District of Columbia. The only ones who can be convicted of any violation of this act would be the District Commissioners, because they are the only ones who are directed to do anything or not to do anything. It is true that part of the bill does not provide that if the owner of a taxicab charges a higher rate than the usual price the person aggrieved can ride in the taxicab until the matter of fining the District Commissioners can be disposed of. It does provide that he may live at the hotel until the matter of fining the District Commissioners is disposed of, and he may lodge at the café under the provisions of this bill until they have disposed of the proceedings. I do not see why, if he has the right to lodge at a café during an inaugural, he should not be permitted to continue to ride in the taxicab during an inaugural.

Mr. MADDEN. Is there any reason why the District Commissioners should not be fined and jailed for all this sort of thing—

Mr. MANN. Perhaps some of them ought to be jailed and kept there; I do not undertake to say; I think not, however; but there is no prohibition in the bill.

Mr. MADDEN. They are going to pass that in the Jones-Works bill.

Mr. MANN. There is nothing in here that prohibits the hotel keeper from raising prices; but if he does raise them, then his license is to be revoked, and that we would have the power to do.

But here is a provision that if the commissioners do not revoke the license, and anyone attempts to fine them for it, that person is to live at the hotel or café free of charge until the matter is disposed of.

Mr. FOSTER. The one living at the hotel is not bound any more than under the law to pay for it. There is no security to the hotel man for the time he boards there.

Mr. MADDEN. He is not bound to stay at the hotel. He could move to another hotel if he wanted to, could he not?

Mr. MANN. He could if he had the price.

Mr. MADDEN. At the price he is boarding there. He could live in one hotel or café free of charge.

Mr. FOSTER. Or move to another hotel.

Mr. MANN. Move to another hotel. The bill was intended, I suppose, in the first place, to make it a misdemeanor to raise the prices at these public resorts, but there is nothing in here to prohibit that at all. There is no prohibition in the bill. How this ever got past the distinguished gentleman from Kentucky [Mr. JOHNSON], who is usually very careful, is beyond my comprehension.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. MOORE of Pennsylvania. Will the gentleman look at line 11, page 3, and tell us what is meant by the provision "That the person complained of shall be found guilty in a court of competent jurisdiction in the District of Columbia"? Does not that mean if anyone makes complaint it goes without saying that the man complained of shall be found guilty under the law?

Mr. MANN. I do not know. Of course, the only persons they can complain of for violation of this law are the District Commissioners. The only persons who are directed to do any-

thing in this bill, or not to do anything in this bill, are the District Commissioners.

Mr. MOORE of Pennsylvania. Do we not establish an entirely new method of legal procedure with regard to the trial of accused persons by saying in this proviso that immediately upon a complaint being made the person shall be found guilty?

Mr. MANN. Oh, I think my colleague from Pennsylvania [Mr. MOORE] has not read all of that carefully. This amendment provides that if the person—I assume that is the person—were called on to pay a higher price, he shall live at the café or hotel until the person complained of is found guilty in a court of competent jurisdiction.

Mr. MARTIN of South Dakota. Suppose he is acquitted; how long could he board?

Mr. MANN. Well, he would have already boarded there until the matter was disposed of.

Mr. MOORE of Pennsylvania. I think if the gentleman will read it for a second time he will find it stated in this bill that a person "shall" be convicted when complained against. That is, if the waiter should spill the soup down the back of the guest and should then complain of the hotel proprietor, the person complained of shall be found guilty. It is not a question of a trial, it is not a question of his having a defense, but it is provided here that immediately upon the complaint being made the person complained of shall be found guilty.

Mr. MADDEN. Is there anything else you want?

Mr. MOORE of Pennsylvania. I am referring to the common people, those who sometimes drift into the business of conducting a hotel, or who may be so fortunate or unfortunate as to be a waiter in an establishment of that kind. Here they are deprived of a trial by jury, and by a law, almost equal to the fugitive law in Mexico, they are told, when complained against, they shall be found guilty. That is the provision I call to the gentleman's attention. I do not think he clearly understood it.

Mr. MANN. I did. Of course, the proviso says the person shall be found guilty.

Mr. MOORE of Pennsylvania. Upon the complaint being made.

Mr. MANN. I was willing to leave that in that paragraph, although—

Mr. MOORE of Pennsylvania. Does it not follow that the commissioners should be abolished and all forms of law be abolished immediately on complaint being made, because the man shall be found guilty?

Mr. MANN. If the gentleman from Kentucky [Mr. JOHNSON] will show where anybody can find anybody guilty under this except the commissioners, it will be satisfactory to me. I do not see how you can start in to say that a man shall be boarded and lodged free of charge pending a claim against the District Commissioners, because they did not revoke the license of the hotel keeper.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. JOHNSON of Kentucky. Division, Mr. Speaker.

The House divided; and there were—yeas 34, nays 9.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Will the gentleman from Illinois [Mr. MANN] withhold that point a second in order that we may receive a message from the Senate?

Mr. MANN. I will if it does not interfere with my right to this vote.

The SPEAKER. It will have nothing to do with it.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present. Evidently there is not a quorum present, and the Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of this amendment will, when their names are called, answer "yea"; those opposed will answer "nay."

Mr. DYER rose.

The SPEAKER. For what purpose does the gentleman rise? Mr. DYER. To ask that the amendment may be again reported.

The SPEAKER. Without objection, the amendment will be reported again.

There was no objection.

The amendment was again read.

The SPEAKER. The Clerk will call the roll.

Mr. DYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DYER. Is the vote now upon the amendment?

The SPEAKER. The vote is on the amendment.

The question was taken; and there were—yeas 171, nays 101, answered "present" 11, not voting 98, as follows:

YEAS—171.

Adair	Evans	Jones	Redfield
Aiken, S. C.	Faison	Kahn	Reilly
Akin, N. Y.	Fergusson	Kinhead, N. J.	Richardson
Alexander	Fields	Kitchin	Roberts, Nev.
Ashbrook	Finley	Konop	Roddenberg
Austin	Flood, Va.	Lamb	Rodenberg
Ayres	Floyd, Ark.	Lee, Ga.	Rothermel
Barnhart	Foster	Lee, Pa.	Rouse
Bathrick	Fowler	Lenroot	Rube
Beall, Tex.	Francis	Lewis	Rucker, Mo.
Bell, Ga.	Garner	Lindbergh	Russell
Boehne	Gill	Linthicum	Sherwood
Borland	Goeke	Littlepage	Sims
Buchanan	Goodwin, Ark.	Lloyd	Sisson
Bulkley	Gould	Lobeck	Slemp
Burgess	Graham	McCoy	Sloan
Burleson	Gray	McGillicuddy	Small
Burnett	Gregg, Pa.	Macon	Smith, N. Y.
Byrns, Tenn.	Gregg, Tex.	Maguire, Nebr.	Smith, Tex.
Callaway	Gudger	Maher	Sparkman
Candler	Hamill	Martin, Colo.	Stedman
Cantrill	Hamilton, Mich.	Moon, Tenn.	Stephens, Miss.
Cary	Hammond	Morgan, La.	Stephens, Nebr.
Claypool	Hardwick	Morrison	Stephens, Tex.
Clayton	Hardy	Morse, Wis.	Stone
Cline	Harrison, Miss.	Murdock	Taggart
Collier	Hart	Murray	Taylor, Ark.
Covington	Hay	Neeley	Taylor, Colo.
Cox	Hayden	Nelson	Thayer
Crayens	Hayes	Norris	Thomas
Cullop	Heflin	Oldfield	Tribble
Curley	Helgesen	O'Shaunessy	Turnball
Curry	Helm	Padgett	Underhill
Denver	Henry, Tex.	Page	Watkins
Dickinson	Hensley	Pepper	Webb
Dies	Holland	Post	Whitacre
Difenderfer	Howard	Pou	White
Dixon, Ind.	Hughes, W. Va.	Prouty	Wilson, Ill.
Doremus	Humphrey, Wash.	Rainey	Wilson, Pa.
Doughton	Jacoway	Raker	Witherspoon
Dyer	James	Randell, Tex.	Young, Kans.
Edwards	Johnson, Ky.	Ransdell, La.	Young, Tex.
Estopinal	Johnson, S. C.	Rauch	

NAYS—101.

Anderson	Fitzgerald	La Follette	Pujo
Bartlett	Fordney	Langham	Rees
Bates	Foss	Lawrence	Roberts, Mass.
Blackmon	French	Levy	Scott
Booher	Fuller	McCall	Sells
Brantley	Gallagher	McGuire, Okla.	Simmons
Broussard	Gardner, N. J.	McKellar	Slayden
Burke, Pa.	Gillett	McKenzie	Smith, Saml. W.
Burke, Wis.	Good	McKinley	Speer
Butler	Green, Iowa	McLaughlin	Steenerson
Calder	Greene, Mass.	McMorran	Stephens, Cal.
Campbell	Greene, Vt.	Madden	Sterling
Cannon	Hartman	Mann	Sulloway
Crago	Hawley	Martin, S. Dak.	Switzer
Currier	Henry, Conn.	Matthews	Taylor, Ala.
Dalzell	Higgins	Miller	Tilson
Davidson	Hinds	Moore, Pa.	Towner
Dent	Houston	Moss, Ind.	Townsend
Dodds	Howell	Nye	Underwood
Donohoe	Howland	Patten, N. Y.	Wildner
Driscoll, D. A.	Kendall	Patton, Pa.	Willis
Driscoll, M. E.	Kennedy	Payne	Woods, Iowa
Dupré	Kinkaid, Nebr.	Pickett	Young, Mich.
Esch	Knowland	Plumley	
Fairchild	Kopp	Porter	
Farr	Lafcan	Powers	

ANSWERED "PRESENT"—11.

Adamson	Cooper	Hill	Shackleford
Allen	Dwight	Hobson	Sharp
Browning	Garrett	Needham	

NOT VOTING—98.

Ainey	Draper	Korbly	Riordan
Ames	Ellerbe	Lafferty	Rucker, Colo.
Andrus	Ferris	Langley	Sabath
Ansberry	Focht	Lever	Saunders
Anthony	Fornes	Lindsay	Scully
Barchfeld	Gardner, Mass.	Littleton	Sherley
Bartholdt	George	Longworth	Smith, J. M. C.
Berger	Glass	Lond	Stack
Bradley	Godwin, N. C.	McCreary	Stanley
Brown	Goldfogle	McDermott	Stevens, Minn.
Burke, S. Dak.	Griest	McKinney	Sweet
Byrnes, S. C.	Guernsey	Mays	Talbott, Md.
Carlin	Hamilton, W. Va.	Merritt	Talbot, N. Y.
Carter	Hamlin	Mondell	Taylor, Ohio
Clark, Fla.	Harris	Moon, Pa.	Thistlewood
Coury	Harrison, N. Y.	Moore, Tex.	Tuttle
Copley	Haugen	Morgan, Okla.	Vare
Crumpacker	Head	Mott	Volstead
Danforth	Hughes, Ga.	Olmsted	Vreeland
Daugherty	Hull	Palmer	Warburton
Davenport	Humphreys, Miss.	Parran	Weeks
Davis, Minn.	Jackson	Peters	Wilson, N. Y.
Davis, W. Va.	Kent	Pray	Wood, N. J.
De Forrest	Kindred	Prince	
Dickson, Miss.	Konig	Reyburn	

So the amendment was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. LITTLETON with Mr. DWIGHT.
 Mr. ADAMSON with Mr. STEVENS of Minnesota.
 Mr. TALBOTT of Maryland with Mr. PARRAN.
 Mr. RIORDAN with Mr. ANDRUS.
 Mr. FORNES with Mr. BRADLEY.
 Mr. SCULLY with Mr. BROWNING.
 Mr. PALMER with Mr. HILL.
 Until further notice:
 Mr. SWEET with Mr. WOOD of New Jersey.
 Mr. STANLEY with Mr. VREELAND.
 Mr. SHERLEY with Mr. WEEKS.
 Mr. SAUNDERS with Mr. VOLSTEAD.
 Mr. SABATH with Mr. VARE.
 Mr. RUCKER of Colorado with Mr. THISTLEWOOD.
 Mr. PETERS with Mr. TAYLOR of Ohio.
 Mr. MOORE of Texas with Mr. J. M. C. SMITH.
 Mr. McDERMOTT with Mr. PRINCE.
 Mr. LEVER with Mr. PRAY.
 Mr. KORBLY with Mr. MOTT.
 Mr. KONIG with Mr. OLMSTED.
 Mr. KINDRED with Mr. MOON of Pennsylvania.
 Mr. HUGHES of Georgia with Mr. MONDELL.
 Mr. HAMLIN with Mr. MCKINNEY.
 Mr. HAMILTON of West Virginia with Mr. LAFFERTY.
 Mr. GOLDFOGLE with Mr. McCREARY.
 Mr. GODWIN of North Carolina with Mr. LANGLEY.
 Mr. GLASS with Mr. JACKSON.
 Mr. GEORGE with Mr. HEALD.
 Mr. FERRIS with Mr. HAUGEN.
 Mr. ELLERBE with Mr. HARRIS.
 Mr. DICKSON of Mississippi with Mr. GUERNSEY.
 Mr. DAVIS of West Virginia with Mr. GRIEST.
 Mr. DAVENPORT with Mr. FOCHT.
 Mr. DAUGHERTY with Mr. DRAFER.
 Mr. CONRY with Mr. DE FOREST.
 Mr. CLARK of Florida with Mr. DAVIS of Minnesota.
 Mr. CARTER with Mr. DANFORTH.
 Mr. CARLIN with Mr. CRUMPACKER.
 Mr. BYRNES of South Carolina with Mr. COPLEY.
 Mr. BROWN with Mr. BURKE of South Dakota.
 Mr. ANSBERRY with Mr. BARTHOLDT.
 Mr. STACK with Mr. BARCHFELD.
 Mr. WILSON of New York with Mr. ANTHONY.
 Mr. TUTTLE with Mr. AMES.
 Mr. TALCOTT of New York with Mr. AINEY.
 Mr. HULL with Mr. NEEDHAM.
 Mr. HOBSON with Mr. MERRITT.

Mr. BROWNING. Mr. Speaker, I am paired with the gentleman from New Jersey, Mr. SCULLY. I see he is not here. I voted "no." I wish to withdraw my vote and to be recorded present.

Mr. NEEDHAM. Mr. Speaker, I desire to change my vote from "aye" to "present."

Mr. ALLEN. Mr. Speaker, I desire to change my vote from "aye" to "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

Mr. BURKE of Pennsylvania. Mr. Speaker, I desire to offer an amendment.

Mr. PROUTY. Mr. Speaker, I desire to offer a committee amendment.

The SPEAKER. The gentleman from Iowa will send up his amendment. The Clerk will report the committee amendment offered by the gentleman from Iowa.

The Clerk read as follows:

At the end of section 2 insert:

"And every such increase or advance of price is hereby made a misdemeanor, and shall be punishable as such in any court of competent jurisdiction."

Mr. MANN. I congratulate the District Committee that it has finally discovered that there was no prohibition against doing anything or not doing anything in the bill, and now, having their attention called to the fact, have offered an amendment for the purpose of curing a patent defect in the bill.

What is this section?

That in the case of hotels or restaurants or other businesses which usually maintain in their places of business printed or written tariffs or schedules of prices a schedule or tariff of charges greater than the prior usual rates in use in such places on such holidays or special occasions shall constitute prima facie evidence that such prices were increased.

Thereupon the amendment proposes to prohibit increasing prices. We are to have inaugural festivities. This prohibition is "greater than the prior usual rates in use in such places on such holidays or special occasions." That must mean that the prices to be charged this year shall not be higher than those charged four years ago. [Laughter.] That is all it can mean. It is not a prohibition against charging higher prices during the inaugural festivities than are now charged, just before the inaugural festivities, but "prior usual rates in use in said places on such holidays or special occasions."

Inaugural festivities this year must be compared with inaugural festivities of the last time, which was four years ago, and the purpose of this amendment is to make a misdemeanor against any café proprietor who charges a higher price for a beefsteak now than he charged four years ago. That is a method of leveling prices which has not yet been discovered by anybody except the District Committee.

We have heard a great deal about higher prices and about efforts to reduce higher prices, but here is a simple method. If you charge a higher price now than you did four years ago, then under this bill you have to keep the man, board and lodging, without any charge. [Laughter.]

That is what the bill provides. If they charge a higher price for a beefsteak now than they did four years ago, the man who wants a steak is entitled to live at the café free of charge. [Laughter.]

The gentleman from Connecticut calls attention to the method of spelling "punitive" in the bill. I called attention to that when the bill was first laid before the House, but the District Committee has not learned how to spell "punitive." I think it would be well if they had sent for a dictionary or asked some one in the House who knows, if they were willing to take anybody's statement except that of the dictionary, as to how the word is spelled.

The House has agreed to that spelling. It is in the amendment for which gentlemen have just voted.

Mr. PAYNE. Then the spelling of the committee seems to be vindicated. [Laughter.]

Mr. MANN. Now, Mr. Speaker, it was only a few days ago that the House passed a bill, the usual bill, giving to the Commissioners of the District of Columbia the authority to regulate vehicles and things of that kind in the District, which has always carried with it the right to regulate the charges. Here the House one day passes, by unanimous consent, a bill to do one thing and the next day proposes to pass a bill in direct conflict with the bill passed before, which is now the law, forbidding the doing of the very thing which they had authorized the day before. It is silliness run mad. [Laughter and applause.]

Mr. CANNON. Mr. Speaker, I voted against the amendment which has just passed. I do not yet understand what it means, but I would like to have this amendment offered by the gentleman from Iowa again reported.

The SPEAKER. The Clerk will again report the amendment. The amendment was again reported.

Mr. CANNON. Mr. Speaker, it seems to me that this is on a par with much legislation that is being pressed upon Congress originating in another body or originating in this body. Great Heaven! All you have to do is to crudely guess at something here and there and make it a misdemeanor to be punished. Why it will be presently so that a man can not smile at his sweetheart on the street unless it is a misdemeanor. [Laughter.]

I do not know the meaning of this amendment that has just been adopted. It seems to me that any American citizen or any man who comes to a hotel, whether he comes from China or Hindustan, is entitled to go to a hotel or boarding house, demand entertainment, charge the proprietor with violating this act, if it passes, and in the meantime board. [Laughter.]

I think we had better think two or three times before we pass a bill like this or agree to this amendment. I quite enjoyed seeing some gentlemen vote who are awfully anxious to have separate cars down South and separate cars elsewhere in the country for American citizens, while they are going to adopt a different plan for the District of Columbia. Well, go along gentlemen, you are in the majority, fix it just as you please. Make everything a misdemeanor—hop, skip, and jump—for the alleged interest of home and native land. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Speaker, this bill has been considerably assailed, and thus far there has been no explanation of it. I regard that provision which gives free board to a man during the trial of one who has attempted to rob him as the strongest and best feature in the bill. If a man goes to a hotel where he has been paying \$3 a day, and the report shows in this instance such cases exist, and stays three days, for which he pays \$9, and then afterwards he is asked \$150 for the same

room for the same length of time, he needs protection. If a man comes here and is robbed to that extent under those circumstances, when he goes up to the hotel desk to pay his bill, the hotel proprietor knows that he can not under ordinary circumstances stay here long enough to litigate that question. This bill gives him the right, if the hotel man is in the wrong, to stay at that hotel free of charge while he litigates the question as to whether he has been robbed.

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

Mr. JOHNSON of Kentucky. Yes.

Mr. KENDALL. Does this bill do that? Does not this bill provide that in the case the gentleman suggests he may continue at such offending hotel, café, and so forth, for either lodging or table board, free of charge?

Mr. JOHNSON of Kentucky. Yes.

Mr. KENDALL. Is not this the fair interpretation of that language, that he has the right to eat there?

Mr. JOHNSON of Kentucky. If it is only an eating place, he has the right to eat there free of charge.

Mr. KENDALL. But at a hotel he might have the right to eat there, but not the right to lodge there, or he might lodge there and not eat there.

Mr. JOHNSON of Kentucky. It depends on what kind of a house it is.

Mr. KENDALL. If it is a hotel?

Mr. JOHNSON of Kentucky. If it is a hotel, he has the right to stay there.

Mr. KENDALL. But he would not have the right to both eat and lodge at the hotel?

Mr. JOHNSON of Kentucky. Oh, yes he would.

Mr. KINKAID of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. KINKAID of Nebraska. What does the gentleman think of the principle involved, that a penalty is to be paid to an individual rather than to the State for the violation of a law?

Mr. JOHNSON of Kentucky. Oh, that is in the nature of damages.

Mr. KINKAID of Nebraska. But is it not a penalty that is being paid to a private individual, when it should go to the State? Is not that an entirely new departure from the theory of enactments to prohibit wrongs?

Mr. JOHNSON of Kentucky. Oh, I think that is only in the nature of a penalty like the one usually attached to usury laws.

Mr. Speaker, section 2 has been criticized. Upon a careful reading it can be seen that it does not mean at all what the gentleman from Illinois [Mr. MANN] says it means. [Cries of "Louder!"] Mr. Speaker, I ask for order.

The SPEAKER. The House will be in order.

Mr. JOHNSON of Kentucky. Mr. Speaker, gentlemen who are opposing this bill are resorting to disorder and to every kind of means for the purpose of bringing about its defeat. Seeing that they can not defeat it upon its merits, they are resorting to other means, and I sincerely trust that the fair-minded people of this House will to-day stand by the people who have a right to come here for the inaugural ceremony and not permit them to be robbed as they have been heretofore robbed [applause on the Democratic side] and as we know they are to be robbed now. Here is the case of a man from my own State who has written me a letter which has been incorporated in the report, and which I will read:

LOUISVILLE, KY., February 14, 1913.

DEAR BEN: Referring to a news item in the Courier-Journal of today regarding your bill introduced in Congress to regulate hotel charges in Washington.

It was my expectation a few weeks ago to attend the inauguration, and immediately wired the Hotel Raleigh asking what would be their rates for a nice room with bath. They wired back that a room on Twelfth Street would cost me \$120 and a room facing Pennsylvania Avenue \$150, and as it has been my custom to stop at the Raleigh, am very familiar with their rates, only a few weeks ago having their room No. 1105, right on the corner, paying \$3 per day for same. As three days would be ample to see the inauguration, instead of having to pay \$9 they attempted to charge me \$150. The rates at the Willard are not so bad, an inside room facing west being \$70 and one facing Fourteenth Street \$84. Have attended conventions and gatherings everywhere in this country and Europe, and am accustomed to pay two or three times the regular rates, but the Washington figures are the worst in my experience.

There is no more excuse for this advance than there would be for an advance in freight and passenger rates during the busy season, and it is equivalent to Uncle Sam charging 10 cents for a 2-cent postage stamp at Christmas time.

Yours, very truly,

P. H. CALLAHAN.

Hon. BEN JOHNSON,
Washington, D. C.

Mr. Speaker, the gentleman from Washington [Mr. HUMPHREY] had an experience here four years ago that I believe this whole country ought to know, and I hope that he will give the House the benefit of his experience in these matters. [Applause.]

Mr. HUMPHREY of Washington. Mr. Speaker, while I have not studied the form of this bill, I am in sympathy with the legislation; and since the gentleman from Kentucky [Mr. JOHNSON] has referred to the experience which I had some four years ago, I will relate it to the House. I had a friend, Mr. Whitcomb, who lived in Massachusetts. His son, however, lived in Seattle. Mr. Whitcomb went to the Shoreham Hotel and engaged two rooms for himself, his son, and his son's wife. Those rooms would ordinarily be about \$10 a day, I presume. They charged him \$100 a day and he was compelled to take them for eight days. He had the money and he paid it.

Another friend, George W. Stetson, who lived in Seattle, wired me to secure rooms for him. I went to various hotels and finally to the Gordon, and there I succeeded in securing a room known as an alcove room for Mr. Stetson and his wife. Those rooms would ordinarily be about \$6 a day. I was compelled to pay \$25 a day and take the rooms for seven days. It so happened that we had other visitors during that inauguration, and we hired a carriage to take two of them to the inaugural ball. The carriage was stopped something like a square and a half from the building. The police would not permit the man to get any closer. The people were compelled to get out and walk to the building. Then the police served notice on the driver of the carriage not to come back after his passengers, stating that if he did he would be arrested, because, as I understood, this driver did not belong to some organization of some character where a portion of the fees received by him were to be divided with others. Those are some of my experiences four years ago. [Applause.]

Mr. MANN. Mr. Speaker, there never has been a convention or gathering in any city of large numbers that some one or many people did not complain afterwards as to the cost. I remember very distinctly the wailing and gnashing of teeth over on the Democratic side of the aisle right after the Baltimore convention, when gentlemen were not only very hard up for money but were very well supplied with hot language concerning the charges at Baltimore. The same is true wherever a convention is held or wherever there is a large gathering.

Mr. JAMES. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. JAMES. The charges at Baltimore were nothing like as exorbitant as these charges. For instance, I had a room—

Mr. MANN. Oh, the gentleman from Kentucky at Baltimore was the chairman of the convention and one of the leading lights, and undoubtedly received very favorable rates made up at the expense of some other fellow who did not have his standing. That is the way that always is.

Mr. JAMES. In reply to that statement, of course that is not true so far as it applies to me, because I secured my room long before I was elected chairman of the convention.

Mr. MANN. But not before he was a leading light.

Mr. JAMES. Oh, there were other delegates from Kentucky, and all of them are leading lights I may say, who paid exactly the price I did and I had a room with bath for myself and wife at \$16 a day. I had to take it for five days, but you can not get any such rate here.

Mr. MANN. I heard gentlemen say who came back from Baltimore that they did not get any such rates there, but they made vigorous complaints, whether they were justified or not I will not undertake to say. But here is a bill that proposes to say that the owners of hacks and taxicabs or other cabs can not charge a higher rate now than the usual rate, and yet only a few days ago we passed a bill in the House, which is now the law, which provided that the District Commissioners between the 28th day of February and the 10th day of March next should have the power and were directed to make all reasonable regulations necessary to secure such preservation of public property and protection of life and property and fix the fares of public conveyances, requiring them between those dates to fix the fares of public conveyances, and requiring them to advertise those rates. That has been done, and the law further contains this provision—

Any person violating any of such regulations will be liable to both a fine and imprisonment.

We are put in this attitude by the House a few days ago passing a law requiring the District Commissioners to fix prices of fares between the 28th day of February and the 10th day of March and making a penalty of imprisonment against one who did not comply with those regulations, and to-day we propose to pass a bill requiring that anyone who does comply with those regulations shall be imprisoned. For God's sake, what will happen to the fellows? If they do, they go to jail; and if they do not, they go to jail; that is wise legislation.

Mr. O'SHAUNESSY. Mr. Speaker, I believe that some consideration should be given to the objection urged by the gentleman

from Illinois if the purposes of those interested in this bill are to be attained.

Mr. DYER. Why does the gentleman make that statement, may I ask him?

Mr. O'SHAUNESSY. From my reading of section 2 I think a man who would be quartered upon a hotel or boarding house might after his litigating experience here find it very difficult to prove his case, inasmuch as he would be put to the trouble of proving that he was charged more than he was charged four years ago. That is the conclusion at which I arrive.

Mr. JOHNSON of Kentucky. I would suggest the burden is upon the other fellow.

Mr. O'SHAUNESSY. I would suggest that the words "in use in such places on such holidays or special occasions" be stricken out so as to make it read that the hotel keepers should observe the usual rates they charge anybody at any time and not upon special occasions or upon holidays.

Mr. RAKER. Will the gentleman yield there? Take the words in line 15, "on such holidays or special occasions," and insert them after the word "charges," in line 13, and then you would have the sentence read as follows:

That, in the case of hotels or restaurants or other businesses which usually maintain in their places of business printed or written tariffs or schedules of prices, a schedule or tariff of charges on such holidays or special occasions greater than the prior usual rate in use in such places shall constitute prima facie evidence that such prices were increased.

Now, if you put it in that way, it makes it specific that if they put their rate higher on these holidays than the usual published rate you cover the question beyond doubt.

Mr. O'SHAUNESSY. That might effect the purpose. I am for anything to effect the purpose of the bill.

Mr. JOHNSON of Kentucky. I believe the amendment offered by the gentleman from California [Mr. RAKER] is a wise one and should be adopted.

The SPEAKER. There is already an amendment pending, offered by the committee, and the Clerk will report it.

The Clerk read as follows:

Page 2, at the end of section 2, insert the following: "And every such increase or advance of price is hereby made a misdemeanor and shall be punishable as such in any court of competent jurisdiction."

The SPEAKER. The question is on agreeing to the amendment.

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

The SPEAKER. The Clerk will report the amendment of the gentleman from Pennsylvania [Mr. BURKE].

The Clerk read as follows:

Add as a new paragraph at the end of line 19, on page 3, the following:

"This act shall in no way affect contracts already made and now in existence."

The SPEAKER. The question is on agreeing to the amendment.

Mr. JOHNSON of Kentucky. Mr. Speaker, I hope the House will not adopt that amendment.

Mr. BURKE of Pennsylvania. Mr. Speaker, it seems to me that if this legislation, with all the unusual features that attach to it, is to be enacted at this late hour it ought in fairness to the people of this country who are coming here on the 4th of March to carry with it this proviso which I have offered. There is no expressed restriction that I can find in the Constitution upon us against impairing the obligation of a contract. The constitutional prohibition only applies to the States and imposes only upon them that restriction. It is possible, and I believe it has been decided by the Supreme Court, that the obligation rests upon us to observe in the District of Columbia the same provision that we have imposed upon the States in that regard. But here is the situation: There are people leaving California, people leaving the home of the gentleman from Washington [Mr. HUMPHREY], people leaving the Pacific coast to-day for the city of Washington, and there are thousands of these contracts in existence at this hour, every one of which would be revoked the moment this legislation became effective. And if that were to occur the contracts would be annulled, and the hardship would not be alone upon the hotel keepers of this city, but it would be on every man, woman, and child whose contract has been made in good faith and who is still willing to carry it out. Who is the aggrieved party? Assume that you, Mr. Speaker, have made one of these contracts and are willing to pay the amount provided under the terms of the contract; there is no grievance, and you wish to go to your home immediately after the inauguration of the next President of the United States; there will be imposed upon the District Commissioners the obligation of instituting criminal proceedings, following which would come the necessity of subpoenaing and, necessarily, of attaching you to

appear as a witness in a court of justice. I say, therefore, that it is a very serious problem for us to attempt to enact this legislation at this date, when people with these contracts are on their way to the Capital of the Nation and whose arrangements regarding their accommodations would probably as a consequence be thrown into a state of hopeless confusion.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

On line 15, page 2, strike out the words "on such holidays or special occasions" and insert the same words in line 13, after the word "charges."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, and was read a third time.

The SPEAKER. The question is on the passage of the resolution.

The question was taken.

The SPEAKER. The Chair is in doubt. Those in favor of passing the resolution will rise and stand until they are counted. [After counting.] One hundred and nineteen gentlemen have risen in the affirmative. Those opposed will rise. [After counting.] Sixty-five gentlemen have risen in the negative. On this vote the ayes are 119 and the noes are 65, and the joint resolution is passed.

The title was amended so as to read as follows: "Joint resolution to direct and empower the Commissioners of the District of Columbia to revoke licenses under certain conditions."

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

DISPOSITION OF INAUGURAL TICKETS.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] asks unanimous consent for five minutes in which to make a communication to the House in which all the Members are interested. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER of Missouri. Two minutes, I think, will be amply sufficient. I desire, Mr. Speaker, to make an announcement to the House with reference to the distribution of tickets to the inaugural platform in front of the Capitol.

The tickets are now ready for distribution. The distribution will begin to-morrow. The tickets will be distributed from the room of the Committee on Election of President, Vice President, and Representatives in Congress—my committee room—located in the southwest corner of the House Office Building, on the first floor, room No. 127, immediately opposite the Varnum Hotel.

The committee in charge of the distribution deems it proper to request that each Member call in person for his allotment of tickets. If for any reason the Member himself can not come, the committee requests that he send written directions to deliver the tickets to bearer. It is hardly necessary to say that the reason for this is to protect ourselves in the discharge of a somewhat delicate duty.

Mr. DYER. Will the gentleman state how many tickets?

Mr. RUCKER of Missouri. I will in a moment. Word has reached us that tickets have already been advertised in this city for sale. Of course, no tickets have thus far been delivered. The committee is determined that the full allotment of tickets due to each Member shall be delivered to such Member, and we shall be glad if each Member will take time to open the envelope containing the tickets before leaving my committee room and satisfy himself that his full allotment is there. I hope gentlemen will not interrupt me for a minute or two. After that I will be glad to answer any questions.

Heretofore Members of the House have received for this platform—the platform east of the Capitol—four tickets, and one additional ticket which admits the bearer to the gallery of the Senate. This year, through the persuasive influence and the fidelity of my associates, Mr. GARRETT, of Tennessee, and Mr. McKINLEY, of Illinois, we succeeded in extorting from the Senate seven platform tickets for each Member and two tickets, in addition, to the Senate gallery. [Applause.] You gentlemen are indebted to Mr. GARRETT and Mr. McKINLEY for this success.

Mr. MANN. And to you.

Mr. DYER. And to the chairman.

Mr. RUCKER of Missouri. I thank the gentleman from Illinois [Mr. MANN] and the gentleman from Missouri [Mr. DYER].

If I can claim your attention, gentlemen, a few moments longer, I desire to make this particular statement: Each Member of the Sixty-second Congress—this Congress—is entitled to seven platform tickets for seats on the platform in front of the Capitol, east of the Capitol, and one ticket to the gallery of the Senate. The ticket to the Senate gallery also admits the bearer to the reserved portion of the platform east of the Capitol. All Members of this Congress and gentlemen who are elected to the next Congress who are not Members of this are entitled to the privileges of the Senate floor and need no tickets for themselves. Hence each Member has eight tickets, which he can dispose of and give to whomsoever he pleases.

Heretofore gentlemen elected to a succeeding Congress who are not Members of the current Congress or, as we call them, new Members, have been allotted but one ticket to the platform. Through the persistence of my colleagues on the committee each new Member, each Member elect to the Sixty-third Congress who is not a Member of this Congress, will receive two tickets instead of one as heretofore. And in this connection I want to say that I speak seriously and solemnly when I say that I regret exceedingly that one of my colleagues to whom I have referred will not be my colleague in the next Congress. [Applause.] Members elect who are not Members of this Congress do not, however, get a ticket to the Senate gallery, and for the obvious reason that there was no space in the gallery to allot to them. The Senate treated the House with generosity and liberality in the division of space in the Senate gallery. We got practically one-half of the entire Senate gallery for the use of the House, and there was no space to allot in the Senate gallery to the gentlemen who will be Members of the next Congress but who are not Members of this Congress.

I trust no gentleman will take the least exception when I say and seek to impress upon your minds that we have given rigid instructions to those who will be in charge of the distribution of tickets to deliver them only to Members or to such messenger as comes to us with a written order from a Member, and even then the messenger must be known to one of the parties in charge. Those in charge will be Mr. McKINLEY's secretary, Mr. GARRETT's secretary, and my secretary, and I assume that they know practically every present Member of the House. Let me invite gentlemen who have their successors or future colleagues here, new Members, if you can conveniently do so, to come with them, so there will be no embarrassment because of the fact that gentlemen in charge of the distribution of tickets may not be acquainted with them.

I again say the place of distribution will be at my office room, No. 127, at the southwest corner of the House Office Building, at any time after 9 o'clock to-morrow morning. Each Member will be expected to sign a receipt for his tickets when he gets them.

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

Mr. RUCKER of Missouri. I yield.

Mr. MANN. Do the tickets that are delivered to Members call for reserved seats, or reserved sections, or reservations in any way?

Mr. RUCKER of Missouri. I am glad the gentleman has called my attention to that. You will observe that this huge platform out here is built in three sections, a middle section, a section north of that, next to the Senate wing, which section is designated as section A, and another section south of the center and next to the House end of the Capitol, which is designated as section B. All tickets distributed by Members of the House will be to section B of the platform. That is the section of the platform next to the House end of the Capitol.

The section in the middle and immediately in front of the main east steps of the Capitol is the section reserved for those who have the privilege of the Senate floor, which includes all Members, Members-elect, governors, Cabinet officers, and so forth.

Mr. MANN. The Senate floor and the Senate gallery.

Mr. RUCKER of Missouri. All persons who are entitled to the privileges of the Senate floor, and also all those who have tickets to the Senate gallery. After the ceremonies in the Senate Chamber are completed, all persons admitted to the Senate and all admitted to the Senate gallery will march, if they please to do so, to this central reservation between sections A and B. As I have stated before, section A will be occupied by those holding tickets distributed by Senators, and section B will be occupied by those holding tickets distributed by Members.

Mr. BARNHART. Did I understand the gentleman aright when I understood that each Member would have eight tickets for distribution?

A MEMBER. Seven.

Mr. RUCKER of Missouri. The gentleman from Indiana [Mr. BARNHART] is right and the gentleman who interrupted him is also right to this extent—

Mr. BARNHART. Let me ask further, does the gentleman mean by that that the Members of the House who are admitted to the floor of the Senate will be admitted to the central platform without the use of tickets?

Mr. RUCKER of Missouri. I have tried to make that clear. The gentleman is correct. Everybody who is entitled to enter upon the Senate floor and everybody who has a ticket to the Senate gallery will be admitted to this central part of the platform without tickets.

Mr. MANN. In other words, if the gentleman will permit, after the Vice President is sworn in, those on the floor of the Senate, followed by those in the Senate gallery, can march to the place reserved for them, without tickets.

Mr. RUCKER of Missouri. I said without tickets, and I mean without tickets other than the one which admits to the Senate gallery.

Mr. MANN. And that ticket will have been taken up, so they will march out without tickets.

Mr. RUCKER of Missouri. I do not know whether the tickets will be taken up or not, but am informed by the Sergeant at Arms of the Senate that tickets to the Senate gallery will not be taken up when persons enter the gallery.

Mr. MANN. Yes; they will.

Mr. BARNHART. If they are taken up, then the occupants of the Senate galleries will march out without tickets to the central stand.

Mr. ROBERTS of Massachusetts. Do the seven tickets allotted to each Member of the House call for reserved seats in section B of the stand?

Mr. RUCKER of Missouri. They do not.

Mr. ROBERTS of Massachusetts. Then, it is first come first served in section B?

Mr. RUCKER of Missouri. It will be first come first served. Let me answer the question more fully. I believe there are now actually sitting 382 Members of the House, and with the 156 Members elect the tickets allotted will make an aggregate of approximately 3,000 tickets. Now, if we should undertake to number all the seats on the platform and give a particular ticket to a certain Member, necessarily there would be favoritism. Somebody would have a good seat and somebody else would have a bad seat as a result of the action of the committee. Hence, the committee thought it would be unwise to attempt such distribution, and concluded to give tickets to this section without attempting reservations. Necessarily those who come first will get better seats than those who come last.

Mr. AUSTIN. Let me ask the gentleman who will be admitted to the Capitol Building on that day?

The SPEAKER. The time of the gentleman has expired.

Mr. GARRETT. I ask unanimous consent that the gentleman from Missouri have two minutes more.

The SPEAKER. The gentleman from Tennessee asks that the gentleman from Missouri have two minutes more. Is there objection?

There was no objection.

Mr. RUCKER of Missouri. I desire only enough time to answer the question of the gentleman from Tennessee [Mr. AUSTIN]. My understanding is that, following the usual custom, nobody will be admitted to the Capitol on that day except those entitled to the privileges of the floor and Capitol employees.

Mr. AUSTIN. And those admitted to the gallery of the Senate. Can those who are admitted to the gallery of the Senate go through from the House end?

Mr. RUCKER of Missouri. They must enter at the Senate end; they can not go through this way at all.

Mr. CARY. Will the gentleman state what becomes of the tickets after they are taken at the gate?

Mr. RUCKER of Missouri. What gate?

Mr. CARY. As they go into the stand.

Mr. RUCKER of Missouri. My understanding is that the tickets are exhibited and taken up. We have the absolute assurance that every man that has one of these tickets printed under the authority of this committee will have a seat on that platform.

Mr. CARY. I would like to make the suggestion that it would be a good idea for persons holding tickets to keep the tickets and merely exhibit them as they walk in?

Mr. JAMES. The trouble about that would be that the tickets might be passed out again to others.

Mr. RUCKER of Missouri. That is a detail that the Senate committee has worked out. I am informed that tickets will be taken up as parties go upon the platform, but that anyone who desires to retire after once going upon the platform can call upon any gatekeeper—that is, any officer who takes up tickets at the entrance to the platform—and get back a ticket which will admit him again to the platform. I am also advised that at the conclusion of the ceremonies all persons when leaving the platform, upon request, will have a ticket returned to them, which can be kept as a souvenir of the occasion.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28812, the naval appropriation bill.

Mr. JOHNSON of Kentucky. Mr. Speaker, I hope that the House will not agree to that motion; this is perhaps the last day that the District Committee will have.

The SPEAKER. The motion is not debatable. The gentleman from Tennessee moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were 133 yeas and 51 noes.

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the point of no quorum.

Mr. MANN. I ask that the Chair count.

The SPEAKER. That is what the Chair was about to do. [After counting.] Two hundred and twenty-three gentlemen present, a quorum.

Mr. JOHNSON of Kentucky. I demand the yeas and nays. The question of ordering the yeas and nays was taken, and 33 Members arose in favor thereof.

The SPEAKER. Not a sufficient number, and the yeas and nays are refused. The motion of the gentleman from Tennessee is agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. ALEXANDER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will report the title.

The Clerk read as follows:

The bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes.

Mr. TRIBBLE was recognized.

Mr. GREGG of Texas. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GREGG of Texas. On Saturday I was recognized for one hour, and I yielded 20 minutes to the gentleman from Texas [Mr. DIES] and 30 minutes to the gentleman from Illinois [Mr. GRAHAM]. Mr. DIES used his time, but the House adjourned before Mr. GRAHAM used his, and he is still entitled to 30 minutes.

The CHAIRMAN. The Chair will recognize the gentleman from Georgia first, and then the gentleman from Illinois [Mr. GRAHAM].

Mr. MANN. Mr. Chairman, may I ask whether under the arrangement with the House, or with the Chair, two hours of general debate is to be divided between the two sides?

The CHAIRMAN. There is no arrangement whatever.

Mr. MANN. Then the arrangement is with the Chair.

The CHAIRMAN. The Chair has control of it, and the Chair will try to do that as well as he can.

Mr. HOBSON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HOBSON. Is two hours the limit for general debate?

The CHAIRMAN. It is, for general debate.

Mr. MURRAY. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURRAY. Does that include or leave out the 30 minutes to which the gentleman from Illinois [Mr. GRAHAM] is entitled?

The CHAIRMAN. It includes it.

Mr. TRIBBLE. Mr. Chairman, I desire to quote from the remarks of the gentleman from Illinois [Mr. Foss], the former chairman of this committee under a Republican administration, on Saturday last, and I read this for the benefit of the Members on the Democratic side of the House. He was speaking of the naval policy which obtained in this country prior to the present Congress. In other words, the chairman of that committee gives

us his approval, from a Republican viewpoint, voicing the policy of the Republican side. On page 3687 of the RECORD of Saturday he makes this statement:

What is more, it continues the naval policy which obtained in this country prior to the time that the present Congress came into power.

This bill suits him. It carries more for expenses without a battleship than his last bill carried with two battleships. In 1911 the appropriation was \$126,000,000. This bill appropriates \$127,000,000 before reaching ship construction. Two battleships will run the bill up to \$148,000,000. Speaking for myself, I do not want the approval of the gentleman. On the next page he shows his love for the Democratic policy of this committee. He chides us to our faces, and yet Members upon the Democratic side of the House sit in their seats and never raise their voices to cut down the expenses of this bill. What does he say? I quote his exact words. He says:

For years on that side of the House they have said to us that we have been extravagantly appropriating for the maintenance of the Government, and they have said to the people of the country: "Let us get into power, and we will cut down the appropriations, and we will give you an economical administration." They are finding out now that the appropriations are running higher and higher, until I am told they will be at least \$100,000,000 more than they were two years ago, the high-water mark under Republican administration. And before we get through with this session of Congress they may reach \$200,000,000 more. That is the reason why. You are beginning to see that you can not carry out your promises to the American people.

Just such statements will be the slogan of Republicanism before the country. Gentlemen, what will you say?

Mr. Chairman, I propose to stand here to-day and appeal to this side of the House to carry out their promises to the American people. If you will give me your attention, I will show that this bill contains anywhere from fifteen to twenty million dollars more for expenses than it should contain. I realize the fact that a man who deals with cold figures and facts and puts them in the face of his colleagues when they do not want to hear them gets no applause. I might stand here on the floor of this House as well as other gentlemen and pay beautiful tributes to Perry, Clarke, Dewey, and other naval officers and receive applause, but I am going to give you the cold facts. I am going to show you that the Republican side of this House has administered the affairs of the Navy with anywhere from ten to fifteen million dollars cheaper than the Democratic side of this House proposes to do it. I am going to show you some facts which, if you will pay attention to, will stagger you. "Oh," they say, "we are building battleships, and we are building larger battleships, and therefore it costs more money." We built one last year and propose to build two this year. Since 1896 the Republican administration built an average of two each year. The chairman of this committee knows, and every member of this committee knows, that contracts for battleships are let by tons displacements, and therefore the amount of construction that each carries is measured by the displacement. You may not understand that proposition unless you study these books, and I call on you to get a Yearbook and see if I do not tell the truth. The displacement tons in 1912 were 66,860.

Now, turn back to 1899 and you will find that the displacement tons were 105,084. In that year, in 1899, the program of the Republican side of this House was nearly twice what it was in 1912. I call the attention of the chairman to what I am saying. They appropriated then \$48,000,000. If we should add on two battleships now, Mr. Chairman, in this program, as we propose this year, it will not go to 105,000 tons of displacement. The battleship that the gentleman talks about that is costing so much is not so much larger than others in this book. It has a displacement of 31,500 tons; considering the accessories that are carried in the bill carries it up to 68,000 displacement tons. If you add one more to that, which we are going to do this year, it would not come to 105,000 tons. It will run about \$148,000,000 or \$150,000,000 to build those two battleships and pay expenses.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. I will yield after a time. Mr. Chairman, I desire to call attention to 1908. That is only four years ago. I see that the gentleman from Illinois [Mr. Foss], the ex-chairman of the Naval Committee, is present in the Chamber. The chairman of this committee at the present time is also present, and they both know I am telling the truth. The displacement last year was 66,000 tons. Four years ago, under former administration, the displacement was 123,480 tons—twice as much as it is this year. That was in 1908, and that appropriation for that year was \$122,000,000. My colleagues should consider these facts. It is contended that we have to provide for construction of ships. Where is the construction? This book tells the truth. These are facts. I

will read the report from the Navy Yearbook, including three years, to wit:

1899 (55TH, 3D)—AUTHORIZED.

Name.	Type.	Displacement.	Speed.	Mean draft.
		Tons.	Knots.	Ft. in.
California.....	Armored cruiser.....	13,680	22.2	24 1
Chattanooga.....	Protected cruiser.....	3,200	16.65	15 9
Cleveland.....	do.....	3,200	16.45	15 9
Denver.....	do.....	3,200	16.75	15 9
Des Moines.....	do.....	3,200	16.65	15 9
Galveston.....	do.....	3,200	16.41	15 9
Georgia.....	First-class battleship.....	14,948	19.25	23 9
Nebraska.....	do.....	14,948	19.06	23 9
Pittsburgh.....	Armored cruiser.....	13,680	22.44	24 1
Tacoma.....	Protected cruiser.....	3,200	16.58	15 9
Virginia.....	First-class battleship.....	14,948	19.01	23 9
West Virginia.....	Armored cruiser.....	13,680	22.15	24 1
Total.....		105,084		

1908 (60TH, 1ST)—AUTHORIZED.

Burrows.....	Torpedo-boat destroyer.....	742	30.67	8 4
Cyclops.....	Collier.....	19,360	14.0	27 8
Drayton.....	Torpedo-boat destroyer.....	742	30.83	8 4
Florida.....	First-class battleship.....	21,825	20.75	28 6
Hector.....	Collier.....	11,230	12.87	24 8
Jupiter.....	Collier (amended 1910, 61-2).....	19,360		
McCall.....	Torpedo-boat destroyer.....	742	30.66	8 4
Mars.....	Collier.....	11,230	12.65	24 8
Mayrant.....	Torpedo-boat destroyer.....	742	30.22	8 4
Paulding.....	do.....	742	30.80	8 4
Perkins.....	do.....	742	29.76	8 4
Roe.....	do.....	742	29.6	8 4
Sterett.....	do.....	742	30.37	8 4
Terry.....	do.....	742	30.24	8 4
Utah.....	First-class battleship.....	21,825	21.09	28 6
Vulcan.....	Collier.....	11,230	12.82	24 8
Warrington.....	Torpedo-boat destroyer.....	742	30.12	8 4
E-1 (formerly Skipjack).....	Submarine torpedo boats. Limit of contract, \$3,500,000. Appropriation made of \$3,000,000 for these boats and for completion of submarine boats heretofore authorized.			
E-2 (formerly Sturgeon).....				
F-1 (formerly Carp).....				
F-2 (formerly Barracuda).....				
F-3 (formerly Pickerel).....				
F-4 (formerly Skate).....				
G-2 (formerly Tuna).....				
G-4 (formerly Thrasher).....				
Total of tonnage given.....		123,480		

1912 (62D, 2D)—AUTHORIZED.

Pennsylvania.....	Battleship, first line.....	31,500	21.0	
Fleet Oiler No. 1.....	Fuel ship.....	14,500	14.0	
Fleet Oiler No. 2.....	do.....	14,500	14.0	
O'Brien.....	Destroyer.....	1,050	29.0	9 5
Nicholson.....	do.....	1,050	29.0	9 5
Winstow.....	do.....	1,050	29.0	9 5
McDougal.....	do.....	1,050	29.0	9 5
Cushing.....	do.....	1,050	29.0	9 5
Ericsson.....	do.....	1,050	29.0	9 5
No. 2.....	Destroyer tender.....			
No. 40.....				
No. 41.....				
No. 42.....				
No. 43.....				
No. 44.....				
No. 45.....				
No. 46.....				
No. 47.....				
No. 2.....	Submarine tender.....			
Total of tonnage given.....		66,800		

Mr. Chairman, they say, "Oh, we have a monster battleship to build this year." I carry you back to 1898. In that year we built six battleships. The total ton displacement for the six was 81,000 tons, while the battleship construction for 1912 was 31,000 tons displacement. It cost more per ton to build a battleship in 1898 than it does now. Gentlemen say it costs more now; I challenge that statement and say it cost more to build then, and the records will show it.

Mr. SHARP. Will the gentleman yield?

Mr. TRIBBLE. With pleasure.

Mr. SHARP. May I ask the gentleman as a member of the Committee on Naval Affairs what has come over the spirit of the majority of that committee that they now recommend two battleships where in the past they have been fighting for one?

Mr. TRIBBLE. Well, sir, I can not answer the gentleman's question. I will say to the gentleman frankly I have been misunderstood on this proposition. I have contended all the time, and I contend to-day, that the expenses of this bill, amounting to \$128,000,000, should be cut down from \$150,000,000 to \$20,000,000, and it can be done in my opinion. I want to say

further as far as I am concerned I believe in the policy of battleship construction sufficient for our country's defense. I believe we ought to keep abreast with the times and keep our Navy up to date. In regard to the old battleships which we have now, commissioned 20 or 25 years ago, it is contended they are worthless for naval service. Thus I say dispose of them; put them in reserve for coast defense in case of war. On these old vessels there is a full complement of officers and men. Why burden the people with this expense if they are out of date? Put these old battleships in reserve, sell them or give them away, and build up-to-date battleships; and take the men from these old ships when men are needed to commission a new battleship instead of increasing an appropriation \$2,000,000 for officers and men for new ships, as we have done in this bill. I am going to vote for one battleship.

Mr. HENSLEY. Now, it is the gentleman's opinion that items in this bill can be reduced over those mentioned in the minority report, as I understand the gentleman?

Mr. TRIBBLE. Yes; I certainly do.

Mr. HENSLEY. Now, I will ask the gentleman from Georgia if it is not a fact that for information for the committee we are dependent absolutely upon the Navy Department in that regard?

Mr. TRIBBLE. I will answer the gentleman by asking him if he has had any other information, and does not all information on this bill come directly from the heads of the Navy Department?

Mr. HENSLEY. That is the point to which I desire the gentleman to devote himself.

Mr. TRIBBLE. The only information furnished the committee comes from naval officers.

I will ask the gentleman if he had any part in making up this bill; was he a member of the subcommittee?

Mr. HENSLEY. I was not.

Mr. TRIBBLE. I was not on the subcommittee that made the bill and refuse to stand sponsor for it. The country knows where I stand as to this bill.

Mr. HOWARD. Will my colleague yield?

Mr. TRIBBLE. Let me answer this question and then I will yield to the gentleman. Now, Mr. Chairman, I want this House to know where I have stood in the committee in answer to the gentleman's question. My contention has been that the full committee should take up this bill from one end to the other, not a subcommittee, but the full committee, and go through it item by item and consider each item in the bill. Has that been done?

Mr. HENSLEY. It has not.

Mr. TRIBBLE. Well, the gentleman and I are together on that proposition.

Mr. PADGETT. May I interrupt the gentleman?

Mr. TRIBBLE. Yes.

Mr. PADGETT. I want to say that is just exactly what was done.

Mr. TRIBBLE. In what way?

Mr. PADGETT. After the subcommittee framed the second draft of the bill it was submitted to the full committee and opportunity given to consider every line and every word in the bill and to take it page by page until Members asked that we do not take the time to go through it that way, but that if anybody had objection to any one item, let him say so.

Mr. TRIBBLE. Yes, Mr. Chairman, the gentleman has gotten to the point. Opportunity was given to Members if they had objections to any item in that bill to offer them, and I made a motion then and there to go through this bill item by item and the gentleman voted against it. I can not see how he contends that such opportunity was given me when he, as chairman, voted against my motion. He knows I have stubbornly contended both years of my service to consider this bill item by item in full committee. There are several thousand items in the bill, each appropriating money. I voted against this bill in committee and shall vote against it in the House.

Mr. HOWARD. I would like to ask my colleague from Georgia whether or not he can give the committee any information as to where the great extravagances in the appropriations for the Navy Department have taken place, and if it is not a fact that the growth of extravagance in the naval program has been on the shore; that the United States Government is now spending about two or three times as much on her shore as any other country in the world?

Mr. TRIBBLE. Yes; that is true.

Mr. HOWARD. Right on that point, the gentleman from Missouri [Mr. HENSLEY] asked a question about the source of information. Is it not a fact all the information obtained by the Committee on Naval Affairs has been obtained from those in authority at the Navy Department, who directly benefit by extravagant appropriations?

Mr. TRIBBLE. Yes.

Mr. HOWARD. And is not their testimony warped and biased in their own interests?

Mr. TRIBBLE. Certainly.

Mr. CALDER. Will the gentleman yield?

Mr. TRIBBLE. I will answer the gentleman's question. I will answer it by an illustration. When that great Leviathan of the ocean, the *Oregon*, steamed out of San Francisco Harbor, her great propelling arms moving her on the breast of the Pacific around the great South American Continent, well do we all remember how the hearts of the American people stood still. Ah, yes; when she moved into the Atlantic Ocean the school children throughout the country watched her movements with patriotic pride, and when she rushed to the scene of the strife and sent those Spanish vessels to the bottom of the sea the women of the country shouted with joy. Upon that great vessel was Admiral Clark and six associates. There were seven commissioned officers on that great vessel who carried her around the South American coast and destroyed the Spanish fleet. Now, the gentleman from Georgia [Mr. HOWARD] asked me where are the expenses? I use this illustration to give emphasis to my answer. There was the *Oregon*, destroying an enemy, with all the officers necessary. Look at the difference in this time of profound peace; the *Wyoming* has 50 officers aboard and a thousand men. All the battleships are loaded down with officers just as the *Wyoming*. Again, I will say to the gentleman from Georgia, at the Battle of Lake Erie, to which the gentleman from Pennsylvania [Mr. BATES] referred, there was Admiral Perry standing alone as commander without commission from the United States Government except the commission of patriotism, with men behind the guns, not 50 officers to superintend the guns.

Mr. SHERWOOD. And 22 years old.

Mr. TRIBBLE. And only 22 years of age, as the gentleman from Ohio, Gen. SHERWOOD, suggests. Who were his associates? The men behind the guns. Ah, the gentleman talks about the men behind the guns. The men are not behind the guns to-day. They are on the land drawing salaries, like Solomon in all his glory. They toil not; neither do they spin. How many of them go on the sea? There are 1,157 stationed on land, most of them doing nothing, but some of them, I concede, have employment and are essential to the efficiency of the Navy. There are over 1,000 of them on the retired list. Over 2,000 of our officers to-day are on land, and I believe the facts will disclose upward of 3,000 on land.

Mr. SIMS. How many on the sea?

Mr. TRIBBLE. I think I can answer that. There are about 1,200 on the sea, and they are calling for 3,000 more. What are they doing? Some gentlemen want to know what these officers are doing on the land. You have heard of "lame ducks," have you not? That term is usually applied to Congressmen. This is a new kind of "lame duck." This naval lame duck is supposed to go to sea, and necessarily he must have wings with which to fly; but these ducks have no wings, they do not go to sea. They are land ducks.

Mr. LOBECK. They can not swim, because they have no feet.

Mr. TRIBBLE. The gentleman suggests that they can not swim. Let me tell you what they can do, they can use the quills and write the bills by which Congress provides for their support. I have information of one officer being engaged two years on a bill for Congress. If I had time I could point out, item by item, gross extravagance contained therein. When we entered the Spanish-American War we appropriated that year only \$30,000,000. You propose this year to appropriate \$148,000,000. They say it is on account of the construction of vessels. In 1899 only \$48,000,000 was appropriated, and in that year they were constructing six battleships. Ah, the gentlemen say, the battleships cost so much more now than they did then. Let us see about that. The *Oregon*, as the yearbook will show, cost \$6,576,032.76. Recently constructed and put into commission was the *Michigan*, and she cost \$6,795,332. The *South Carolina* was recently put into commission, and she cost \$6,683,000. Last year we authorized one battleship. During the Republican administration they built navy yards for the purpose of constructing battleships. They appropriated the money to build those yards. We do not have to do that now. The other side of the House appropriated millions upon millions of dollars to build navy yards to construct battleships, and in the construction proposed we have the benefit of the yards, and it seems to me construction should cost less.

Mr. HOBSON. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. TRIBBLE. I will yield to my colleague.

Mr. HOBSON. The gentleman has remarked about the extravagance of the bill, carrying \$127,000,000 before the new construction program begins. I wish to ask the gentleman if he agrees with his colleagues who signed the minority report in stating that that part of the bill had been reported and adopted after a most careful and painstaking and effective investigation?

Mr. TRIBBLE. Who made that careful and painstaking and effective investigation?

Mr. HOBSON. I suggest to the gentleman to read the minority report. Does the gentleman agree with the minority report or not?

Mr. TRIBBLE. The gentleman from Alabama knows I do not agree with the minority report. I am nearer to the gentleman from Alabama on one proposition than I am to the minority report, because the gentleman from Alabama admitted on the floor of this House that the expenses of the Navy can be cut down one-third, and the minority report says not.

Mr. HOBSON. I just wanted to have the gentleman put that statement in writing. I was sure he was of that opinion.

Mr. TRIBBLE. That is where I stand, and I say to you to-day, Mr. Chairman and gentlemen of this House, that the only way you can get relief is to reconstruct the naval policy from bottom to top.

Why, gentlemen, it is conceded here that you have got to have a sufficient number of men, and it is conceded that you have got to have a sufficient number of officers, but why so many officers and men? Consult the Navy Yearbook at the time when the *Oregon* sent the Spanish fleet to the bottom of the sea and see how many they had on land duty then—not exceeding 250. There are 45 and 50 officers on the battleships of the *Wyoming* class this day of profound peace, when there is not a ripple to disturb the peace and quietude of the American people, except a little skirmish going on down here in Mexico. We could send one company of Union soldiers, such as fought against the Confederates, or half a company of Confederate soldiers down there [laughter] and drive the whole push into the bottom of the ocean. [Applause.]

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. TRIBBLE. In one minute. Why, Mr. Chairman, they tell you you must have these officers. As I have said, there are 50 officers on the *Wyoming*. You can see for yourselves by looking in the Naval Register. There are 50 officers on one ship sailing around over the sea. They say they need 3,000 more officers. Why do we need them? We now have near 2,500 stationed on land and the ships crowded. I want to say to you that if our old vessels are of no benefit, take the crews that are on the old vessels and put them on the new vessels that are being constructed. Educate these boys down here at Annapolis, if need be, a sufficient number of them. After they receive their diplomas select a part of them for service and return part into private life after a service of three or four years, but without retired pay. There are hundreds of them in my district who would be glad to come to Annapolis and get an education, serve the country four or five years without any compensation, just for the benefit of the education, and then retire to private life, subject to call to war service if the country ever needed their services to go upon these battleships.

Before I go further on that line, gentlemen say you can not fight a battle without trained soldiers; that all officers and men must have training for war service; that you must have trained soldiers; that you must have trained seamen; that you must have a thousand of them on each of these vessels; that you can not fight a battle unless you have got them. I want to say to the gentleman from Arkansas [Mr. Goodwin]—and he knows it to be a fact—that the finest soldier that ever drew a blade, except the Confederate soldier, was the Union soldier, and he was drafted into the service from the hills, mountains, valleys, and plains. The Confederate soldier held at bay all the armies that could be brought against him for four years. Where did he come from? He came from the hills of North Carolina; he came from the mountains of north Georgia; he came from the valleys of middle and south Georgia, from the mountains of Tennessee, from the mountains of Kentucky, from the river valleys of Alabama, and from the plains and valleys all over the South. Most of them had never seen a company of men until they were enlisted. The scarcely knew the battle cry. The gentleman from Alabama [Mr. Hobson] knows that the men who stood on the firing line and who were the most effective were the men who never fired an Army musket until it was handed to them when they enlisted as privates.

Mr. HOBSON. The gentleman will recognize the fact that in that war both sides were armies of raw recruits, so that neither side had an advantage in that respect.

Mr. GREGG of Texas. I think the gentleman from Georgia is entitled to have a quorum present, and I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum present. The Chair will count. Ninety-four Members present, not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, and the following Members failed to answer to their names:

Adair	Ellerbe	Kitchin	Reyburn
Alney	Evans	Konig	Riordan
Ames	Fairchild	Korby	Roberts, Mass.
Andrus	Ferris	Lafferty	Sabath
Ansberry	Focht	Langham	Scully
Anthony	Fordney	Lawrence	Slayden
Barchfield	Fornes	Lewis	Smith, J. M. C.
Bartholdt	George	Lindsay	Speer
Beall, Tex.	Godwin, N. C.	Littlepage	Stack
Berger	Goldfogle	Littleton	Stephens, Nebr.
Boehne	Gregg, Penn.	Longworth	Sterling
Bradley	Griest	McCall	Sweet
Brown	Gudger	McDermott	Switzer
Bulkley	Guernsey	McKinney	Talbott, Md.
Burnett	Hamilton, W. Va.	McMorran	Talcott, N. Y.
Burr	Harris	Mann	Taylor, Colo.
Carter	Harrison, N. Y.	Matthews	Taylor, Ohio.
Cline	Hart	Mays	Thistlewood
Conry	Helgesen	Moon, Pa.	Thomas
Copley	Henry, Conn.	Morgan, Okla.	Towner
Crago	Higgins	Mott	Townsend
Crumpacker	Hill	Needham	Vreeland
Danforth	Hinds	Nelson	Weeks
Davenport	Howell	Olmsted	Whitacre
Davidson	Howland	Parran	Wilder
Davis, W. Va.	Hughes, Ga.	Pattin, Pa.	Wilson, Ill.
De Forrest	Hull	Peters	Wilson, N. Y.
Denver	Humphreys, Miss.	Porter	Wood, N. J.
Dickson, Miss.	Johnson, Ky.	Rainey	Young, Mich.
Dixon, Ind.	Johnson, S. C.	Ransdell La.	
Dupré	Kahn	Rauch	
Dwight	Kent	Redfield	

The committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the naval appropriation bill, and finding itself without a quorum, he had directed the roll to be called; that 253 Members had answered to their names, and he presented herewith a list of the absentees.

The SPEAKER. The gentleman from Missouri, Chairman of the Committee of the Whole House on the state of the Union, reports that that committee having under consideration the naval appropriation bill, and finding itself without a quorum, he had directed the roll to be called; that 253 Members answered to their names, and he returns a list of the absentees. A quorum is present, and the committee will resume its sitting.

Accordingly the committee resumed its sitting, with Mr. ALEXANDER in the chair.

Mr. PADGETT. Mr. Chairman, before the gentleman from Georgia proceeds I want to state that I have been notified that a quorum must be present, and I beg to give notice to the House and ask Members to attend during the general debate, otherwise the point of no quorum will be made.

The CHAIRMAN. The gentleman from Georgia has 25 minutes remaining.

Mr. TRIBBLE. Mr. Chairman, my remarks are in noways a criticism of my colleagues on the committee. My attack is on the system that has grown up in this country, just as it has in all Republics from the beginning of time until the present day. I am attacking the system. My colleagues on the committee are faithful, they are worthy, they are competent, and the chairman of the committee is competent and worthy of the high position he now occupies on the committee. While frequently I do not agree with the chairman, he has a right to his views, as I have to mine. The work on our committee has been harmonious.

In 1896, when we went into conflict with the Spanish Government, we appropriated under the first section of this bill \$8,000,000 for the pay of officers and men. At the present time we appropriate \$39,000,000. Think of the increase in these few years. Why, Mr. Chairman, we appropriate nearly as much to-day for officers, active and retired, as was appropriated in 1899 for the entire naval expenses, when they were building six battleships. How can gentlemen on the floor of the House answer such a proposition as that? Eight million dollars for the pay of officers and men in 1896, and to-day thirty-nine millions for the pay of officers and men. Where does it go to? I have been trying to show you to-day. Some gentlemen have come to me since I have been speaking and asked me to point out where we could cut down these enormous expenses. Turn to page 195 of the hearings. Ah, gentlemen, I call attention of this side of the House again to the fact that the Navy Department itself seems to think that the Democrats are easy marks.

The amount recommended for Pearl Harbor before we came in was \$10,115,000. Gentlemen may be surprised to know that we have spent \$10,000,000 over on that little island. The gentleman from Texas says he does not know where it is. Now, the Democrats have come in, and since they have come in the Navy Department has raised it and asked us to give them \$1,816,000 more—nearly \$2,000,000 more—and we Democrats have agreed to it and have appropriated over a million in this bill. I quote from the report.

The increases under various items are—

Dock lengthened to 1,000 feet, from \$2,700,000 to \$3,486,500.....	\$786,500
Floating crane, 150 tons instead of 100 tons, from \$250,000 to \$335,000.....	85,000
Marine railway, not originally contemplated.....	100,000
Naval hospital, from \$211,000 to \$300,000.....	89,000
Coaling plant, from \$300,000 to \$960,000.....	660,000
Fuel oil and gasoline station, from \$45,500 to \$131,000.....	85,500
Quarters, Marine Corps, estimate increased by.....	10,000
Total.....	1,816,000

Mr. PADGETT. Will the gentleman yield?

Mr. TRIBBLE. I will yield to the gentleman.

Mr. PADGETT. The authorization was ten millions, as the gentleman states, but we have not appropriated it yet. The one million that the gentleman refers to is a part of that original ten millions.

Mr. TRIBBLE. Yes; and in this bill is \$100,000 for water front, \$30,000 for another proposition, \$65,000 for another, \$24,000 for officers' homes. We have spent \$93,000 for homes for officers there. Does the gentleman think we ought to spend \$24,000 more building houses for officers at Pearl Harbor? Think of it! One hundred and seventeen thousand dollars for houses of officers on an island so remote from our continent.

Also, I see \$50,000 for torpedo slips, \$100,000 for a marine railway on an island where—the gentleman from Texas says he does not know where it is. Here is \$30,000 for railway equipment, \$100,000 for a dry dock, and the previous administration has spent \$3,000,000 for a dry dock already.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. Yes.

Mr. GARRETT. Is it true, as the gentleman from Tennessee [Mr. PADGETT] has just stated, that this million dollars is a part of the original authorization and not an addition to it?

Mr. TRIBBLE. I say it is an excess appropriation this administration is called on to provide for, and we are to continue this appropriation at Pearl Harbor and spend in total \$12,631,500.

Mr. PADGETT. It is part of the original \$10,000,000.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. Mr. Chairman, I will ask the gentleman not to interrupt me now. I turn to page 4 of the hearings, under "Pay, miscellaneous," and I desire to call the attention of my colleagues to the fact that the Democratic Party has increased the expenses for court-martials. The previous appropriation was \$51,000 and our appropriation is \$62,000. Then go on down to another item and see the cost of special construction. Our appropriation is \$9,000 and the previous appropriation was \$3,000. Go down to the next item—postage, telephones, telegrams, and cablegrams—previous administration, \$71,000; our appropriation, \$81,000. Then, under the head of "Necessary incidental expenses"—and God only knows what that means—we have increased the amount from \$235,000 to \$264,000. How does this look for Democratic economy? I call the attention of the gentleman from Tennessee [Mr. GARRETT], who has always been very kind to me—and I am satisfied he wants light on this question—to miscellaneous, \$136,000, under the head of "Contingent," previous administration, and \$201,000 for the same purpose this administration, an increase in that item of nearly \$100,000. In another item just above, typewriters, the previous administration \$46,000 and ours increased to \$59,000. That kind of economy does not suit me.

Mr. GARRETT. Mr. Chairman, this was the particular matter concerning which I desired information from my friend. There seems to be an issue between the gentleman from Georgia and the gentleman from Tennessee [Mr. PADGETT], my colleague, upon the million-dollar appropriation. It seems there was an authorization of some ten million of dollars.

Mr. TRIBBLE. Yes. Now it is \$12,631,500.

Mr. GARRETT. The gentleman from Tennessee, the chairman of the committee, stated that this million which is appropriated is a part of the ten million, not an addition to it.

Mr. TRIBBLE. No; I do not so understand it; it is an increase.

Mr. GARRETT. That is the question.

Mr. TRIBBLE. I contend that they have asked for an addition of nearly \$2,000,000 more, and that a Democratic committee has given it to them, or has started to give it to them, and has appropriated part of it in this bill. Mr. Chairman, I

want to call attention to two or three more items. On page 65 of the hearings, you see such items as "stationery," and in the previous administration you will find \$135,000, while under the present administration \$182,000. Do you gentlemen blame me as a member of this committee for coming in here and crying out and crying out loud against such gross extravagance? This bill carries nearly \$150,000,000.

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. Yes.

Mr. GOODWIN of Arkansas. Mr. Chairman, much has been said about the policy of this Government, and the policy with reference to naval construction. The gentleman is a member of the Committee on Naval Affairs. I am not in accord with him, as being in favor of one battleship. I favor none, but when legislating it seems to me that we ought to legislate with reference to a certain policy. The gentleman is an authority on naval affairs.

Mr. TRIBBLE. Mr. Chairman, I hope the gentleman will not take my time.

Mr. GOODWIN of Arkansas. I suppose the gentleman has some knowledge as to the policies that prevail in European countries, as respects the different alliances, the triple alliance and the quasi alliance. I shall like to have him direct his remarks, if it be in accord with his views, as to how we should meet, if we meet at all, those two policies that prevail in Europe.

Mr. TRIBBLE. Mr. Chairman, I wish I had time to answer the gentleman's question, but I have not. I state on the floor of this House in my opinion we have enough officers, including the retired, to furnish a complement of officers not only for our battleships but for every battleship in the world, and they would be well manned. In fact, I believe they would be equipped as abundantly as was the Oregon with the brave Clarke and his 7 commissioned officers. He had with him, also, 7 cadets, 3 ensigns, 7 engineers, and 2 surgeons and paymasters. I am here to say in conclusion that I am in favor of a good Navy. I stand for a sea-going Navy and not a land craft of officers.

Mr. Chairman, I have as much pride in the accomplishments of our Navy as any man in this House, and I yield to no man in loyalty to the Navy. Where is there a man in this country whose heart did not throb with admiration and pride when Admiral Dewey pushed his gunboats into Manila Bay and thrust aside those great German war vessels which lay alongside, growling like dogs and roaring like lions, but which dared not touch the flag he bore? [Applause.] For that kind of a Navy I stand. Therefore I shall vote for one battleship of modern structure, ready for the conflict should it suddenly come. [Applause.]

The CHAIRMAN. Does the gentleman reserve the balance of his time?

Mr. TRIBBLE. I yield the balance of my time to the gentleman from Missouri [Mr. HENSLEY].

Mr. HENSLEY. Mr. Chairman, I desire to say here and now that, if it were not for the fact that I feel deeply interested in this subject, I would not consume the time of the committee by making a speech in the closing days of this session with the calendar crowded as it is. But if ever I felt justified in taking a stand and in making a fight for a proposition it is upon this bill coming from the Committee on Naval Affairs, which carries something near \$150,000,000, \$20,000,000 more than any bill has carried heretofore. I feel that if ever a minority or a body of men were clad in the armor of a righteous cause, we are in this fight. We therefore proceeded to present the minority report to this House, regretting that it was necessary to do so. If we had not entertained positive convictions as to our duty in the premises, first, with respect to the Nation and incidentally to our party, by keeping inviolate the pledges made to the people, we would not have pursued this course. We did not therefore desire to sacrifice principle nor disregard platform pledges for the insufficient plea made for party harmony which we might otherwise seek to promote.

I can not subscribe to a great many things said by my colleague upon the committee, Mr. TRIBBLE, and perhaps he does not subscribe to some of the things for which I stand; but I do wish to say in this connection that I, too, stand for an adequate Navy. I favor an adequate Navy, not only for the glory of the Navy, but for the glory of the American people as well. I favor an adequate Navy that will protect all the legitimate interests of this great country of ours either at home or abroad. I do not believe, Mr. Chairman, that the American people desire to go further than this. I must confess that our Navy is inadequate for a great many purposes. It is inadequate for the purpose of conquest, and I believe that I am speaking the sentiment of the great masses when I say that the time has not arrived—and I

trust it will never arrive—when we should trample beneath our feet the principles laid down by the fathers of our country by increasing the tax burden in order that we might build a magnificent Navy and establish a large standing Army for purposes of conquest. If I believed that we are to face about upon these questions, it would be so abhorrent to my convictions that I would be ready now to resign my seat in this House and return to my home rather than violate those principles which I conceive to be so essential to the perpetuity of this free constitutional Government of ours. I am ready to confess that our Navy is insufficient and inadequate to meet the combined fleets of the whole world. It is also inadequate to gratify the greed and avarice of those who annually make millions of dollars out of the construction, repairs, coal, powder, armor, and armament which is used in the construction and to maintain our Navy, and I am constrained to believe that for this purpose the Navy would be inadequate, even though we had a thousand battleships. We can not hope by legislation to gratify the wild-eyed extravagance of those who measure all political wisdom by the magnitude of the fund to be squandered. For the purpose for which the Navy was intended, that of defending our country against attack by any nation on earth, I am convinced it is amply sufficient; and for any other purpose we need no Navy at all. I can not believe to merely increase the number of battleships will make our Navy effective. Our Navy is now sadly in need of additional torpedo boats and other auxiliaries so as to make our present battleships effective. Sufficient provision has not been made in this bill, the largest ever reported to Congress, to so equip our present battleships. It occurs to me as bad business judgment to build two additional battleships before we have equipped our present ships with proper auxiliaries in order to make them effective. I favor and shall vote for one battleship rather than authorize more at this time, and I trust and believe we will have sufficient votes to reduce this bill to an authorization of one battleship. It has been my policy, and I shall at all times continue to ascertain, if possible, the necessity for these large items of expense, not only with respect to the Navy but affecting all departments of Government, before I shall support any of such bills. I shall in no case impair the efficiency of any department.

The officers and enlisted men in our Navy number 65,614, and the vessels of all kinds number 277—38 battleships, of which 33 are ready for service and 5 are in process of construction; 11 armored cruisers; 63 submarines, of which 47 are complete and 16 are in process of construction; 28 torpedo boats; and 54 destroyers, and numerous other auxiliary vessels. The 38 battleships are equipped with 148 12-inch guns, 32 13-inch guns, and 52 14-inch guns, and, in addition to all these, we have guns of smaller caliber too numerous to mention. Take, for instance, that nation concerning whose warlike movement some of our friends are so much disturbed, Japan, we have 148 12-inch guns and Japan 84, a difference of 64 in our favor. Our Navy has 32 13-inch guns and Japan 56, a difference of 24 in their favor. We have 52 14-inch guns and Japan 12, a difference of 40 in our favor. Our Navy has in large guns, from 12-inch to 14-inch, 232 and Japan 152, a difference in our favor of 80 guns; and yet, in the face of this showing, some of our people are so disturbed they can hardly sleep because of fear lest Japan shall with one fell swoop destroy our Navy and thus victimize ninety-some millions of American freemen. From this comparison such a conclusion is too ridiculous to entertain. But let us follow this comparison a little further. The navy of France has 118 12-inch guns and the American Navy 148, a difference in our favor of 30. France has 54 13-inch guns, a difference of 22 in their favor. The navy of France has no 14-inch guns, which leaves a difference of 52 in our favor. In all we have 232 large guns and France a total of 172—60 in our favor—yet we are urged to build more battleships because other nations will build them. Take, for instance, the navy of Germany, one of the greatest on the waters of the earth. Germany has 198 12-inch guns, a difference of 50 in their favor. We have 32 13-inch guns and Germany no 13-inch guns. Germany has 40 14-inch guns, which leaves a difference of 12 in our favor. Including all the large 12-inch to 14-inch guns, our Nation has 232 as against 238 for Germany, leaving 6 guns in their favor; but, mind you, the fact that we have 32 more 13-inch and 12 more 14-inch guns beyond doubt makes our Navy the superior. England exceeds us 152 in 12-inch guns and 162 in 13-inch guns, but she has no 14-inch guns and we have 52, yet when we consider that in the event of war she would be compelled to divide her navy into a great many fleets or leave her vast possessions in every part of the world unprotected, it seems to me a clear proposition that she could not send against us any fleet which our Navy would be unable to resist.

Furthermore, the fact that our Navy is now divided into two fleets, one of which is called the active fleet and the other

the reserve fleet, to be used only in case the active fleet should be defeated, proves the impossibility of using to advantage more than that number in one engagement. It is therefore plain that the victory in a naval battle does not depend on the number of ships, but on other conditions, such as the character of powder, of the guns, of the shells, and of the patriotism, courage, and skill of the men behind the guns. If the powder in our guns were superior in force and in uniformity of character, the shells from our guns would be propelled with greater accuracy and more destructive force. If the powder in our guns should propel the shells with sufficient force to penetrate the armor of the enemy's ships, and the powder in their guns were lacking in the power to cause their shells to penetrate the armor of our ships, it is manifest we would destroy their fleet, however superior it might be in numbers. Then how can you insist that the efficiency and adequacy of the Navy depends not on the conditions mentioned, but upon the further increase in the number of battleships, when there has been nothing advanced to prove it? In fact, this question received little or no attention in the committee, and no one has undertaken to tell us why we need more battleships. I believe we should exercise the same calm judgment in these matters as we would concerning our own private interests, and this shall be my course.

Again, the superiority of the guns is a condition that would determine the result of a battle. The size and mechanism of the guns is far more important than their number. A 14-inch gun has a destructive force 50 per cent greater than a 12-inch gun, and on account of the flatness of the trajectory, the winds, and other causes, explained to the committee by the experts, shoots with an accuracy 30 per cent greater than the 12-inch guns. In explanation of the difference between these guns, Admiral Twining, Chief of the Bureau of Ordnance, makes the following statement (p. 72, hearings, 1912):

The CHAIRMAN. What is the result of your tests of 14-inch guns? Are they entirely satisfactory?

Admiral TWINING. Yes, sir.

The CHAIRMAN. What is the comparison between the 12-inch .50-caliber guns and the 14-inch .45-caliber guns? I believe those are the calibers.

Admiral TWINING. The 12-inch .50-caliber is the latest type of 12-inch gun.

The CHAIRMAN. What do you regard as the destructive force—the power of those two guns—speaking relatively, at 10,000 yards?

Admiral TWINING. I suppose the destructive force of the 14-inch gun is 50 per cent greater than the 12-inch at that range.

The CHAIRMAN. What is the relative percentage of accuracy of the two guns at that distance?

Admiral TWINING. The 14-inch gun is probably 30 per cent more accurate at extreme ranges.

Mr. FOSS. What do you base that on?

Admiral TWINING. The flatness of the trajectory and the fact that the 14-inch shell, having almost twice the weight of the 12-inch, will keep its steadiness of flight much longer and be affected much less by winds and other external conditions toward the end of the trajectory. Whereas the comparison would be in favor of the lighter shell with greater velocity over the first part of the trajectory, in the latter part the comparison is in favor of the heavy shell.

The CHAIRMAN. What is the difference as to the destructive effect?

Admiral TWINING. That is based on the greater probability of hitting and the greater effect of a hit. A shell weighing 1,400 pounds will have more effect when it hits than a shell weighing 870 pounds, and its bursting charge is 50 per cent greater.

Mr. FOSS. How far will a 14-inch gun throw a projectile?

Admiral TWINING. We used to have a thumb rule that a gun would fire a mile for every inch of caliber. In that case the 14-inch gun would fire 14 miles, and I think it would not fall far short of that. In nautical miles that would be 28,000 yards, and I should judge it would do at least that. However, that would involve an angle of elevation that we can't use on board ship on account of the strength of the ship itself.

This is a positive showing in our favor that can not be disputed; and further than that, it does not take much wisdom to understand that the thousand miles of water separating us from these warlike countries is worth hundreds of battleships dotting the ocean, for we are not embroiled in the quarrels and the many difficulties these countries are engaged in by pursuing the policy of the survival of the fittest in the acquisition and protection of their distant territory. But the proponents of a large and magnificent Navy do not base their contention upon this comparison, but, instead, declare we ought to build more ships, not because our Navy is inadequate, but because foreign governments will build more. Now, let us see about that. The truth is that foreign governments have been struggling to keep up with us instead of us endeavoring to keep up with them. Within the last 10 years we have spent \$410,553,321 more on our Navy than has France, \$452,666,115 more than Germany, and \$1,019,890,156 more than Japan. It seems to me if there ever was a deadly parallel drawn this certainly constitutes one.

Yes, I have not a doubt with reference to the system employed by the beneficiaries of this building program, both in this country as well as in others. Their representatives keep up a systematic campaign through the press of the country for a large navy without stopping to consider the fact that to-day we are short over 3,000 officers necessary to man the battleships we already have. This is a remarkable condition of affairs when you consider that we have about 1,000 naval officers on the retired list whose pay, notwithstanding they are ren-

dering no service to the American people and most of whom never saw the smoke of battle, far exceeds the pay of the officers in the service. The rear admirals on the retired list are drawing over \$1,000,000 annually, a beautiful system of rendering service to the American people, garbed in a dress suit and crowded around banquet tables, putting in the most of their time campaigning with Members of Congress to have the amount carried in the naval appropriation bills increased. It was stated on the floor of this House last year by the ranking member on the Committee on Naval Affairs, the gentleman from Texas [Mr. GREGG], that it would take over \$300,000,000 to build the necessary torpedo boats and other auxiliaries to equip the battleships we already have as fighting units. We need the auxiliaries badly. Men who know say that to put a battleship in line of action without being protected with the necessary auxiliaries would be a criminal policy on the part of our Nation. But the armor-plate people and the big interests are urging more battleships, costing sixteen to twenty millions, instead of these needed boats which will cost less than \$1,000,000 each.

Mr. Chairman, on Saturday I listened most attentively to the speech made by the gentleman from Illinois [Mr. FOSS], and I must say that I was to some extent amused by his remarks. He is the ranking minority Member on the committee, having served as the chairman of the Committee on Naval Affairs for a number of years. The gentleman from Illinois seemed to take special pleasure in criticizing the majority of this House because it had treated this subject as a party question and, as he stated, had assumed the attitude of partisans in connection with the national defense of our country. I most heartily agree with Mr. FOSS that we should not approach this subject from a partisan standpoint; that it should be placed upon a higher plane than party politics. It was indeed amusing to see how quickly he turned from this splendid position and delivered one of the most partisan speeches I ever heard delivered on the floor of this House, in the course of which he declared that his party was a friend to the Navy and that the Democratic Party had never been in favor of a Navy. In the hour consumed by the gentleman from Illinois he could not have used stronger argument, nor have resorted to more effective methods to reduce this subject to the lowest plane of partisanship.

On Saturday evening I took occasion to go to my office and review the records of Congress and consult some of the speeches heretofore made by my friend, Mr. FOSS. I found that on numerous occasions he had made almost the identical speech that he delivered here on Saturday. In some three or four speeches, covering as many Congresses, he refers to the position taken by the distinguished gentleman, Mr. Bryan, of Nebraska, who when a Member of this House delivered a speech in which he declared that the Navy was adequate to meet all the needs of this great country of ours. Can you dispute that proposition? Was not the Navy adequate and sufficient at that time, or at any time before or since, for that matter, to meet all the needs of our country? If that proposition can be successfully disputed, then I have not read the history of my country aright. The gentleman gives his unqualified indorsement to this bill, saying that it was framed along the line that he had framed bills heretofore; that it conformed to the building program of the Navy; and then turned around and attempted to deal the majority on this floor a blow, because of the very fact that this bill carries several millions more than any naval bill heretofore reported from this committee. Then he takes the aggregate of the appropriation bills pending and undertakes to show that the Democratic Party is going to violate every pledge made to the American people in the last campaign. With what consistency can the gentleman stand upon the other side of this House and compliment and congratulate the chairman of this committee upon the framing of this bill, which is based absolutely upon estimates received from the department of Government, wholly Republican, and then in the next breath criticize this Congress for doing that which he indorses? I agree with the gentleman that the bill carries too much money, and I appeal to him to not be actuated by partisan reasons, but to rise above those considerations and join those of us who are endeavoring by every means within our power to reduce the amount of this bill. [Applause.]

Mr. Chairman, I desire to call attention to some figures submitted by the gentleman from Illinois:

In 1897 our appropriation was \$33,003,234.19.
In 1909 our appropriation was \$136,935,199.05.

We should deal with this question, it seems to me, as business men as well as patriots. It requires as much patriotism to guard carefully the rights of our people in connection with the expenditures of government as it does along any other line. Away back in the district which I have the honor to represent there are citizens, humble though they may be, who contribute their mite toward the expenditures of this Government, and

what is true in my district is true with respect to every other district in the country. We should keep them in mind. We should be patriotic enough to guard their interests, the humble citizen as securely as we would guard the interests of the most powerful and most influential. I hope to see the day when the revenues necessary to meet these enormous appropriation bills are derived from the wealth of the country by means of an income tax, instead of being wrung from the people, as it is now, by a system of taxes placed upon their foods and their wearing apparel. When that day arrives, in my opinion, you will find an increased number of economists on the floor of this House.

Now, let us examine the table of figures submitted by the gentleman from Illinois, showing the expenditures of the Government to keep up this department, covering a period of 12 years. From 1897, 12 years following, the naval expenditures of this country increased 400 per cent. Now, if the expenses increased in that time 400 per cent, what assurance have we that the bill 12 years from now will not carry four times as much as it does now. Mr. Chairman, it is not always safe to look to a thing itself in order to ascertain whether or not it is fallacious, for very often it is necessary to measure the distance and determine where the thing leads to; and I say to the membership of this House, if you take the present bill, carrying nearly \$150,000,000, and increase it 400 per cent within the next 12 years, we will be appropriating over one-half billion of dollars for this purpose. Therefore I appeal to you to consider carefully this subject before you take your stand. If we reach the enormous sum of more than a half billion dollars in 12 years, the end will not be in sight, for you appreciate the fact that there is one of the most formidable lobbies maintained here in connection with the Navy that ever existed anywhere. Shall we feed them and pamper them and let them fatten upon the tax money that has been wrung from the American people, until we become less able to meet these important duties and successfully resist this great pressure in the future than we are to-day? Take, for instance, the Navy League. The president of this association in 1912 was Gen. Horace Porter; treasurer, J. P. Morgan, jr., son of J. Pierpont Morgan; and Herbert L. Satterlee, son-in-law of J. Pierpont Morgan, counsel. The purpose of this league is to keep constantly before Members of Congress arguments in favor of increasing the Navy and building more battleships. I am informed that they pay for newspaper space throughout the whole country in an effort to influence and educate the people as to the necessity for a large navy. It is the rights of the masses that should engage the attention of this Congress and not those things advocated by J. Pierpont Morgan and his crowd, who are supporting the Navy League in their efforts to secure larger appropriations for this department of Government. It does not require a Solomon to understand why these people are busying themselves in an effort to increase the appropriation bills coming from the Committee on Naval Affairs. You consult the items in this bill and observe the millions going for armor plate and for other purposes. It seems that that should indicate to you just why they are so insistent in their efforts to secure these increases.

All this prating about patriotism, the glory of the flag, the glory of the country, the glory of a large navy and a large standing army, in connection with the assumption that those who are engaged in this movement have a corner upon patriotism and love for country, is enough to disgust anyone. I yield to no man when it comes to patriotism and love for country. I was taught to revere the flag as the emblem of purity, of truth, and of liberty. I do not believe, Mr. Chairman, that simply because these gentlemen favor one, two, or more battleships that this, in just that particular degree, indicates their patriotism. I repeat, I yield to no one in admiration for the flag and love for country, yet I refuse to commercialize patriotism for the enrichment of the armor-plate people at the expense of the great body of our people who produce the wealth of our country and who safeguard her liberties. I therefore protest against establishing as the standard this inaccurate and grossly insufficient basis. We must give more attention to improving the conditions among the poor of our country, so as to bring comfort and happiness to the homes of our people in order to give the greatest potency to our flag.

We want a government so wisely administered in its every connection that the humblest citizen of the land will love the flag of his country, so that when called upon he will kiss his loved ones good-by, shoulder his musket, and sacrifice his very life in defense of his country. I do not believe that the respect accorded our flag and our country by the other countries of the world is due entirely to the fact that we have so many battleships carrying so many engines of destruction, or because we have a standing army of so many thousand men, but rather, I believe, Mr. Chairman, it is because we have ninety some mil-

lions of American freemen who have been reared under our beneficent institutions, and in whose breasts beat a patriot's heart. That is the position I take, and I repeat that I am for an adequate navy, not a top-heavy navy, my friends, as the gentleman from Alabama [Mr. HOBSON] seems to favor, and it is amusing to observe that when he wanders out into the broad domain of conjecture and guess, when he comes to dealing with those questions of what may or may not happen in the dim distance of the future he can make the most powerful argument I ever heard in my life. He insists upon four battleships, and while delivering his masterful speech last Saturday upon this subject someone on the other side of this House asked him the question, How are you to man the battleships we already have, when it has been stated and not disputed that we lack over 3,000 officers for this purpose? He never did answer the question. He was thrown back upon his resources, and he took the position and made the argument, so familiar to us all, that just as soon as we adopted his plan of national defense all will be well and we can then reduce the expenditures of government. That is the position he took and he never at any time answered the question. So I say to you that we want a navy and we want an effective navy, but we do not want a navy too large to be properly manned and properly equipped for service in case service is required. It occurs to me that if you were ever on one of these battleships you would better understand why naval officers desire more battleships.

The captains in charge of those battleships are monarchs of all they survey. Hundreds of men stand ready to answer their beck and call, and the boat in its every connection is a great floating palace, equipped for ye gods, as palatial as one can conceive of. It seems perfectly natural that the officers would insist upon large battleships instead of small boats, and, mind you, we are dependent upon the officers of the Navy for every bit of information we obtain, as well as for recommendations upon which we predicate the naval bill.

Mr. HOBSON. Will the gentleman yield at this point for a question?

Mr. HENSLEY. Yes; if the gentleman will not make a long speech about his national-defense proposition.

Mr. HOBSON. I will say to the gentleman that we have more than enough officers and men to man all the battleships, and any additional battleships that may be provided in this bill or any bill hereafter.

Mr. HENSLEY. Yes; Mr. Chairman, I remember that question has been put to the gentleman heretofore, and he has said that we can man the battleships we have, if we take the men from the torpedo boats and those auxiliaries, but I am told that it would be almost criminal to put these battleships in action without the necessary auxiliaries. Yes; that is the answer the gentleman made to this question on a former occasion.

Mr. HOBSON. Taking all the necessary destroyers and auxiliaries of the fleet—

Mr. HENSLEY. Oh, be candid, and say that the only way out of the situation is to adopt your plan of national defense. That is the position you have taken on every occasion I have heard you argue the proposition.

In conclusion, Mr. Chairman, I desire to say that the \$33,000,000 carried in this bill for battleships represents just about the annual value of the wheat crop of Missouri. The amount necessary to build two battleships would construct about 11,000 miles of road at \$3,000 per mile. It would give about \$270,000 to each of the 114 counties of that great Commonwealth. At \$3,000 per mile would build something like 90 miles of road in each county. This is the amount we propose to pay out with virtually nothing returning, at a time when it is not necessary, whereas internal improvements of this character would be of permanent benefit to all our people, and with good roads throughout our country the mobilization of troops in case of war would be a very simple matter. The increase in wealth resulting to our people because of improved facilities in marketing their produce would immeasurably strengthen our Nation from every standpoint. So I beg of you to vote with us for the construction of one battleship at this time.

The CHAIRMAN. The gentleman from Illinois [Mr. GRAHAM] is recognized.

Mr. GRAHAM. Mr. Chairman, I got the scare of my life in this Chamber on Saturday last as I listened horror struck and spellbound to lurid and eloquent description by the gentleman from Alabama [Mr. HOBSON] of the awful condition to which we would be reduced if we failed to appropriate for six battleships. Invasions from the east and invasions from the west. Germany would overrun us from one side and Japan from the other. My mind involuntarily went back to the days of the Goths and the Visigoths and Huns and Vandals. I could see Genseric and Alarics and Attilas pouring over our land

as they poured over the valleys of the Rhine and the Danube 1,500 years ago. And on the other side I recalled Sennacherib and his host of Assyrians "who came down like wolves on the fold."

The cold chills ran up and down my spine as I thought of a repetition of those times, and I began for the first time in my life to regret that the country out in Illinois was so flat and rich and fertile. Oh, for some mountains or even hills, or some ravines or gorges or canyons or caves to hide in; but there are none; and when these invading hosts march up and down the banks of the classic Sangamon our case will indeed be desperate.

The gentleman from Texas [Mr. DIES] followed the gentleman from Alabama [Mr. HOBSON], and brought me some relief. His remarks were like first aid to the wounded. I shall always feel grateful to him for his timely assistance.

If Germany has designs on us, which I do not believe, has she not some stumbling blocks in her way near home? Are her relations with her neighbors such as to encourage her to provoke a quarrel with us?

What about the mad rivalry between her and Great Britain? What about her neighbor to the west? With Great Britain naval supremacy is not a matter of sentiment or even of ambition; it is a matter of food for her people.

We were told about German invasions and about Japanese invasions, and I could hardly help wondering what the outcome of it all would be. I wonder if it occurred to the gentleman from Alabama, as it occurred to me, after I got my breath, that Germany had matters to look after at home, that she entered into a mighty career of rivalry in naval construction with Great Britain and others of her neighbors, and that before she could give much attention to us she would have to consider conditions nearer her own door.

Mr. HOBSON. Mr. Chairman, will the gentleman yield for a short question?

The CHAIRMAN. Does the gentleman yield?

Mr. GRAHAM. I could not very well, unless my friend will agree to have my time extended, because I shall have more to say than I shall be able to say in the time at my disposal.

With Great Britain the case is very different from that of any other nation. I was in that country about 10 years ago, and in the neighborhood of Trafalgar Square I saw a great arch spanning the street, decorated with a variety of vegetable and forest products of Canada, our neighbor to the north, and over the arch was written the legend, "Canada, the granary of England," and the thought occurred to me then, as it often had before, What would England do if some power intervened and prevented her and her granary from having mercantile correspondence?

With England the question of a great navy is a question of food for her people. She must maintain her preponderance on the ocean or else sink at once to the position of a second or a third rate power. But that condition has no application to us. We can live at home and feed our people at home. We do not have to go overseas for a granary.

The gentleman told us about the possibility of invasion from abroad. Well, that did not alarm me much after I thought about it for a while. I recalled that once the great Napoleon invaded Russia, and that he made most careful and detailed plans for that invasion, but he omitted one point. He took no thought as to how he was going to get his army back. And I would respectfully suggest to any nation which has thought of invading the United States that they do not make a similar mistake.

The gentleman from Pennsylvania [Mr. BATES], arguing for more battleships, says many of our older ships are obsolete because of changes and improvements in construction since they were built. He says the world moves and we should move with it. In this he is right, of course; but I think the world has been moving faster than he realizes, so fast that the ships and the armament he pleads for are getting to be out of date. The world is rapidly leaving them behind. Before those already contracted for can be built they will be in the class he refers to.

There are two factors in the problem of naval warfare which have not received the attention in this debate which their importance demands—first, the question of projectiles, and, second, the question of motive power or propulsion.

I contend that changes have taken place in the former and are rapidly taking place in the latter, which must be reckoned with, as both call for radical changes in ship construction.

In naval warfare, as in encounters of every kind, the two main things to be considered are attack and defense. Since the introduction of armored ships there has been a very spirited contest going on between the manufacturers of projectiles and of armor plate. First, they made armor which could not be pierced by shells, then they made guns and shells which could pierce it.

They kept on increasing armor strength and gun power until now some ships are protected above the water line by armor plate 16 inches thick and so hard that a diamond would scarcely scratch it. And yet guns are made powerful enough to send shells through it. But the mere sending of a shell through the side of a ship—that is, merely making a hole 10 or 12 or even 14 inches in diameter in the side of a battleship above the water line—amounts to little. The ship could float and fight with a dozen such holes in it. The mere perforation is not the main purpose. The shell is intended to go through and explode after it goes through, and if it fails to do this it is comparatively ineffective. In making the guns powerful enough to pierce modern armor they necessarily make them powerful enough to carry a great distance, to have great range, and hence as a result of heavy armor plate we have long-range guns and long-range battles.

And here another element enters into the problem, namely, the modern torpedo, the most deadly enemy of the fighting ship, because it strikes and explodes below the water line, where there is no armor protection and where the blow means certain destruction. As the practical range of the torpedo now extends to 10,000 yards, it follows that a ship whose guns are effective only at a shorter range than that is, when in actual battle, in constant danger of destruction by torpedoes. Hence, the necessity for armament and shells which will be effective at a greater range than 10,000 yards. Indeed, they should be effective at 14,000 or 15,000 yards. These conditions confront those interested in perfecting naval attack and defense.

There has been much discussion and much experimenting to determine the relative merits of the different theories as to projectiles. First, the old theory of using shells intended to pierce the ship's armor and explode after penetrating, known as armor-piercing shells. Second, the theory that the shells should explode at the moment of striking and before penetrating and should contain some powerful high-explosive material, such as gelatin or guncotton. This explosion would have a racking effect calculated to shatter or drive in or tear open the side of the ship struck and disable or sink it.

Some points of superiority in the latter are at once apparent even to the layman. Where the damage caused by a shell results from the force of the explosion rather than from the force of the impact, a spent ball, having force enough to explode the shell, would be as effective as any, and such shell would be as effective at long range as at short range.

This would not be true of the armor-piercing shell, which would be comparatively harmless at such a range. Reference has been made to the Battles of Manila Bay and Santiago, but neither of these shed any light on the subject, as they were both fought at short range and before the perfection of the torpedo.

If we retain the armor-piercing shell, we should probably retain the heavy armor, even though we have to pay \$452 a ton for it; but if we have the high-explosive shells, armor half as thick would do just as well. It is, therefore, fair to conclude that if the high-explosive shell is practicable it is preferable.

But its practicability and its destructive power are no longer matter of speculation. The historian of the Battle of the Yellow Sea, who was an eyewitness of what he described, says of them: "It seemed as if they were mines, not shells." Of their destructive power, he says:

Such havoc would never be caused by the mere impact of a shell, still less by splinters. It could only be caused by the force of the explosion. In one instance, at least, they tore the side out of the ship, making not a simple hole, but a gateway, so that the vessel immediately sank.

To illustrate the mere force of these shells Assistant Naval Constructor Dashiell stated before the Senate Naval Committee in 1899 that two 12-inch service shells penetrated the Spanish cruiser *Maria Teresa*, exploding after penetrating, therefore having the maximum effect. In spite of this and other injuries the ship was afterwards started home. It was Mr. Dashiell's opinion that a single high-explosive 12-inch shell would have carried off her entire stern, leaving nothing of the ship to float. He also stated that these shells were entirely safe to handle and use, and that in his opinion they had revolutionized the use of high explosives in warfare.

Mr. Charles O'Neil, Chief of Bureau of Ordnance, who was opposed to the use of high-explosive shells, paid tribute to their destructive power when he said that "the result of a premature explosion of a 500-pound high-explosive shell is too dreadful to contemplate."

The use of such shells by Japan in the war with Russia was a severe surprise to that great power, and contributed largely to bring about her humiliation and defeat.

How much better it would have been for her had she known their destructive power in time either to arm her navy with

them or to avoid the Japanese navy, which was armed with them. Shall we also delay their adoption till we learn their destructive power, as Russia did?

It is quite improbable that Japan is the only nation which adopted them. The Army and Navy Journal in 1907 said editorially:

The fact is unmistakable that high explosives must be reckoned with. At least three navies carry picric shells afloat to-day. If we had trouble with Japan, we would soon learn what shimose is, and it would not be long before we were turning it loose on our own account.

It is fair to presume that those nations which have adopted its use and are familiar with its effects are devoting their energy to finding some plan of construction that will at least diminish its destructive power, but as our Ordnance Bureau is opposed to the adoption of high explosives they are practically estopped from considering plans of construction designed to meet this method of attack.

The other matter affecting naval construction in which the world is moving faster than we are is the matter of motive power—the question of propulsion.

Those who give any attention to ship construction must have noted the growing importance of this problem. Many well-informed people think changes of a revolutionary character are taking place and that they will necessarily cause a revolution in the construction of fighting ships.

The change I refer to is due to the invention of the internal-combustion engine, or the Diesel engine, in which crude oil is consumed—not in furnace, but in the engine's cylinders, thus doing away altogether with boilers, coal bunkers, and smokestacks, and even reducing the space necessary for the machinery.

Dozens of ocean-going steamers are to-day equipped with and driven by this kind of motive power.

In 1911 the *Toiler* and the *Christian X*, ships driven by internal-combustion engines, crossed the Atlantic. Two tons of crude oil furnished propulsion power equal to 8 tons of coal. The *Holzaphel*, a British ship of the same type, also went into trans-Atlantic commerce in 1911. The *Selandia* and the *Jutlandia*, Danish ships of the same type, made their appearance in 1912.

Many such ships are now in course of construction, and the German Government is now building engines of this type for one of their new battleships.

In the present type of fighting ship fully one-third of the space is required for boilers, coal, and other paraphernalia relating to propulsion, nearly all of which is eliminated in the new type.

Mr. PADGETT. Mr. Chairman, will the gentleman permit an interruption there?

Mr. GRAHAM. I would rather not. What is the nature of it?

Mr. PADGETT. I will say we have a provision in this bill for the development of internal-combustion engines.

Mr. GRAHAM. In the present type the smokestacks offer a fine target to the enemy, and if injured or destroyed greatly interfere with the handling of the ship.

Even though they escape they furnish a target for the enemy; and if coal is used the smoke interferes with their own aim, while it informs the enemy of their location.

In the new type all these drawbacks are avoided. In the present type of ships the space for ammunition is greatly restricted. They can not carry a sufficient supply for battle use for lack of space. In the new type, with boilers and coal bunkers eliminated, more ammunition can be carried, and yet the size of the ship and hence the exposure reduced, without in the least impairing its fighting power.

The enemy's shells could not blow up its boilers, it would have none; and its engines could be thoroughly protected. In the heat and strain of battle its stokers and coal handlers could not give out; it would have only pumps.

With the changes already effected in projectiles and the changes now being made in propulsion which are certain to be perfected before any ships we would now authorize could be constructed, I can not bring myself to vote money for battleships which would be obsolete before they were built, any more than I would have voted to build wooden battleships after the appearance of the *Merrimac* and the *Monitor*.

Mr. Chairman, my position in this matter differs somewhat from that of some gentlemen who oppose the building of any battleships at this time. I do not oppose them merely to keep the appropriation down.

The American people are neither picayunish nor parsimonious. They believe in getting what they need and paying for it. But they want the best.

It was not large appropriations that defeated the Republican Party last November; it was defeated because continued success had made it drunk and it forgot its responsibility to the people and turned them and their Government over to big interests for exploitation.

That party had abdicated in favor of the trust magnates and the tariff grafters, and had grown so rotten that it broke in pieces, making its defeat easy. [Applause.]

I do not look for a great reduction in public expenditures right away. We have grown accustomed for these many years to extravagant methods of national housekeeping, and we must get away from them gradually.

I am not opposing the building of battleships merely to save the money they would cost. I oppose them because I am satisfied they do not constitute an efficient Navy. I oppose them because I believe they are of far more value to the Steel Trust and the Armor Trust than they are to the Nation [applause], and those concerns are much more insistent on building dreadnoughts and superdreadnoughts, and putting on them all the armor they can carry at \$450 a ton, than the American people are, and I believe that the talk about foreign entanglements and about more battleships is due to the activities of their publicity bureaus rather than to any real public feeling. [Applause.]

A short time ago I received through the mail a little pamphlet, giving 67 alleged reasons why the United States should maintain a strong Navy. This pamphlet purports to be gotten out by the Navy League of the United States, an organization having headquarters in the Southern Building in this city. Mr. J. P. Morgan, jr., is the treasurer, and Mr. Herbert Satterlee, Morgan's brother-in-law, is its legal adviser. As recent investigations have fully disclosed the relations of the Morgan family to the Steel Trust, and as the Steel Trust has a special interest in the building of battleships, there are some who will suspect that the purpose of the Navy League is not wholly and disinterestedly patriotic. The league attacks the patriotism of those who oppose the three-battleship program, but when the carrying out of such a program would result in great financial benefit to some of the officers of the league and to business concerns in which they are interested, does it not lay their motives and their patriotism open to suspicion? Page 3 of this pamphlet gives the legislative program of the league as follows:

To provide a council of national defense, which will decide the country's naval policy and standard.

To make the necessary appropriations to carry out a continuing and consistent program of naval construction.

To increase the efficiency of the "personnel" of the Navy by a reformed system of promotion for officers.

To make the Naval Militia subject to the call of the President in time of war.

To provide a naval reserve which will include honorably discharged men of the Navy, the Naval Militia, and men from the merchant marine.

To encourage a strong merchant marine, which can serve as an auxiliary to the Navy in time of war.

In this program there is no suggestion of change or improvement in the matériel of the Navy, only in the personnel, and the league reminds Congress that it must not overlook the necessity of encouragement for a strong merchant marine. Is this a hint that a subsidy would be acceptable to help Mr. Morgan's Shipping Trust?

Mr. SHERWOOD. How about the Powder Trust?

Mr. GRAHAM. To what extent has this Navy League or kindred influences been dominating our naval policy? We pay \$452 a ton for armor plate, and I am informed by very good authority that the best armor plate can be furnished at less than \$200 a ton, with handsome profit. The more battleships we build and the bigger we build them the better for the concerns that furnish the steel and armor plate at such enormous profit. Has the Navy League one eye on this fact?

I quote a paragraph from the official organ of the league for October, 1912, showing how they go about their work:

In the coming fight for three new battleships, the league proposes to endeavor to enlist the voluntary services of 500 of its members, as newspaper correspondents, to write to their local newspapers, expressing their sincere convictions of our need of a fleet second only to that of England. About 50 members following such a plan accomplished much during the past year; but there should be 500 members, in at least 40 States, who will furnish their local papers with naval articles and letters. This is a direct, economical, and effective method of awakening public opinion. It calls for sincerity and wisdom in execution, but is entirely feasible.

Regardless of all this, if I were convinced that such ships and such armor constituted a really efficient Navy, I would vote for the necessary appropriation.

I yield to no man on this floor in the desire for such a Navy, a Navy worthy the genius of the American people, worthy of our traditions, worthy of the brave men who constitute the personnel of that branch of the public service.

I want to draw the line with the greatest clearness between the personnel of the Navy and its matériel. For its personnel, for those who man and command our ships, I have the most profound admiration and not a word of criticism. What men dare attempt they dare; what can be done they can do. They are worthy successors of the men who sailed with Barry and Jones and Decatur and Stewart and McDonough and Farragut. Too much can not be said in their praise. I yield to no one in admiration for their intelligence and valor. But the days of closing up and lashing opposing ships together, of boarding and carrying on hand-to-hand conflicts on the decks, have long since passed. In naval warfare as carried on to-day mere bravery may win plaudits, but it can not win victories. If a ship loses its buoyancy, if it refuses to float, no amount of bravery on the part of its officers and crew can bring success. Neither intelligence, skill, nor bravery, nor all these combined, can bring us the victory if the enemy's ships are armed with projectiles which are effective at a longer range than ours, so that they can sink our ship before it gets close enough to be dangerous to them. As I tried to show on a former occasion, that is just the condition which I was convinced existed then and which I am convinced exists still. Hence it is the matériel of our Navy, not its personnel, which I criticize and which I believe to be woefully deficient.

Last August we voted \$3,000,000 for the purchase of armor-piercing shells of the kind now in use in the Navy, and I understand contracts have been already let covering this appropriation. Except for practice purposes, this is virtually a waste of money. I aver the fact to be that at a range of 12,000 or 14,000 yards all the ships of our Navy might turn their batteries for hours on a well-constructed vessel provided with water-tight compartments, hit it again and again with our present service shells, riddle it, if you please, without destroying its buoyancy—that is, without sinking it—whereas at the same range, with a high-explosive shell, such as is now used in some foreign navies, one hit would put it out of business and would probably sink it.

Under such conditions, in a war with a nation having a modern, well-equipped navy using these shells, our men would go to certain destruction, just as the Russians did in the Battle of the Yellow Sea. My contention is that our boys shall have a fair chance in case of war; that they shall be armed and equipped at least as well as their opponents; that they shall not be compelled to rely on inefficient weapons; that they shall not be forced to fight an enemy whose ships are fast enough to enable him to choose the battle range and whose guns throw shells of deadly destructive power, while ours, at the range chosen by him, are harmless. I protest against our men having to fight under conditions which make victory practically impossible and which make defeat, if not destruction, almost certain.

There may be—nay, there are—those who say that even though the facts are as I claim they should not be discussed in public. But why, pray? Oh, they say these conditions should be kept under cover until we can effect a change; we should not expose our own weakness.

It scarcely needs saying that a nation can not play the part of the ostrich in a matter of that sort. Other nations know quite well about the matériel of our Navy—far better, I think, than Congress knows about it—so that there is no force in that position; and keeping silent about it does not seem thus far to have effected any change for the better. It is publicity, not secrecy, which brings about the necessary changes in such matters. And this is a most appropriate time to ascertain the true situation.

The time is almost here when the property of the Government is to be transferred from one set of agents or managers to another set of agents or managers, and surely good business methods would suggest the taking of an invoice. In the last 10 years we have spent about \$500,000,000 for a Navy. What have we to show for it? What will the party now in power, under whose management this money was spent, turn over to its successor as the result of this expenditure? The invoice will include a certain number of battleships, among other things. Are these ships successful fighting machines or are they good only for dress-parade purposes as they pass on their way from the shipyard to the scrap heap? Should we be unfortunate enough to have a war with a great nation having a modern navy, are they equal to such an emergency, or are they mere false pretenses, in which to send brave men to premature death and to bring defeat and humiliation to the country?

In hearings before committees, in the press, and in other ways we frequently hear of our battleships becoming and even being obsolete; we hear charges of improper construction, we even hear of the ships being wrenched and racked by the

firing of their own guns. How much of this is true? What knowledge has Congress on the subject?

Congress does know that one of the concerns which is now an important part of the Steel Trust deliberately defrauded the Government by putting defective armor on its battleships, and then concealing the defects with putty and paint, and afterwards when caught paying back a large sum in a compromise settlement of the fraud.

But I am told: The Ordnance Bureau is in favor of the present armor-piercing shells, and during the past year has contracted for \$3,000,000 worth of them, and that they also favor the present type of battleship, and this bureau is composed of experts, while you are not an expert; in fact, know very little about such things. Are you not willing to yield your judgment to theirs?

Why should the bureau favor these things if they were not the best, if they were in any way defective or unfit?

I can not answer this question, but I can produce evidence made by the Ordnance Bureau, showing that they have opposed a change and that they have looked with disfavor upon experiments intended to find out what the truth of the matter is. I will not attempt to construe their conduct. I will let the House do that. Nor shall I give all the evidence, but I will give enough to convince any impartial man, and I think that Congress should not be satisfied until every bit of available evidence is gathered and all the facts developed. As the business agent of the American people, Congress should know all the relevant facts before determining whether any battleships, and if any, what kind of battleships and what kind of armament the country should have. And in this connection I want to emphasize the fact that Congress can not implicitly rely on the statements of bureau heads concerning this matter; that they have not been frank; that they have withheld valuable information, which Congress should have had to enable it to act intelligently.

Let me present to you some evidence in support of the very serious charge that information has been deliberately withheld from Congress.

Experiments were made with high-explosive shells at the naval proving ground as early as February 4, 1897, and were continued at intervals throughout the spring and summer of that year and the next year. Many of these experiments gave remarkable results; in one made in May 19, 1898, a piece of armor plate 17 inches thick was broken in two and both portions moved from their original position by the explosion of a single shell containing about 500 pounds of guncotton. This event happened six years before the battle in which the Japanese destroyed the Russian Navy, and probably blazed the way for that victory. It was a fact that Congress had a right to know. A knowledge of it would have materially aided in appropriating and expending the public money for an efficient Navy. But it was six years and nine months after the experiment that the House learned of it, and learned then only in answer to a specific resolution describing the experiment in detail and calling for a report upon it. Let me give a brief history of the matter in chronological order; it will be easier to follow in that way.

Two years after this experiment was made, on May 7, 1900, the United States Senate passed a resolution calling for all experiments with the Gathmann torpedo shell. Please notice the Senate asked for all experiments. Two days later that body received a report in reply to the resolution, accompanied by a letter from the Secretary of the Navy, Hon. John D. Long, as follows:

NAVY DEPARTMENT,
Washington, D. C., May 9, 1900.

SIR: Replying to the resolution of the Senate dated the 7th instant, requesting that the Secretary of the Navy send to the Senate report of all experiments with the Gathmann torpedo shell and gun, I have the honor to inclose herewith copies of the reports of experiments therein called for.

Very respectfully,
The PRESIDENT PRO TEMPORE,
United States Senate.

JOHN D. LONG, Secretary.

The report and the letter were printed as Senate Document No. 343, Fifty-sixth Congress, first session, and cover 52 pages of closely printed matter. A number of experiments are described in it, and the conclusion drawn from all of them by Mr. O'Neill, then Chief of the Bureau of Ordnance, is that none of them had been completely successful. He says, in the opinion of the bureau, "the results of the explosion of the Gathmann shell on the two occasions on which they were exploded against 10-inch armor plate do not indicate that any great effect would be produced by such shell bursting outside of a ship," and he adds that the destructive effect of large quantities of guncotton against structures is vastly less than has been commonly supposed.

The remarkable thing about this report is that there is not one word about the experiment of May 19, 1898, then about two years old, and, of course, quite familiar to the bureau chief. Indeed, one of the experiments mentioned in the report was made on June 30, only six weeks later than the one omitted. The one that was not successful was reported; the one that was successful was suppressed.

Why did this bureau thus ignore the United States Senate? Why did it suppress information of such value? When Congress appropriates money for the making of such experiments, what right has the bureau to withhold the results and suppress them?

This bureau deceived Congress first by remaining silent and then by making a false report. Congress went on building and arming battleships in the old way. It relied on the bureau; but the Government of Japan knew better, and made very practical use of that knowledge.

After this false and misleading report to the Senate the matter remained dormant for five years—that is, till 1905.

Probably the use of high-explosive shells by the Japanese revived the matter at that time. However that may be, the matter was reopened, and on February 10, 1905, Congressman, now Senator, WILLIAMS introduced a resolution in the House, as follows:

Resolved, That the Secretary of the Navy is respectfully directed to send to the House of Representatives such information as is in his possession relating to experiments with Gathmann guncotton shells upon plate armor and other resistants, whether at Indianhead or elsewhere, under the supervision or under the cognizance of the Navy Department or of naval officers detailed for purposes of inspection. The Secretary is especially requested to give the House of Representatives such information as he may possess concerning the alleged complete demolition of 17-inch turret plates by the detonation of 500-pound-guncotton projectiles, Gathmann system, at Indianhead, on May 14, 1898.

You see he particularly describes the time, place, and circumstances of the experiment. He puts the bureau's finger on it, he makes it so plain they can not dodge or evade, otherwise the House might have fared no better than the Senate. On February 18 Acting Secretary of the Navy Darling sent a communication to the House in response to the resolution which was printed as House Document No. 353, Fifty-eighth Congress, second session. It contains the description of the experiment in question. I quote it complete:

NAVAL PROVING GROUND,
Indianhead, Md., May 19, 1898.

SIR: Referring to the bureau's indorsement, No. 4483, I have the honor to report that the experiment of exploding 500 pounds of guncotton against an armor plate has been made. Mr. Gathmann, his son, and Mr. McMullen, of the Gathmann Projectile Co., were present. The plate used was a piece of the 13-inch B. L. R. turret ballistic plate, representing group 4 of the armor for the *Kentucky* and *Kearsarge*. The part used was the left half, shown on photograph No. 689 N. P. G. Its thickness varied from 16 to 17 inches. Its weight was about 45,000 pounds.

The plate was on the river bank, north of the valley, against a bluff, resting on timbers held in position by chains secured to the hill above. The earth was dug away from the immediate rear of the plate.

The guncotton was packed closely in a stout, cubical, oak box, 26 inches in the clear, made at the navy yard under the direction of Mr. Gathmann. There were five spaces in the interior of the box, four of light pine. The central one was about 6½ inches square; the four others, dispersed symmetrically about the central one, were 6 by 1½ inches. The central air space was about half filled with guncotton; the others were more nearly filled.

The wet guncotton used was 810 cakes of Du Pont's manufacture, sent here for the purpose. The weight of a cake was seven-tenths of a pound; total weight of wet guncotton, 560 pounds; estimated weight of dry guncotton in main charge, 496 pounds (11.4 per cent water). The dry guncotton primers were supplied by Mr. Gathmann and weighed 4 pounds. These were placed in four thin boxes, prepared for them at the rear of the main charge, and so let into the main box as to be closely surrounded by the wet guncotton. The four primers were on diagonals of the base about equidistant from the center and the corners. The four fulminate detonators were of the torpedo-station type, and each contained 35 grains of fulminate of mercury. These were connected in series and were fired by service gun batteries.

The box had no cover. This open side was so placed that contact was made between the wet guncotton surface and the armor plate. The box rested on timbers so as to retain its position at about the central portion of the plate.

Referring to photograph 689 N. P. G., what is then the left edge of the plate was for this experiment the bottom, making the line of fracture of the original plate now the top.

There were on the beach two 4-inch plates secured in an upright position, remaining there from a former experiment. The armor plate was between the two, 19 feet distant from one and 24 feet distant from the other.

On making the electric connection there was a loud but not specially sharp report. There was, however, a distinct shock, but not more than comes from a very heavy gun, an immense cloud of very black smoke, and considerable debris from the gravel, dirt, and adjacent timbers.

The armor plate was broken into two approximately equal parts, each part falling flat on the ground, the fracture running vertically as the plate stood. The left portion was turned over as a door opens, making what was the rear of the plate now the upper part. The other piece was turned as on an axis normal to the surface through about 180°. This position of the parts is probably due in a large measure to a landslide of the earth right in the rear of the plate, which was started by recent rains and the work of getting the plate in position. It was all ready to fall and completely buried the plate and extended several

feet beyond the original position of the plate. Its force was sufficient to move the parts of the plate about.

The upright 2-inch plate, situated 19 feet away from the gun-cotton charge, was lifted and driven 48 feet, resting above the sea wall toward the old bombproof. The plate was much bent, and a piece 3 by 2 feet was torn from the nearest end. The plate and structure, 24 feet distant, was entirely uninjured.

Photographs in duplicate are forwarded herewith. No. 694 shows the plate and charge just before explosion. No. 695 the scene immediately after explosion, and No. 696, after the dirt had been moved, showing the fragments of the plate.

Very respectfully,

A. R. COUDEN,
Commander, United States Navy,
Inspector of Ordnance in Charge.

CHIEF OF BUREAU OF ORDNANCE,
Navy Department, Washington, D. C.

True copy.

E. S. BRANDT,
Chief Clerk Bureau of Ordnance, Navy Department.

The explosive used in the experiment was not fired from a gun at the armor plate; it was simply placed in contact with the armor plate and exploded by a battery. There was no impact, no force but the force of the explosion, and yet the 17-inch plate was broken in two pieces, and both pieces moved some distance from the position they had been fastened in. Had it been on a ship's side at the time, as Capt. Semenov said of the Russian ship, it is not a hole but a regular gateway the explosion would have made, and the ship would inevitably have sunk at once, as the Russian ship did.

Surely this was a very important experiment. Congress undoubtedly should have known about it. If these shells can smash armor in that way, has not the day of very heavy armor come and gone? If a single shell breaks a 17-inch armor plate like a piece of plate glass, how can you resist its destructive force? Can you use thicker armor? Scarcely. And if you did it would not avail. Some other plan of construction must be devised. Thinner rather than thicker armor placed in a different way will better meet this form of attack.

But do you expect the Steel Trust or the Navy League to advocate smaller ships or thinner armor? Vain expectation.

Bear in mind this experiment was made in May, 1898, was buried in the bureau archives, was called for by the Senate in May, 1900, and withheld from that body, remaining quietly in its pigeonhole grave till called for with such particularity by the Williams resolution in 1905.

Doubtless the bureau heads went before the Naval Committee year after year and told that committee what they wanted, gave the members such information as they saw fit, and withheld what they did not care to give. And on such information as they chose to give the committee fixed the appropriations.

How do we know they are more frank or candid now than then? Are we acting on half knowledge now, as they were then? Are material facts kept back now, as they were then?

Only a short time ago in an experiment the *Puritan*, an armored ship, was sunk by a single high-explosive Isham shell. Have you ever seen a report of that experiment? I have not. It seems to me that since Congress has to vote the money for ships and for experiments Congress has a right to know about these things, and bureau chiefs have no right to suppress such information.

There is a way to find out about them, and in my judgment Congress will fail in its duty to the people if it does not at an early day go into this question with absolute thoroughness, and find out whether the Navy League and the steel and armor manufacturers and the projectile manufacturers or the Government is running the Navy. If we are building obsolete types of battleships, we ought to know it. If we are buying millions of dollars' worth of shells that are practically useless, we ought to know it. If we are putting 16 inches of armor on when 8 or 10 would do as well, we ought to know it. If we are paying \$452 a ton for what we should get at less than \$200, we ought to know it, and if any influence or purpose other than the public good has found lodgment in any bureau, we ought to know it and the country ought to know it.

Throughout the reports furnished by the bureau there is an apparent effort to belittle the results of those experiments, when they were not entirely suppressed. In his report of July 8, 1897, to the chief of the bureau, Mr. Couden, who made the report, emphasized the things which the explosion of the shell did not do, but he had no word of commendation for what it did do. There are, however, two short and rather significant statements to be found in it. One of these statements informs us that a plate tapering from 16½ to 9½ inches in thickness was fastened with 24 armor bolts to half-inch skin plates and all backed by 12 inches of solid oak. The other statement, in a different part of the report, tells us that the plate was swung somewhat on one end by the explosion, going to the front and leaving the target structure about 2 feet.

Had it been the side of a ship instead of a target structure, and the plate was pulled out 2 feet from it, the ship would

surely be in grave danger. It would seem as if these two facts should have been placed in close context and connection in the report. On the contrary, they are so widely separated as to prevent notice of their relationship in a casual reading.

It is hard to find words not too offensive to characterize the action of this bureau. It is needless to seek a motive for it, as no motive could justify it. The importance of the experiment, which was thus with great deliberation kept from Congress, is hard to overestimate. If our naval authorities did not appreciate it, the Japanese did, and by the use of similar explosives on May 28, 1905, they literally destroyed the Russian Navy, sinking 22 ships and capturing 14, only 2 out of 38 escaping, and this they accomplished without the loss of a single ship.

In concluding, I repeat that with seven ships in course of construction or contracted for, with a shortage of auxiliary ships to attend the battleships, with a shortage of men to put on them, with a shortage of equipment for them, with little prospect of need for them, with a very strong probability that before those authorized can be placed in commission the present plans of construction and armament will be revolutionized, it would be little short of folly to authorize additional battleships of the present type at this time. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM. Mr. Chairman, I dislike very much to trespass upon the time of the House, and yet I would like to proceed for 15 minutes longer.

The CHAIRMAN. The Chair will state that that request is not in order. The time has been definitely fixed by the House.

Mr. FOSS. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GILLET].

[Mr. GILLET addressed the committee. See Appendix.]

Mr. FOSS. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Chairman, I believe in and am a strong advocate of a larger and greater Navy. Ever since the administration of Jefferson, who was the father of our Navy, it has met with brilliant and glorious victories in all contests in which the United States has been involved. The Navy fought and won the War of 1812, Tangiers War, and the Mexican War. The Navy decided the outcome of the Spanish-American War. The building up of our Navy after the War of 1812, during which struggle such heroes as Commodores Perry, Goldsborough, Rogers, and Decatur were in command of our ships, was the indirect cause of the building up of our commerce on the seas prior to the Civil War.

In his notes on Virginia, in referring to the Navy, Jefferson said:

A land army would be useless for offense, and not the best nor safest instrument of defense. For either of the sea purposes the sea is the field on which we ought to meet the European enemy.

The naval tonnage of Great Britain, built and building, amounts to 2,478,152; that of Germany amounts to 1,124,257; while that of the United States amounts to but 898,345 tons. Mr. Chairman, I would be willing, and would not begrudge the expenditure of millions and millions to build up the Navy of the United States to the high standard of Great Britain. The total importation and exportation of the United Kingdom for 1910 amounted to over \$6,000,000,000, while that of the United States amounted to a little over \$4,000,000,000. This proves conclusively that trade follows the flag. The great merchant marine of Great Britain in total tonnage amounts to approximately 20,000,000. Our merchant marine is very small as compared to that of Great Britain, amounting to but 8,000,000 tons. In this connection allow me to quote from Jefferson in writing to James Monroe. He said:

We ought to begin a naval power if we mean to carry on our own commerce.

Great Britain absolutely controls the seas, both in trade and merchant marine, as foregoing illustrations show.

One of the most beneficial effects was derived by the trade of the United States when former President Roosevelt ordered the White Fleet to sail around the world. From a commercial standpoint it was of more value to us than the value of the fleet itself, and I sincerely hope that we will continue our policy of building at least two battleships a year in order to maintain our place among the nations of the world and aid our commerce. [Applause.]

Mr. FOSS. I yield five minutes to the gentleman from New York [Mr. AYRES].

Mr. AYRES. Mr. Chairman, the principal objections urged against the two-battleship plan seem to be these: First, that a battleship wears out; that after 10 years it is useless; second, that we have not men enough or officers enough to man the battleships that we now have, so what is the use of building

any more? I take it that these are, in the main, the contentions of the gentlemen who are opposed to our continuing our policy of two battleships a year.

Gentlemen, the very last construction of a modern battleship is on this basis: A battleship has two installations of motive power. It has engines which will produce the speed suitable for cruising, and then it has turbines, which cost a great deal to run, which give the possibility of great speed when it is needed. In the ordinary use of a battleship at a cruising speed it costs comparatively little to run. You might say that it is in a period of repose. When it is needed it has great speed at its command and then it costs a great deal more.

Our Navy as a whole should be run precisely on the same basis. The Navy Department in a time of peace should be run on an inexpensive basis, and yet at the same time we ought to have enough battleships so that when we need them we can use them. The point I am getting at is just this: In times of peace we do not need all these officers and all the men in commission. It would cost too much. But the very principle that has been used in the Navy has produced 30,000 or 40,000 men who have been through the Navy, who are equipped and able at any time to come to the support of the Navy, and who are now scattered throughout the country. The Navy is not paying them, but in case of immediate need in time of war we have them. We could not in the next five years build more battleships than we could man with properly trained and equipped men, who are now scattered all over the country, who could be had at any time if the Navy Department needed them. And that is precisely the case with the officers. I am credibly informed that the department has the addresses of something like 2,000 officers who are now not in active commission, who are under 50 years of age, and who, if a war should break out, would immediately volunteer for service. Already the hint of trouble in Mexico has led scores of these officers to write that they are ready for active service. There is not the slightest doubt that if we continue to build two battleships a year we will have plenty of men and officers to man these ships in time of need.

Now, with regard to the other proposition that has been so ably urged by the one-battleship men. Just think what will happen to our Navy if we continue at the rate of only one battleship a year. In 10 years we will have just 10 modern, up-to-date battleships, while in 10 years, if England continues her present program, she will have 60 battleships, Germany will have 40, and Japan between 35 and 40. Now, we have more property to protect, more commerce to-day than any nation in the world except England, and in 10 years' time we shall have a population of 115,000,000 to protect and more commerce than any other country in the world. Therefore I can not understand the feeling of some gentlemen that two battleships are too many. To my mind the only reasonable and patriotic policy that we can adopt is to continue the construction of two battleships a year. [Applause.]

Mr. FOSS. Mr. Chairman, there is no one on this side who desires to occupy time, and I suggest to the gentleman from Tennessee that he use the remainder of his time.

Mr. PADGETT. Mr. Chairman, if no one else desires to address the House, I ask that the Clerk read.

The CHAIRMAN. The Clerk will read the bill under the five-minute rule.

The Clerk began the reading of the bill.

Mr. GREGG of Texas. Mr. Chairman, are the two hours exhausted?

The CHAIRMAN. All requests for time have been exhausted.

Mr. GREGG of Texas. I want to yield some time to the gentleman from Arkansas [Mr. GOODWIN].

The CHAIRMAN. The gentleman from Arkansas is recognized for 20 minutes.

Mr. GOODWIN of Arkansas. Mr. Chairman, I am not a member of the Committee on Naval Affairs, nor do I appear before the Committee of the Whole with a prepared speech, but I entertain certain fairly well-defined ideas, so far as my own mind is concerned, with reference to what should be the attitude of this Republic toward peace as well as toward war.

We hear much these days about what should be the policy of the United States with reference to naval construction. We hear that in caucuses, it is told in cafés, it is recited in street cars, and private conversation is pregnant with it, but I have yet to hear the first proponent of a big American Navy enunciate or define his idea as to the American policy of naval construction. A policy certainly means a program, something outlined, something definite to be performed and accomplished. I have asked many Members upon this floor their conception of what the policies of Europe are as between the two great alli-

ances in European countries, the triple alliance, upon one side, embracing Germany, Austria-Hungary, and Italy, and what is known as the entente cordiale or the quasi alliance represented by England, France, and Russia.

Now, Mr. Chairman, England has a policy and Germany has one also, and the friends of a big navy in this country seemingly anticipate an attack from one of these countries. Therefore they say, in consideration of a naval program or a naval policy, we must expect to rival one or the other of these countries in the way of naval armaments. England, as I say, has a policy, and it is known as the two-standard policy. Her naval strength must be equal to the combined navies of her two foremost rivals—Germany and the United States. Or, failing in that, her policy is to have a navy equal to her foremost rival, plus 60 per cent, which, after all, is about the same as the combined strength of Germany and the United States.

Germany's program, on the other hand, is to have a naval strength equal to her foremost rival and her superior, England, for the reason that if she ever approaches England in her naval strength she thinks she can become the proud mistress of the seas and stand supreme on England's dismantled navy. Germany has a greater interior than England and comparatively little coast and is largely self-sustaining agriculturally and industrially, whereas Great Britain may be attacked upon all sides from the sea and from the four quarters of the earth and agriculturally is not a self-sustaining country. She deals largely in manufactures and in exportation of goods, but she can be starved to death within three weeks by blocking her ports as well as her sea roads through which come her importations of food supplies. That was evidenced during the dockers' strike in the summer of 1911 when the dockers refused to unload the meat and grain and provisions and foodstuffs unless they were paid a higher wage. That dock strike finally became a sympathetic strike to the extent that all the labor unions in London sympathized with that strike. Millions and millions of dollars' worth of foodstuff lay in the ships with no one to unload them. Neither would the dockers take ice to preserve or keep the meats alive, so to speak. Therefore England arose to the realization that when her laboring people were united for ulterior reasons the whole of England might be starved to death, or at least over seven millions in the city of London might be brought to physical want in less than three weeks.

Now, if Germany can approach in size and strength the naval fleet of Great Britain, she expects to stand supreme in the councils of nations. Therefore her policy is, I repeat, to have a naval strength equal to the British Navy.

I suppose it is well known by most Members of the House that England has revised her naval policy four times within the past 15 months. About that time she announced that she would have a program as follows: Three battleships last year, four this year, three next year, four the next year, and three the next year, a total of 17 battleships of the *Dreadnought* type within five years from the beginning of 1912. But upon the announcement of that fact what happened? Germany began to lay down more keels and to commence the construction of a greater number of battleships, and then the rivalry which had already become tense rapidly assumed an interesting phase. England, ever jealous to sustain her title of mistress of the seas, once more revised her naval program, and it was not three, four, three, four, three, but it was four, five, four, five, four; making 24 *Dreadnoughts* within five years instead of 17. With the shifting of this plan, Germany became intensely alert and amplified her existing policy by the construction of more powerful *Dreadnoughts* and followed by greater preparation. Following Germany's activity England again increased her policy to five ships per annum, or 25 ships for the next five years. But that was not sufficient, Mr. Chairman, so intense became the rivalry. The Moroccan incident contributed to the situation, and when Germany sought greater trade concessions in the northwest of Africa, France, England, and Russia all said "no," and then it was that England began to revise again her policy, not to increase the number of battleships per annum, but to extend the number of years, five battleships per annum until 1920, inclusive; and that is the present English program. What it may be to-morrow, six months hence, or five years from now, I am not a prophet and can not foretell. But speaking to the friends of a big American Navy, I ask if any man upon this floor will now rise in his place and say that he is in favor of this Government following in the tracks and footsteps of either Germany or England as to their respective naval policies?

Mr. HOBSON rose. [Laughter.]

Mr. HOBSON. Mr. Speaker, I would like to reply to the gentleman, if he will permit me.

Mr. GOODWIN of Arkansas. Yes; if it be brief.

Mr. HOBSON. That my investigations have shown me conclusively—and I tried to set them out in full on Saturday last—that we can not safely, in view of the Monroe doctrine particularly, and the completion of the Panama Canal, together with the development of Central and South America, allow Germany to have control of the sea in the Atlantic. We know not what the mainspring of the program may be; but whatever it may be, our program for the Atlantic alone can not safely fall below that of Germany.

Mr. GOODWIN of Arkansas. Mr. Chairman, I expected my good friend from Alabama to accept my challenge. I desire to pay him this compliment: He never sidesteps any proposition when it comes to announcing his attitude with respect to a big Navy, and with the gentleman the bigger it is the better. Only last Saturday he accused the gentleman from Mississippi, Judge WITHERSPOON, of having merely pinfeathers, but the judge, in my opinion, did some flying, and my friend, Capt. Hobson, is always in a great flight when speaking of naval armaments. The gentleman from Alabama [Mr. Hobson] has no pinfeathers, I can assure the country, but with eagle's wings, when the Navy is mentioned, he takes his flight from sea to sea, from continent to continent, and upon every hill and mountain top he plants a *Dreadnought*, while at the same moment subverting and overturning every saloon in the valley below. [Laughter and applause.] I will strike hands with him as to the evils of the grogshop; but the distinguished gentleman from Alabama occupies two positions that are as diametrically and antithetically opposed as are the poles. In his fight against rum he would preserve the virile young manhood of the country, only to have it all sacrificed in an avalanche to the greed and avarice of the god of war [Applause.] Mr. Chairman, I speak always in the highest terms of my good friend from Alabama. I have great respect and admiration for him, and he knows it. Occasions have been too frequent for him to question my loyalty and fondness for him, for, Mr. Chairman, when the stress of war came he was willing to sacrifice himself and did become a hostage to a foreign foe, and had his name and fame not gone down in the annals of time on account of that great heroism, in the sinking of the *Merrimac*, he certainly would have become famous thereafter when many hundreds of beautiful young ladies all over the country Hobsonized him, and by their osculatory caresses and the entrancing glances of those beautiful lasses secured for him imperishable fame and immortality among earthly saints. [Laughter and applause.]

Mr. HOBSON. Mr. Chairman, will the gentleman yield again? Mr. GOODWIN of Arkansas. I yield to the gentleman.

Mr. HOBSON. My impulse is not primarily to ask him what he would have done under the same circumstances—

Mr. GOODWIN of Arkansas. Oh, I would have surrendered. [Laughter.] I would have surrendered as abjectly as did my friend from Alabama—for "why should the spirit of mortals be proud?" [Applause.]

Mr. HOBSON. Mr. Chairman, after paying my compliments to all the delightful qualities of my friend from Arkansas, I was about to remark that it is unfortunate to discover the particular line toward which his thoughts seem naturally to trend. [Laughter.]

Mr. GOODWIN of Arkansas. Mr. Chairman, my thoughts at this time trend toward the dove of peace and not to the tocsin of war. [Applause.] But when interrupted, Mr. Chairman, I was about to speak and had proceeded at some length upon the two naval policies of Germany and England. I happen to be a subscriber to some of those papers over there, and I desire to read to the committee what would be the respective strength in 1915 of the navies of those two countries. On the 16th day of last December, Mr. Hall, a member of Parliament, asked the first lord of the admiralty, Mr. Churchill, what would be the relative strength if the present shipbuilding programs of those two countries were adhered to. I quote from the figures of Mr. Churchill:

Taking the middle of 1915, the figures asked for are as follows: Germany 23, Italy 6, Austria-Hungary 7, a total of 36—

That is the triple alliance—

Great Britain 37, France 12, Russia 4, a total of 53 dreadnaughts.

That is the quasi alliance. Still quoting from Mr. Churchill:

I would state that in the figures for Great Britain, New Zealand is included, but not Australia, and no account is taken of Canadian and Malayan ships.

Mr. Chairman, if we expect England as a foe, we may expect likewise the combined navies of all of the members of the quasi alliance—England, France, and Russia. But that is not all. Not only will we have this great armada of fleets to fight, but likewise every single, solitary dominion across the seas that flies the English flag, for all these are to-day contributing to the British imperial navy. Every Member on this floor should

know that Prime Minister Borden of Canada, with five members of his cabinet, made a visit to London last summer. There they met in secret conclave for five or six weeks, and he returned to his country and announced that it had been agreed that Canada should contribute \$35,000,000 toward the construction of three powerful *Dreadnoughts*.

Not only that, Mr. Chairman, but South Africa, which less than a dozen years ago was in a life and death grapple with England to maintain her integrity and independence, is now as loyal to England as Pennsylvania or Arkansas or Minnesota to the United States of America. New Zealand has likewise contributed her quota of ships, and, therefore, when we fight England, we fight not only the quasi alliance, but all of England's over-sea dominions, embracing a population of 435,000,000 and covering a territory of over 13,000,000 English square miles.

And if, upon the other hand, Mr. Chairman, Germany should become our implacable foe, we should be compelled not only to fight Germany, but the other two members of the Triple Alliance, Austria-Hungary and Italy, an alliance, sir, comprising 2,314,000 square miles of territory, and comprising a population of 167,520,000.

And, again, should the quasi alliance become our foes, the great countries of England, France, Russia, and their dominions and colonies, embracing a territory of 26,364,000 square miles, as well as a population of 705,340,000, or nearly 50 per cent of the population of the inhabitable globe, would be arrayed in mortal conflict with us. What a stupendous conception this would be, that this country, of only 90,000,000 of people, should be compelled to arm and equip itself in military and naval armaments to combat such a foe. Those European countries are taxed almost beyond their capacity to bear the heavy burdens now imposed upon them in the way of martial armaments, and the party that advocates our entering this list of naval rivalries and marching in the vanguard of their strides will have poured out upon its unprotected and defenseless head the outraged wrath and the maledictions of the American people.

No, Mr. Chairman, I think there is not the remotest possibility of anticipating an armed conflict with any one of these great powers, either England and her allied friends or Germany and her sympathetic neighbors.

We, sir, are at peace with the world, and all mankind; nowhere is the American sword to-day drawn, nor do we stand in any fear or trepidation of any encroachment upon our shores by a foreign power. Not so, however, with the war-like nations of Europe. They are armed to the teeth, and for many years the rivalries have become so great that the war lords are prophesying an impending conflict.

Germany embraces a territory of only 208,000 square miles—not so large as the State of Texas, whose territory as I recall is 265,000 square miles. Germany has a rapidly increasing population and the most highly trained people educationally and in the arts and sciences of any nation in the wide world. She is seeking, and is annually extending her wonderful commerce into all parts of the world; but she is likewise seeking additional territory and colonies to be occupied by her overcrowded population. But she has no eye upon the conquest of this country nor any of our possessions. If the conflict comes between her and her great rival, England, it will be in quest of England's territory, either in India, South Africa, or Australia, and with her own compact country and with but few scattered colonies, combined with the greatest and most efficiently trained army on the face of the earth, she may yet hope, when her naval strength shall have attained to that degree of efficiency, that England's supremacy may no longer prevail. For, only last summer, England was forced to withdraw that segment of her fleet stationed in the Mediterranean for the protection of her sea roads, and through which nearly 50 per cent of her foodstuffs annually come, placing it to join the greater part of her remaining fleet near her own shores in the North Sea as a protection and defense of a possible German naval invasion; thus leaving the Mediterranean entirely occupied by Austria-Hungary and Italy, her inveterate foes; and this great land-locked middle sea, which is said to be but as a lake compared to the North Sea, and as a pond in comparison with the English Channel, is so vital to the strength of England that it has been called the "linch-pin" of the British Empire.

Thus we see, Mr. Chairman, the great rivalry between England and Germany, and the consequent unrest of those peoples across the sea. They do not look upon us with a jealous eye, and there is no ill feeling on their part toward the United States; yet, while the mad rivalry is in progress over there, we are much agitated, it seems, lest we become engulfed in the vortex of war. I dare say we have only to be content with ourselves and attend to our own business, and if the fight must

come between England and Germany, let us maintain an attitude of independence and absolute neutrality.

But, Mr. Chairman, an increased Army and an increased Navy will make us but little more secure from a European attack than we are to-day, and this, Mr. Chairman, is the crux of our argument against increased public expenditures to build up a great American Navy in competition with that concert of European powers. For the very moment that England would undertake to strike us, that moment her inveterate foe, Germany, would pounce upon her; or the very moment that Germany set sail against us, just so soon would England and her friendly neighbors join in the attack upon the Fatherland. This, coupled with our extreme isolation and with the outstanding European jealousies, renders us practically free from attack.

Our strength and our security lie, Mr. Chairman, not in military and naval armaments, but in the peaceful pursuits of our people, in keeping down the heavy burdens incident to militarism and by extending our markets and products of our fields and of our factories in every land in every clime, making rich and bountiful the largess of the American people and bringing smiles and laughter into every home, instead of tears and distress, always incident to war.

Therefore, I ask again, Mr. Chairman, if any Member of this House or any great political party is willing to enter upon a policy of a useless expenditure of public moneys taken from the taxpayers of this country, adding to the burdens of government, already too onerous, not only in the preparation for wars, but, should wars follow as a sequel of our unnecessary armaments, to add a hundredfold to all the misery, depletion of our wealth, to the death roll of multiplied thousands of the flower of our young manhood, not to mention the misery and the woe and the multiplied hundreds of millions of pensions, and divers and sundry expenses too numerous to mention? No, Mr. Chairman, a thousand times no! But let the American people proclaim the gospel of peace and not the hell of war, and instead of the money that would be unnecessarily expended in preparation for war, if it must be taken from the pockets of the people, where it belongs, let us bestow it in building up the great interior of our country, in the improvement of navigable rivers, the drainage of our swamp and overflowed lands, to make cheaper the transportation of the things we are compelled to buy and lessen the transportation charges on our cotton and our lumber and our grain that we have to sell.

Or let us expend a great part of it in the establishment of great industrial and vocational schools, in order that our young men and our young women may be taught to become greater creators of wealth, trained artisans and craftsmen in the race of life, that the door of hope may be opened to all and closed in the face of none. Or in a dozen ways, sir, we could expend the money, if collected, in an infinitely better way than squandering it as a sacrifice to the Moloch of war.

For, after all, Mr. Chairman, the sacrifice of life is made not by our millionaires, because they can hire substitutes to bear arms in their stead, but the great rank and file of the strong, virile young manhood, taken from what is generally called our common people, bear the brunt and the burden of the day. They are the ones who bite the earth in the death grapple on the field of battle; they are the ones whose lives are sacrificed upon their country's altar, not that they or their posterity shall be benefited thereby, but to atone for the folly of the war lords of the land or to gratify the avarice and greed of Mammon.

And as for me, Mr. Chairman, I repel as abhorrent the thought of the possibility of war or continued heavy appropriations of the people's money to prosecute great wars when none are likely to follow; and for these and many other reasons I might assign, Mr. Chairman, I am neither for three, nor for two, nor for one battleship, at least at this session of Congress. For, as a great world power, the United States can afford as an earnest to renounce battleships for a season, thus hastening the oncoming of that day when the glad tidings may be proclaimed round the world, "On earth peace, good will toward men."

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that all gentlemen who have spoken upon the bill may have five legislative days in which to extend their remarks.

The CHAIRMAN. The request is not in order in the committee; it can be made in the House.

Mr. PADGETT. I will renew it in the House.

The CHAIRMAN. The Clerk will now read the bill.

The Clerk read as follows:

PAY OF THE NAVY.

Pay and allowances prescribed by law of officers on sea duty and other duty; officers on waiting orders; officers on the retired list; clerks to paymasters at yards and stations, general storekeepers ashore and afloat, and receiving ships and other vessels; two clerks to general inspectors of the Pay Corps; one clerk to pay officer in charge of deserters' rolls; not exceeding 10 clerks to accounting officers at yards

and stations; dental surgeon at Naval Academy; commutation of quarters for officers on shore not occupying public quarters, including boatswains, gunners, carpenters, sailmakers, machinists, pharmacists, and mates, naval constructors and assistant naval constructors; and also members of Nurse Corps (female); for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, or commutation of quarters not to exceed the amount which an officer would receive were he not serving with troops; pay of enlisted men on the retired list; extra pay to men reenlisting under honorable discharge; interest on deposits of men; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineers' force and men detailed for duty with Naval Militia, and for the Fish Commission, 48,000 men; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement; and as many machinists as the President may from time to time deem necessary to appoint, not to exceed 20 in any one year; and 3,500 apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law; pay of the Nurse Corps; rent of quarters for members of the Nurse Corps; \$39,264,662.

Mr. HENSLEY. Mr. Chairman—

Mr. FOSTER. Mr. Chairman, I make a point of order on the paragraph.

I observe in this bill a dental surgeon at the Naval Academy. Is that provided by law?

Mr. PADGETT. Yes; heretofore this has been paid under the appropriations for the Naval Academy.

Mr. FOSTER. And so it has just been transferred here?

Mr. PADGETT. And because of the passage of the law last year it has been transferred from the Naval Academy appropriation to this appropriation.

Mr. FOSTER. So it is not new?

Mr. PADGETT. No; it is just a transfer from one appropriation to another in pursuance of law.

Mr. FOSTER. I withdraw the point of order.

Mr. HENSLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding at the end of the paragraph the following:

"Hereafter the service of a midshipman at the United States Naval Academy or that of a cadet at the United States Military Academy who may hereafter be appointed to the United States Naval Academy or to the United States Military Academy shall not be counted in computing for any purpose the length of service of any officer in the Navy or in the Marine Corps.

"That so much of an act entitled 'An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps,' approved March 3, 1899, which reads as follows: 'and that all officers, including warrant officers, who have been or may be appointed to the Navy from civil life shall, on the date of appointment, be credited for computing their pay with five years' service' shall not apply to any person entering the Navy from and after the passage of this act."

Mr. MANN. Mr. Chairman, may I ask the gentleman to explain just what his amendment accomplishes? I notice the first part apparently strikes out the services at the academies in reference to longevity pay.

Mr. HENSLEY. That is the first.

Mr. MANN. What does the second part do?

Mr. HENSLEY. It strikes out the services allowed to people who go there from civil life—the five-years' constructive service that is given them instantaneously upon their entrance; it does away with that.

Mr. MANN. Just explain what the constructive service means.

Mr. GARNER. May I ask the gentleman from Missouri a question which may give the gentleman from Illinois information? If I understand the amendment just read, it is the same as the amendment that was adopted on the military bill two years ago; am I correct?

Mr. HENSLEY. Last year; yes.

Mr. MANN. That did not become the law.

Mr. HENSLEY. It did become the law.

Mr. GARNER. It places the naval officers in the same status as the military officers with reference to the services at the academy.

Mr. MANN. But I understand this amendment covers both the Naval and Military Academy. The gentleman says it became the law last year, but I do not think it did. If it became the law last year, what is the object of repeating it?

Mr. PADGETT. If the gentleman will permit, in explaining the amendment, men enter from the Naval Academy and the Military Academy sometimes in the Marine Corps, and that covers that part.

Mr. MANN. I understand the first part of the amendment, but I do not understand the second part of the amendment. I take it the gentleman is willing to explain what his amendment accomplishes. Reading it hastily, it is very difficult to tell.

Mr. Sisson. I would like to have the amendment reported again.

Mr. MANN. Well, I have no objection to that, but I thought the gentleman ought to be willing to explain what the amendment accomplishes.

The amendment was again reported.

Mr. HENSLEY. Now, Mr. Chairman, the position I take is this: That when a boy is nominated by a Member of the House or by a Member of the Senate as a cadet to the Naval Academy at Annapolis, and he attends school there for four years at an expense, all told, of something like \$19,000, this time should not be computed on the question of longevity. Under the present law, in connection with the naval establishment, the four years' time that the people of the country are paying for his training, equipping him for service to his country, is computed as service actually rendered to the country. The same law applied to the military department of the Government until last year, when Mr. HAY, chairman of the Committee on Military Affairs, while the military appropriation bill was under consideration, offered the amendment in the same connection I offer it with reference to the naval appropriation bill. That amendment became a law. I submit, Mr. Chairman and gentlemen of this committee, that when a boy who is fortunate enough to be designated to enter the Naval Academy, at an expense to this Government of something over \$4,000 per year, during the four years' time while he is equipping himself is not service actually rendered and should not be so counted. The adoption of this amendment will effect an economy, as I am told, of \$349,350 per annum, and will in no wise affect the administration of the Naval Academy, as this has been regarded as purely gratuitous. I venture to assert, Mr. Chairman, that there is not a farmer in my district who could educate his son at the enormous sum of \$4,000 per year, and yet this is what they are forced to do for the boys who are fortunate enough to secure admission to the academy. Then, why should we not pass this amendment, which will mean a relief to the taxpayers? That is the position I take, and it occurs to me that if this practice should not apply to the military department, then it should not apply to the Navy Department.

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

Mr. HENSLEY. I will.

Mr. COX. I think the amendment has a tremendous amount of merit in it. Is not this true now under the regulations of the Navy Department, that when a boy enters the naval school at Annapolis he is required to sign a written agreement that he will serve in the Navy for eight years?

Mr. HENSLEY. I think that is true.

Mr. COX. Now, is not this true—I am not clear whether this is so or not, but I believe it is—in getting credit for his eight years, he is entitled to the four years' term he served while in the naval school?

Mr. HENSLEY. On the question of longevity.

Mr. COX. Now, the gentleman's amendment proposes to cut him out of the Navy that four years when the country, in a general way, is paying for his education, and let him go ahead and sign up with the Government that he will serve for eight years after he is out of school.

Mr. HENSLEY. That is the point absolutely.

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

Mr. HENSLEY. I will.

Mr. EDWARDS. I understood the gentleman to make the statement that it cost the Government \$4,000 a year for each one of these cadets, or midshipmen, or whatever they may be called. How does the gentleman arrive at those figures? In other words, what makes up that cost?

Mr. HENSLEY. Well, it is every cost in connection with the schooling he receives there, just as an independent institution would have to figure the cost in connection with the schooling of a pupil.

Mr. Sisson. I think the statement made by the gentleman from Georgia [Mr. Edwards] is not exactly an accurate one, because the average cost per year of a student at the Naval Academy and the Military Academy is about \$4,800.

Mr. EDWARDS. What I am trying to arrive at, if the gentleman from Mississippi can give me the information, is how these figures are made up?

Mr. Sisson. When the military bill was under consideration the chairman of that committee stated that he charged each student up with the cost of maintaining the academy, all of the professors, and their board, and their clothes, and all the necessary items of expense incidental to keeping up the institution, and so on.

Mr. PADGETT. And the interest on the \$14,000,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. Mr. Chairman, the substance of this amendment is to exclude the four years' service at Annapolis in reckoning the service of an officer. Before I refer to the question of service, I want to point out that if you do this your officers

later in their careers, who would be retiring for length of service, would be serving on at higher pay four years longer and in many cases retire at higher rank, adding to the expense of the Government and detracting from the efficiency of the service, practically nullifying existing laws looking toward efficiency and toward economy. But in addition to that, I want gentlemen here to understand what the service at Annapolis is. As has just been brought out, a young man signs his papers of entrance, and they are as binding, if insisted upon, as that which an apprentice boy signs. From the day that he signs that paper he is absolutely in the control of the Federal Government. They order him to the Naval Academy. They order him on cruises. They order him away from Annapolis. In war time they send him to the front. They did it in the Civil War and they did it in the Spanish-American War. I have known of them to lose their lives at the front while they were midshipmen. I have seen them lose their lives in practice cruises. A classmate of mine was ordered to go over the masthead when a gale was blowing. Even a seasoned seaman ought not to be ordered to go over the masthead when a gale is blowing. He ought to go down on the lee side.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HOBSON. I regret I can not yield.

Mr. CALLAWAY. Just for a question.

The CHAIRMAN. Does the gentleman yield?

Mr. HOBSON. I can not yield.

Mr. CALLAWAY. I just wanted to ask the gentleman a question.

Mr. HOBSON. I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. MANN. The gentleman from Texas does not want to leave this boy still up on the masthead? [Laughter.]

Mr. HOBSON. No. You do not want to leave him there. This young man was a nephew of Admiral Schley and a classmate of mine. A gale was blowing and a high sea was running, and he was seasick, lying on the deck along with other midshipmen, and, in connection with other midshipmen, was ordered to go over the masthead. That meant he was to go up one side and down the other side. As the young man went up on the weather side and passed over the cross-trees the ship lurched, and he fell and struck the fore-topsail yard and fell overboard and was drowned, and six seamen were also drowned in trying to rescue him.

I saw another midshipman in the class ahead of mine who was ordered up to the light yards, when a squall struck the ship, and he fell from the fore-royal yard and broke his back, and the next year they turned him out a cripple for life.

Mr. GARNER. Who perpetrated these murders?

Mr. HOBSON. It should be understood that these midshipmen at Annapolis are serving in the Navy. They are under the strictest orders there. The orders are stricter than the orders to men serving anywhere—officers or enlisted men.

Mr. HENSLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HOBSON. I can not yield. They take the same chances and the same risks as all others in the Navy. Their service is as genuine a service at Annapolis as that of an apprentice boy. You might as well say that an apprentice boy at Newport or Norfolk should not be given credit for his apprenticeship as to say that a midshipman ought not to be given credit for his service at Annapolis.

Now I will yield to the gentleman from Missouri.

Mr. HENSLEY. Is his service in the Navy any more complete than that of a boy serving in the military establishment at West Point?

Mr. HOBSON. I am glad that the gentleman pointed that out. Apparently the gentleman has no more information on this subject than merely to follow the lead of some one else when it occurs to him, and when something seemingly bearing on this is pointed out with reference to the Military Academy he thinks it applies to the naval service also. At the Military Academy they do not order the boys out on cruises as they do at Annapolis.

The CHAIRMAN. The time of the gentleman has expired. The pro forma amendment will be considered withdrawn.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Texas [Mr. CALLAWAY] moves to strike out the last two words.

Mr. CALLAWAY. This is the question that occurs to me: I reckon it had not occurred to the gentleman from Alabama [Mr. Hobson] when he was talking about the boy going over the cross yards and going into the sea. That was a man actually in the service. That was not one of the boys at Annapolis in school. He ought to have credit for his service from the time

he entered the service, it matters not where that is. But it is a foolish idea to suppose that a boy at the Naval Academy is rendering any service to this country. It is beyond my reach of imagination. It is beyond the wildest dream that ever kicked me at midnight [laughter], and I take it that it is beyond the wildest dream of any man, unless it be a man who is absolutely infatuated by his connection with this naval service. The boys at West Point, who, as the gentleman said, are costing this Government \$4,800 a year and are under the protection of instructors, surrounded by every beneficial influence the Government can surround them with, in order to make their stay pleasant and their work profitable, not only to them, but in the years to come to the Government. They are in school, equipping themselves for their future work under the protection of the Government; are not exposed at all, are not doing any work except that kind of work that equips them for the discharge of their duties when their real service begins.

He says you can order them out. All right; if you can order them out, then from the time they go out they are in the service. He says they are in the service when they are ordered on cruises. They are no more in the service when they are ordered on cruises than a boy in one of the civil schools of this country is on service when he is ordered to classes. It is all foolishness to talk about a fellow out on a lark, cruising over the world at enormous expense to this Government, being in the service, when he is being dined and wined and costing us \$4,800 a year. Ye gods and little fishes, what kind of service? Service simply in equipping his body and his mind in training him for what he has chosen in life as his profession. It is no more service than the work of one who goes to law school is serving his country when he is trying to equip himself for the regular pursuit of the law. It is no more service to this country than the man in the academic schools when he is trying to equip himself so that he may go out and meet whatever obstacles come to him in following his chosen profession.

Mr. HAMLIN. A great many of them resign as soon as they get through.

Mr. CALLAWAY. I am not talking about the question of resignation. It is an unheard-of foolishness to say that being fed, fondled, and fuddled in school is a service to this Government.

The gentleman's cases do not apply at all. His claim is foolish that a fellow is actually in service because you can call him out. When they are called out they are in the service, but until they are called out they are not in the service.

Mr. HOBSON. I know the gentleman desires to be accurate. Will he yield?

Mr. CALLAWAY. Yes.

Mr. HOBSON. Because the midshipmen at Annapolis were ordered to the Spanish War. There were some 175 of them. They were midshipmen, and yet they were serving with the fleet in front of Santiago; and likewise in the Civil War they went out and fought battles, and were many of them killed while they were still midshipmen.

Mr. CALLAWAY. If they were ordered out, they were in the service then.

Mr. HOBSON. They were still midshipmen. The gentleman is mistaken. I am actually correct.

Mr. CALLAWAY. If all the aches in the gentleman's stomach are due to those midshipmen who actually rendered service, he might offer a provision in this amendment making it service when they were actually called out, and their service reckoned from that time. Has the gentleman the nerve to claim that the midshipmen who had been in the academy for three years and nine months before they were called out, and then rendered three months' service, were entitled to longevity pay for the three years and nine months they were not in the service?

Mr. Sisson. Mr. Chairman, I want to state at the outset that I am in favor of the amendment offered by the gentleman from Missouri, because it is almost identical with the one which was put upon the Army bill; but I should like to ask the gentleman from Tennessee [Mr. PADGETT], the chairman of the committee, a question in reference to the lump-sum appropriation.

I think it is a very bad method of appropriating money. The very first clause in this bill provides for the officers at sea and on other duty, and officers on waiting orders, without in any way separating the items, so that the Secretary of the Navy could spend all of the \$39,246,662 for one of these items. Why is it that in presenting these bills the appropriation for officers on sea duty is not specified, and the officers on other duty, stating what the duty is, each in a separate item.

Mr. PADGETT. This is the method that has been pursued for many years. The estimates show the item. For instance, there are 3,806 officers on the active list. The commutation of

quarters for officers is so much, allowance for light and heat so much, and all submitted and shown in the estimate.

Mr. Sisson. I realize that; and that would be true in reference to all the appropriations; but that does not answer my objection, which is that the whole fund of \$39,000,000 is put in an attitude where the Secretary of the Navy, in his discretion, might spend more for one of these branches than for another.

Mr. PADGETT. No; he has got to pay all of them out of the appropriation.

Mr. ROBERTS of Massachusetts. The compensation of all these officers, whether on the retired or the active list, is regulated by law, and they can not be paid more than the law allows out of the \$39,000,000.

Mr. Sisson. I realize that.

Mr. ROBERTS of Massachusetts. The answer is very simple. The amount that each one of these officers shall receive is fixed by law.

Mr. Sisson. That is quite true, but when your bill comes on the floor of the House the membership can not tell how much you are spending for officers on the retired list or officers on the active list, or how much for anything. Your bill makes a lump-sum appropriation of \$39,000,000. Every one of the departments has been endeavoring to get lump-sum appropriations, and I have no doubt the gentleman from Tennessee has been besieged by the Navy Department to give a lump sum.

Mr. PADGETT. Not this year.

Mr. ROBERTS of Massachusetts. If gentlemen will read the Book of Estimates, they will find out how these moneys are spent in detail.

Mr. Sisson. But the Members do not have the Book of Estimates.

Mr. ROBERTS of Massachusetts. They are accessible to every Member.

Mr. Sisson. The gentleman from Massachusetts states that they are accessible to every Member of Congress. We do not have printed enough copies for every Member of Congress.

Mr. ROBERTS of Massachusetts. You can get them out of the document room.

Mr. Sisson. You can not get them in the document room in time. The membership has other duties to perform than reading the Book of Estimates. The Committee on Appropriations has adopted the policy of carrying forward in bills as nearly as it can statements of how the money is appropriated, and other committees ought to do the same. Now, the gentleman from Tennessee says that the Secretary of the Navy has not asked this year for an appropriation of a lump sum. I will ask him if it is not true that the Secretary before this has asked the committee to give him a lump sum—submit the hearings and get a lump sum for the entire Navy?

Mr. PADGETT. The Secretary of the Navy has never made a request of that kind that I know of.

Mr. SLAYDEN. Mr. Chairman, I have just come in, but my information is that the amendment pending is one proposed by the gentleman from Missouri [Mr. HENSLEY], a member of the Committee on Naval Affairs, and is in substance like the one adopted a year ago on the Army appropriation bill, and which forbade the counting of service of cadets at the Military Academy in computing for longevity service, and therefore for pay.

That was put into the law last year when we had an Army appropriation bill here, and there is no reason why we should make fish of one academy and fowl of another. There is no reason why there should be a discrimination in the payment of these officers. In neither case is service as schoolboys service in the Army or in the Navy, and it has only been twisted into that meaning to increase the pay. They are at these academies for training for the Army and the Navy, not in those services.

I am disappointed in the position taken by the gentleman from Alabama [Mr. HOBSON], because I thought we could count on his hearty support for a measure of economy like this, but I suppose he desires to maintain a consistent record, for there is no other reason that I can see why he should be opposed to the amendment.

I will say to the gentleman from Mississippi that the Army appropriation bill does segregate the items for the retired pay of officers and men and officers and men on the active list.

Mr. Sisson. And on commutation of quarters you segregate that.

Mr. SLAYDEN. We try to segregate everything.

Mr. Sisson. All items of that kind in the Army bill are segregated, and you do not make a lump-sum appropriation of \$39,000,000.

Mr. SLAYDEN. Since I have had the honor of serving on the Committee on Military Affairs the policy has been to have every item explained as simply and as clearly as language could

put it for consideration. Mr. Chairman, I can see no reason on earth why this service as schoolboys should be counted as service in the Navy. I call on the gentleman from Alabama and other members of that committee, in face of the stupendous appropriations we are making, in the face of what it appears may be a shameful record in the way of extravagance—I call on them to stand for the people once in a while, although it be in so small an economy as this.

Mr. PADGETT. Mr. Chairman, I move that all debate on this item close in five minutes.

Mr. HOBSON. Mr. Chairman, I would like a minute or two.

Mr. MANN. This item carries the largest appropriation of any item in any bill presented to the House except in the pension bill.

Mr. PADGETT. I will withdraw the motion.

Mr. HOBSON. I move to strike out the last two words for the purpose of trying to clear up a misapprehension. There are two phases of this question that bear intimately on a rational adjustment—

Mr. MADDEN. Will the gentleman yield?

Mr. HOBSON. Yes.

Mr. MADDEN. When a young man at the Military Academy graduates after a service of four years he gets a commission, does he not?

Mr. HOBSON. Yes.

Mr. MADDEN. Does that apply to the Naval Academy?

Mr. HOBSON. It is just beginning to apply.

Mr. MADDEN. I understood that he had to serve, after graduation, two years at sea.

Mr. HOBSON. He used to, but the new system is now in force.

Mr. Chairman, a midshipman at Annapolis is serving under orders, as I pointed out a moment ago, just as much as is an apprentice at Newport, or at Norfolk, or at Chicago, only the midshipman has to serve twice as long. His service there, it is said, is in equipping himself. That is true, but it is just as much service as the service of an officer ordered to gunnery instruction at the Washington Navy Yard, just as much as an officer ordered for instruction at the War College at Newport, just as much as gunners or gunners' mates ordered to the school at Newport, just as much as the petty officers at the schools of instruction in the Army and Navy. This service is military service. He is amenable to the military orders and discipline. He is not a schoolboy. They need not give him one day at Annapolis if they do not desire. They can send him out the day after his entrance, and send him to the uttermost corners of the earth, and this is no hypothesis. They do it. These young men have lost their lives at the front under orders from their Government, not a few of them, but scores and scores of them have gone to the front in time of war.

Again let me remind Members here when these pleas for economy are bantered back and forth, that what we want is real economy. It is for the economy of the service that officers after a certain length of time should be retired. It is for economy because they do not get to higher grades before being retired. Under this amendment when they finally retire they would be at an average higher grade, whatever it is, all the balance of their lives.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. Yes.

Mr. CALLAWAY. The gentleman speaks of efficiency and economy of service, and that when they reach a certain age they should retire. Could they not make it shorter instead of adding this schoolboy term to it?

Mr. HOBSON. Mr. Chairman, I think if the gentleman would go through the statutes that have been established for the Army and Navy of America and the armies and navies throughout the world he might possibly find some way in which, in a revision of the laws, he might get something of the same result; but with the laws as they are, the effect of this amendment would be that all of the officers on the retired list under the length-of-service limitations would be retiring four years later. In some cases they would have gone to a grade higher, and their retired pay would be that much higher all the balance of their lives. Furthermore, the time for this retirement has been fixed by the experience of the navies and armies of the world, to provide that younger blood should come up to the higher grades. You would postpone all the way down the line the time of advancement and promotion. You would change the results of experience of all the armies and navies. Take the 30-year-service retirement law: The officer retiring under that law would not then retire until 34. This offhand experiment for economy goes against the experience of ages.

Mr. MANN. Mr. Chairman, I think it is a sufficient answer to the gentleman from Alabama [Mr. Hobson], in reference to adding four years to the retirement period of service, to say

that all naval officers are now retired at the age of 62, regardless of the length of service.

Mr. HOBSON. The gentleman knows that I was not referring to the age limit. I was referring to the length of service.

Mr. MANN. The gentleman was referring to a provision which proposes to retire naval officers before they ought to be retired, slipped into the law at some time without the cognizance of Congress. [Applause.]

Mr. HOBSON. Mr. Chairman, will the gentleman permit an interruption?

Mr. MANN. In just a moment, I will be glad to yield. Last year the Army appropriation bill carried this provision:

That hereafter the service of a cadet who may hereafter be appointed to the United States Military Academy, or the Naval Academy, shall not be counted in computing for any purpose the length of service of any officer of the Army.

The amendment offered by the gentleman from Missouri [Mr. HENSLEY] in relation to the Navy is similar. It does not apply to any officer now in the Navy or to any cadet already appointed to the Naval Academy. What are the facts in reference to this? In 1838 Congress passed a law providing for what is called fogey pay, an increase of 10 per cent for each five years of service until the limit of 40 per cent increase was reached. And from 1828 until 1881 or 1882 longevity pay was based upon the date of the commission entering the service, not the date of entering the Military Academy. By a decision of the Supreme Court in the early eighties it was decided that the longevity pay should be based upon the entrance to the academy, and in the case of naval cadets or midshipmen, when they went out of the academy and received their commissions, at the end of six years, incidentally they received a 10 per cent increase in the pay provided by law. We have now pending hundreds of claims to have Congress allow longevity pay based upon entrance to the academies going back to 1838, and there is a concerted and determined effort on the part of estates of officers, many of whom died in 1840, 1850, and 1860, to have Congress now pay this old longevity pay, never based on morals, never based on the intention of Congress, never based on justice, but only upon the persistent demands of certain officers that their pay should be increased. The gentleman from Alabama [Mr. Hobson] narrates some circumstances that do not reflect credit upon the Navy, and I take it that those circumstances arose during the two years at sea; perhaps not.

Mr. HOBSON. If the gentleman will permit, it was on my plebe cruise.

Mr. MANN. Then they ought to have court-martialed some of the naval officers [applause] if what the gentleman says is true, and extend the service at Annapolis more than four years until a naval officer learns something.

Mr. HOBSON. But what good would that have been for the midshipmen who had to obey? My question that I was going to ask the gentleman is, Would he voluntarily to-day, if he had the power, change the age retirement for length of service from 30 to 34 years?

Mr. MANN. I certainly would. [Applause.]

Mr. HOBSON. Well, he is the only man I know of who would.

Mr. MANN. I will say if there is any way of getting it before the House the House will determine to extend that period so quickly it will make the gentleman's head swim. [Applause.] With a shortage of officers in the Navy, a constant complaint that we have not officers enough to command in the Navy, they are turning officers out now under retirement and under the plucking-board provision who ought to be retained in the Navy, a most scandalous condition of affairs, in my judgment. [Applause.]

Mr. HOBSON. I would like for the gentleman to specify some of those scandalous proceedings.

Mr. COX. Mr. Chairman, I rise to give the amendment offered by the gentleman from Missouri [Mr. HENSLEY] my heartiest approval.

The CHAIRMAN. Debate is exhausted.

Mr. COX. I move to strike out the last four words. I think it is legislation that merits the support of every man in this House who has given this matter any consideration whatever and particularly, Mr. Chairman, I want to address myself to the cost of educating these midshipmen at Annapolis. On May 23, 1911, I received a letter from Mr. Winthrop, Acting Secretary of the Navy, in which he reports to me it is estimated that the average cost of graduating midshipmen is \$11,000. I have heard some gentlemen on the floor in the last hour make the statement it costs something like \$48,000—

A MEMBER. No; \$4,800 a year.

Mr. TRIBBLE. The hearings before the committee disclose it costs about \$18,000.

Mr. COX. There is quite a discrepancy in the letter written to me by the Acting Secretary of the Navy and the testimony disclosed before the committee at the present time. I further asked the Acting Secretary of the Navy for some more information, and he reported to me at this time that there were 400 graduates of the Naval Academy now on the retired list drawing only retired pay. At the same time he reported to me there were 29 graduates of the Naval Academy now on the retired list who were drawing full pay on account of being engaged in active duty. That disclosed to my satisfaction that the Navy is topheavy, has a tremendously large number of officers upon the retired list drawing enormous salaries, and doing no good on earth. Now, what does this amendment propose to do, and what has been the rule heretofore? These young gentlemen are sent to Annapolis, educated at great cost to the public in the hope that we would get 100 cents in return from these young gentlemen after graduation.

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

Mr. COX. In just a moment. They are required to sign a written agreement that they will serve their country eight years after they are graduated. As a part of the eight years, I understand, they get credit for four years. Now, why should we, the representatives of the people, be instrumental in reducing the length of service which they are required to serve the people, to wit, eight years, down to four years?

Mr. HOBSON. My question was in connection with the gentleman's statement of the large cost of the retired list. The effect of this amendment would very substantially increase the average cost of the retired list.

Mr. COX. Well, I would take serious issue with the gentleman upon that.

Mr. HOBSON. If it is four years later when they retire from active service they would be on an average of higher rank.

Mr. COX. In my opinion, Mr. Speaker, instead of bringing about an increase of expenditure, it would bring about an economy. Besides, I am tired of seeing the naval program become top-heavy, with men retiring at the age of 62 drawing enormous salaries.

Mr. Chairman, I ask unanimous consent to print in the RECORD as a part of my remarks the letter from which I have quoted, written to me by Mr. Winthrop in May, 1911.

The CHAIRMAN. Is there objection?

There was no objection.

Following is the letter referred to:

DEPARTMENT OF THE NAVY,
Washington, May 23, 1911.

Hon. W. C. Cox,

House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In reply to your letter of the 15th instant, I have the honor to advise you as follows in reply to the questions submitted by you:

First. Candidates for midshipmen before being received into the academy are required to sign articles agreeing to serve in the Navy for eight years.

Second. This is not a statutory requirement, but a regulation of the Navy Department.

Third. It is estimated that the average cost of graduating a midshipman is \$11,000.

Fourth. A. There are 400 graduates of the Naval Academy now on the retired list drawing only retired pay. B. There are 29 graduates of the Naval Academy now on the retired list, but drawing full pay on account of being engaged upon active duty.

Fifth. The following table gives the retired pay of each grade of graduates from the Naval Academy:

Rear admirals (senior nine)	\$6,000.00
Rear admirals (junior nine)	4,500.00
Captains	3,750.00
Commanders ¹	\$3,150.00 to 3,375.00
Lieutenant commanders ¹	2,475.00 to 3,000.00
Lieutenants ¹	2,160.00 to 2,520.00
Lieutenants (junior grade) ¹	1,800.00 to 1,950.00
Ensigns ¹	1,402.50 to 1,657.50

Faithfully, yours,

BEEKMAN WINTHROP,
Acting Secretary of the Navy.

Mr. SAUNDERS. Mr. Chairman, this debate has brought out the scandalous monstrosities and inequalities which have been written into, and becomes a part of our military and naval system. The appointments to Annapolis and West Point are eagerly sought at the hands of Members of Congress. From the time that the appointees enter these institutions, throughout their service, and after they retire, they are made a class apart. They are so specially favored, so highly regarded in all our legislation that relates to them, that when anyone in this body undertakes to deal with them on a rational, practical basis, or to treat them as other officials in the Government service are treated, he is regarded in some quarters as actually lacking in patriotism.

When an effort is made in this House to deal with the military establishment, whether it is the naval, or the Army branch, as a business proposition, it is spoken of in military

¹ Rate of pay of grade varies according to length of service of officer concerned.

circles, and by their admirers as an attack upon the one or the other department as the case may be. As I have said, it is really deemed to furnish sufficient evidence of a decided lack of patriotism on the part of the men who offend in this respect.

The gentleman from Alabama is so enthusiastic an admirer of everything naval that he actually argues that preparatory instruction in a naval or military school is service itself.

We send these young men to those schools to learn how to render service, and yet it some way, as the gentleman from Illinois [Mr. MANN] has pointed out, the result has been reached that, this preparation is made service, to be taken into consideration in connection with and as a basis for longevity pay. This is something to which these parties are not fairly entitled, and the practice should be discontinued, as it will be when this amendment is adopted.

It is the opposition to reform of this character, it is the antagonism which the thick and thin advocates of the military department manifest toward every measure of rational reform that is directed toward either the Army, or the Naval Establishment that will ultimately bring about a revulsion in the public attitude and be the occasion of far more drastic and far-reaching reductions than are in present contemplation.

Mr. HOBSON. Will the gentleman yield to a short question?

Mr. SAUNDERS. Yes; I will yield.

Mr. HOBSON. Does the gentleman think that the British Navy, that counts the service of their midshipmen; the French Navy, that counts the service of their midshipmen; the German Navy, that counts the service of their midshipmen; and all the navies in the world, that count the service of their midshipmen, forms one world-wide conspiracy and scandal?

Mr. SAUNDERS. I know nothing about the attitude in this regard of the Governments to which the gentleman has referred. I know however perfectly well that one year ago we took up this same matter in relation to the Military Academy and passed a law for that institution precisely like the one now sought to be imposed on the Naval Academy. Surely no one will undertake to say that the young men who go to Annapolis are more deserving than those we send to West Point. The amendment proposed for West Point was thoroughly debated in this body, and it was well understood at the time that it was intended to correct a rule that should never have been established. After full discussion the amendment was adopted by a large majority. That action furnishes ample precedent for a favorable vote on the pending proposition. We desire to establish a condition of equality between these two academies in this respect.

Mr. HOBSON. I am asking the gentleman if he is aware of the fact that the Naval Committee considered this and rejected it?

Mr. SAUNDERS. Perfectly well. But that fact does not incline this body to reject this amendment. [Applause.] If we follow the lead of the majority of the Naval Committee, we would be bound hand and foot, with respect to this bill. No reductions or reforms would be possible. [Applause.]

Mr. BUCHANAN. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. BUCHANAN. I want to say that it is my opinion that if it had not been for the fact that I was engaged in the Committee on Labor temporarily at the time this question was voted on the Committee on Naval Affairs would not have turned it down, because it was a tie vote, and I would have voted for it.

Mr. SAUNDERS. I am glad that the gentleman affords this information at this time. The gentleman from Alabama [Mr. HOBSON] says he is in favor of real economy. Of course, it follows that we gentlemen who are earnestly and sincerely seeking to apply to this bill in the interests of economy, an amendment which was adopted a year ago in connection with the Army bill, are opposed to real economy. Will the gentleman from Alabama [Mr. HOBSON] look to the pending bill, and point out therein one section, or one paragraph, with respect to which he thinks we can exercise some real economy?

Mr. HOBSON. I will a little later. I will offer an amendment, which I hope the gentleman will support.

Mr. SAUNDERS. I am afraid that a proposition affording economy according to the gentleman's idea, is one that I will be unable to support.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. SAUNDERS] has expired.

Mr. MURRAY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURRAY. Just how much latitude are Members supposed to have in regard to the discussion of matters that took place in committee?

The CHAIRMAN. It is generally accepted that what transpired in committee is not subject to repetition on the floor of the House, but the rule is not observed very often.

Mr. PADGETT. Mr. Chairman, I ask for a vote on the amendment offered by the gentleman from Missouri [Mr. HENSLEY].

Mr. HENSLEY. Mr. Chairman, I only ask for just a few minutes.

The CHAIRMAN. All debate on this amendment is exhausted. What is the motion of the gentleman from Tennessee?

Mr. PADGETT. I ask for a vote on the amendment of the gentleman from Missouri [Mr. HENSLEY].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. HENSLEY].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. SISSON. Mr. Chairman, I desire to offer an amendment, which I am sure the committee will not object to. In line 15, page 2, in the word "serving" the letter "n" is left out. It would be well to amend it here now.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 15, by inserting the letter "n" in the word "serving."

Mr. SISSON. Now, Mr. Chairman, I want to ask the gentleman from Tennessee [Mr. PADGETT], the chairman of the committee, a few questions. In analyzing the pay of the Navy I find, beginning on the first page, officers on sea duty. How many are there of them?

Mr. PADGETT. Thirty-eight hundred and six.

Mr. SISSON. How many are there on other duty?

Mr. PADGETT. That is the entire active list.

Mr. SISSON. Now, of officers on waiting orders, how many are there?

Mr. PADGETT. The list is not divided so as to show those on shore and waiting orders.

Mr. SISSON. I presume that ought to be covered in one item on the appropriation bill.

Mr. PADGETT. The 3,806 officers embrace all of them.

Mr. SISSON. Does not the gentleman think it would be better legislation on the estimates sent up by the Navy Department to provide a separate item for each of those classes?

Mr. PADGETT. Well, an officer may be on the waiting list to-day and to-morrow he may be on the active list.

Mr. SISSON. The gentleman does not understand me, evidently. I want to group all of these items under one list, that should include all the officers who would be designated under that head.

Mr. PADGETT. The pay of the 3,806 officers on the active list is \$10,770,000; the commutation of quarters for officers is \$442,000; allowances for heat and light, \$151,882; the pay of 900 midshipmen under instruction, \$540,000; pay and allowances of 975 officers on the retired list, \$3,189,761.

Mr. SISSON. That is the very point I wanted to get at.

Mr. PADGETT. Those are matters of calculation.

Mr. SISSON. Why is it that you do not carry those items that are provided for there by statute in separate items so that the House could see what is appropriated under each item?

Mr. PADGETT. The custom has prevailed, time out of mind, to carry them all in one item. It is so in the estimates, and they are so treated in the hearings.

Mr. SISSON. That is simply because the department time out of mind has desired to carry them in that way. Does not the gentleman know that in expending this money, if more were expended than was contemplated in the statements in the hearings for one of these items, the man responsible for it would violate no law? He would violate no law when he simply violates the hearings had before your committee. This law simply provides that a lump appropriation might be used for all of the various objects included here. Take, for example, the language—

Commutation of quarters for officers on shore not occupying public quarters, including boatswains, gunners, carpenters, sailmakers, machinists, pharmacists, and mates, naval constructors, and assistant naval constructors.

There is another paragraph, a distinct item, that ought to appear in your bill separately.

Mr. PADGETT. If you were to separate and make distinct all the objects that go into that paragraph, it would make I do know how many paragraphs.

Mr. SISSON. In other words, the gentleman understands that if a gentleman wanted to offer an amendment to this bill in reference to the amount of pay under a particular item, in its present shape he would need a report from the Secretary of the Navy as to exactly how much he could afford to take off from the total. For example, take the members of the Nurse Corps. You can not tell from this bill how many nurses there are nor how much can be used for the pay of nurses. You can not increase or diminish this item intelligently.

Mr. PADGETT. The pay of the Nurse Corps is \$89,000.

Mr. SISSON. We get that from the hearings, and that is the information which the committee has; but it is information which I think the House is entitled to before it can act intelligently.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I should like two minutes more.

Mr. PADGETT. I ask unanimous consent to extend the time of the gentleman two minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time of the gentleman from Mississippi be extended two minutes. Is there objection?

There was no objection.

Mr. SISSON. Take the amount for the hire of quarters for officers serving with troops where there are no public quarters belonging to the Government. There is no information as to this amount, nor can we offer an amendment to that without affecting the entire paragraph.

Mr. PADGETT. That amounts to \$15,920.

Mr. SISSON. If these items were reported separately, then we could legislate very much more intelligently upon them. I am not criticizing the gentleman from Tennessee because this is a custom which prevailed when he came in, but I want to impress upon the House the necessity of separating, as far as possible, the different appropriations into separate items.

Mr. PADGETT. It is contemplated in the next Congress to report the bill more in detail.

Mr. SISSON. I hope the gentleman from Tennessee will effect that, and with the assurance of the gentleman that as chairman of that committee he will endeavor to give the House the items more in detail in the next bill I shall not discuss the matter any more.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Mississippi, which the Clerk will report.

The Clerk read as follows:

Page 2, line 15, insert the letter "n" in the word "serving."

The amendment was agreed to.

The Clerk read as follows:

That from and after the passage and approval of this act the pay and allowances that are now or may be hereafter fixed by law for officers of the Navy and Marine Corps shall be increased 50 per cent for such officers as are now or may hereafter be detailed by the Secretary of the Navy on aviation duty: *Provided*, That this increase of pay and allowances shall be given to such officers only as are actual flyers of heavier-than-air craft, and while so detailed: *Provided further*, That no more than 30 officers of the Navy and Marine Corps shall be detailed to aviation service: *Provided further*, That no officer above the rank of lieutenant commander in the Navy or major in the Marine Corps shall be detailed for actual flying: *Provided further*, That nothing in this provision shall be construed to increase the total number of officers now in the Navy or Marine Corps.

Mr. SISSON. Mr. Chairman, I reserve a point of order on that paragraph.

Mr. PADGETT. Mr. Chairman, I will say to the gentleman that this is the same provision that is incorporated in the Army appropriation bill, and identical with it, except that we put the grade of employment one grade lower than is provided in the Army bill.

Mr. SISSON. How much additional expense will this entail upon the department?

Mr. PADGETT. It will depend on how many are employed and of what rank. You can not employ more than 30, the same number that is fixed in the Army bill, and they can not be above the grade of lieutenant commander. In the Army the grade is fixed at colonel.

Mr. SISSON. What is the salary of a lieutenant commander?

Mr. PADGETT. About \$3,600 or \$3,700.

Mr. SISSON. Then a lieutenant commander detailed to this service would get not to exceed \$7,200?

Mr. PADGETT. No; he would get not to exceed about \$5,400.

Mr. BATHRICK. It is only while they are detailed to this service.

Mr. PADGETT. It is while they are detailed to this duty.

Mr. SISSON. Immediately upon retiring from that service they go back to their former compensation?

Mr. PADGETT. Yes.

Mr. MANN. Will the gentleman yield in that connection?

Mr. SISSON. I yield to the gentleman from Illinois.

Mr. MANN. A year ago or so the House passed a bill reported from the Committee on Military Affairs. I think that committee reported a 100 per cent increase in pay. I am not sure but it passed the House at 100 per cent increase.

Mr. ROBERTS of Massachusetts. It was reduced to 50 per cent.

Mr. FOWLER. It was reduced this year to 50 per cent.

Mr. MANN. If the gentleman will permit me, in the Army appropriation bill we carried a provision of a 50 per cent increase. When that bill went to the Senate the Senate struck out the item and passed the original bill, but providing for a 20 per cent increase. The House again put in the 50 per cent increase in the Army bill—or perhaps it was 100 per cent—and the Senate committee struck that out and passed the separate bill. In the separate bill the Senate reduced it to 20 per cent increase. I take it that there will be some agreement on the Army bill fixing the per cent of increase, the limitation as to number being 30, as it is in this bill. Now, it is quite evident that whatever provision goes into the Army bill as to that branch of the service must also be provided for the other branch of the service.

Mr. PADGETT. I will bear that in mind, and if the Army bill is changed we shall insist on this being changed in conference.

Mr. MANN. But the gentleman can not change this in conference unless the Senate changes it, and if it is changed, I take it that that will be done so that the pay will be the same in the two services. If it were not for that I should make the point of order.

Mr. Sisson. The gentleman will have to bear in mind that the pay in the Navy and the Army are not the same.

Mr. PADGETT. They run on parallel lines. It will enable them to pay the Army officer with the rank of a colonel, which is higher than a lieutenant commander in the Navy.

Mr. Sisson. There ought to be some similarity in the provision so that the increase of pay would be the same in both services.

Mr. PADGETT. As it was already in there, our committee thought that a grade high enough for flying ought to come from the younger officers and not from the older, and so we limited it to the grade of lieutenant commander.

Mr. Sisson. Mr. Chairman, I withdraw the point of order. The Clerk read as follows:

That the accounting officers of the Treasury are hereby authorized and directed to allow in the accounts of disbursing officers of the Navy all payments heretofore made by them in accordance with orders or regulations of the Secretary of the Navy for commutation of subsistence to members of the Nurse Corps of the Navy at the rate therein specified, and that the Secretary of the Navy is hereby authorized, in his discretion, to hereafter allow members of the Nurse Corps of the Navy 75 cents per diem in lieu of subsistence when subsistence in kind is not furnished by the Government.

Mr. Sisson. Mr. Chairman, I reserve a point of order.

Mr. MANN. I make the point of order.

Mr. Sisson. I reserved it, Mr. Chairman, for the purpose of getting information. If the gentleman from Illinois desires to make it—

Mr. MANN. I will reserve it.

Mr. Sisson. I wanted to ask the gentleman from Tennessee what would be the effect of this provision?

Mr. PADGETT. We established heretofore a female nurse corps in the Navy to correspond with the one in the Army. The Secretary of the Navy made a regulation providing that these nurses should receive commutation of quarters at 75 cents a day, and they enlisted and served under that regulation, which they supposed to be valid. Afterwards the Comptroller of the Treasury, in one of the Army appropriation bills, decided that under the law they could only receive commutation at 40 cents a day, so that they had been paid 35 cents a day in excess of what the comptroller decided could be paid. Thereupon the accounting officers of the Treasury checked up the salaries of these female nurses to repay to the Government the 35 cents a day which had been overpaid.

Mr. Sisson. What is their pay now?

Mr. MANN. Fifty dollars a month with room, heat, and light.

Mr. PADGETT. Fifty to seventy-five dollars a month.

Mr. Sisson. What does the 75 cents for commutation add to their pay?

Mr. PADGETT. Over the amount allowed, 40 cents for commutation quarters, it would add \$10 or \$12, or in all about \$21 or \$22.

Mr. Sisson. In addition to what they get?

Mr. PADGETT. Ten or twelve dollars in addition to what they get under the 40-cent provision, and over what they supposed they were getting when they enlisted it would add nothing.

Mr. Sisson. How many are there in the Nurse Corps?

Mr. PADGETT. I think about 30 or 35.

Mr. MANN. May I ask the gentleman a question?

Mr. PADGETT. Certainly.

Mr. MANN. Who else in the Navy gets an allowance as high as 75 cents a day in lieu of subsistence?

Mr. PADGETT. None that I know of.

Mr. MANN. Anybody in the Army?

Mr. PADGETT. No.

Mr. MANN. Does the gentleman think that we can allow a small number in the Army or in the Navy this sum for commutation without allowing it subsequently to everybody else?

Mr. PADGETT. The committee thought 75 cents a day commutation was not unreasonable in view of the fact that their salaries ranged from \$50 to \$75 a month.

Mr. MANN. If the salaries are too small, increase them. Does it cost any more for subsistence of a nurse than for a quartermaster?

Mr. PADGETT. No; but when they go out and subsist themselves, and this is received in lieu of subsistence, I do not think they can live on much less than 75 cents a day.

Mr. MANN. If that rule is true, ought it not to be applied to everybody else in the Navy who gets an allowance in lieu of subsistence?

Mr. PADGETT. I appreciate the gentleman's suggestion. The matter was discussed in committee. The committee concluded that they would submit it to the House. The gentleman will notice that the provision has two clauses.

Mr. MANN. Yes; I had noticed, and I have no doubt the second clause grew out of sympathy for the first. They have all been allowed 75 cents a day, and now it is proposed—

Mr. PADGETT. I was going to ask the gentleman if he insisted on his point of order, to limit it to the second clause of the provision, and not to the first, which was under the terms under which they made their enlistment.

Mr. MANN. How much does it amount to?

Mr. PADGETT. It is a small amount.

Mr. MANN. I know that; but how much is it? If the gentleman desires it to go through, he ought to know what it is?

Mr. PADGETT. I do not recall at this time.

Mr. HOBSON. I think it is only a few hundred dollars.

Mr. Sisson. Mr. Chairman, I withdraw the point of order.

Mr. MANN. Mr. Chairman, I make the point of order.

The CHAIRMAN. Does the gentleman make it against all of it or just the latter clause?

Mr. MANN. Oh, I think if you start to allow 75 cents a day to anyone you will have to give it to everybody, and as it is only a very small amount, you better do it by special bill.

Mr. PADGETT. It is subject to the point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HOBSON. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of line 5, page 4, add the following:

"Provided, That all officers of the Navy who, since the 3d day of March, 1899, have been advanced or may hereafter be advanced in grade or rank, pursuant to law, shall be allowed the pay and allowances of the higher grade or rank from the dates stated in their commissions."

Mr. FOSTER. Mr. Chairman, I make the point of order against the amendment.

Mr. HOBSON. Mr. Chairman, I would like to discuss the point of order.

The CHAIRMAN. Does the gentleman from Illinois reserve the point of order?

Mr. FOSTER. I do not believe it is necessary, Mr. Chairman. We had this up one time before under unanimous consent.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

PAY, MISCELLANEOUS.

The Secretary of the Navy shall send to Congress at the beginning of its next regular session a complete schedule or list showing the amount of money of all pay under the provisions of this act and for all allowances for each grade of officers in the Navy, including retired officers, and for all officers included in this act and for all enlisted men so included.

Mr. MANN. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman how much is now paid for retired officers, as shown by the report of the Secretary. Will the gentleman put in the RECORD a brief statement and show the amount of pay and allowances in accordance with the report made by the Secretary under this paragraph?

Mr. PADGETT. Yes; we will put it in the RECORD. I will state that the pay of officers on the retired list is \$3,189,761.

Mr. MANN. How much on the active list?

Mr. PADGETT. Ten million seven hundred and seventy thousand seven hundred and ninety-two dollars.

Mr. ROBERTS of Massachusetts. That is all to be found in the Book of Estimates.

Mr. GREGG of Texas. The \$3,000,000 pay for retired officers is for 975 officers?

Mr. PADGETT. Yes.

Mr. GREGG of Texas. And the \$10,000,000 for the officers on the active list is for 3,806 officers?

Mr. PADGETT. Yes.

Mr. GREGG of Texas. Has the chairman made a calculation of how much the average pay per year of the retired officer exceeds the average pay per year of the officer on the active list?

Mr. PADGETT. It is more for the reason that the officers on the retired list are retired in higher grades. You have many officers of the grade of ensign and first lieutenant and lieutenant of the junior grade on the active list.

Mr. GREGG of Texas. Can the gentleman tell exactly how much the average pay of officers on the retired list exceeds the average pay of officers on the active list?

Mr. PADGETT. It is a matter of calculation.

Mr. GREGG of Texas. I thought the gentleman had figured it out.

Mr. PADGETT. No; I have not. It is a matter of arithmetic.

Mr. MANN. Mr. Chairman, how many admirals are there on the retired list?

Mr. PADGETT. About 147 or 148.

Mr. MANN. Not more than that?

Mr. PADGETT. I think not.

Mr. MANN. How many on the active list?

Mr. PADGETT. There are some commodores on the retired list.

Mr. MANN. They are treated as admirals?

Mr. PADGETT. They have the same pay, but they are regarded as commodores. Under the personnel act they have the title of commodore.

Mr. MANN. Do they not now get the title of admiral?

Mr. PADGETT. No; not on the retired list.

Mr. BUTLER. There are 21 admirals on the active list.

Mr. MANN. And 140 or 150 on the retired list.

Mr. PADGETT. Under the law the active list of admirals is limited to 18, and there are 3 extra numbers growing out of the Spanish War. A few years ago there were 26 on the active list.

Mr. HOWARD. I would like to ask the gentleman from Tennessee a question. Has the gentleman from Tennessee any information as to how many of these admirals who are on the retired list have commanded as much as a big flat-bottom bateau?

Mr. PADGETT. No; I have no information as to whether they commanded a bateau or not.

Mr. HOWARD. As a matter of fact, not 1 per cent of those who are retired ever commanded a fleet or even a battleship in their life.

Mr. PADGETT. Oh, I think it is much larger than that; I do not think that stricture is at all merited.

Mr. CALLAWAY. Will the gentleman yield to me? The gentleman stated awhile ago you advanced their grade when retired.

Mr. PADGETT. No; formerly we did, but we repealed that law last year.

Mr. CALLAWAY. The gentleman stated that there are 21 admirals in the active service.

Mr. PADGETT. I said 18. As a fact, there were 21, but 3 of them are there by virtue of special legislation of Congress.

Mr. CALLAWAY. Is there any limit at all on how many you can have retired?

Mr. PADGETT. No; it is fixed by the number who reach the age of 62 years in their promotion, but as they reach it those on the retired list die.

Mr. CALLAWAY. Are all retired admirals 62 years old?

Mr. PADGETT. Yes; and more.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALLAWAY. And there is no retired admiral under 62—

Mr. PADGETT. There is none under 62, and I think one is nearly 90.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I ask this committee to give me five minutes in which to say something I have to say. I have listened with great patience and a little impatience to what has been said here on both sides and well said touching economy in the administration of the Navy. Millions have rolled lightly from their tongues as Members spoke of the abundance of the American Treasury. They have talked about officers and men with commissions, and used names which receive attention in the headlines of the newspapers, but not one man, with the exception of my old friend from Illinois, has ever rebuked the slander that has been visited by a foreigner upon the men behind the guns. I refer to a statement made by a man who was presumed to be at the time he spoke a member of the Canadian Parliament. If he is correctly quoted, he should not be a member of any parliament. I can not conceive how a free

people would elect a man who is so boldly inaccurate, and if correctly quoted, so brutally untruthful. I refer to a speech reflecting upon our American sailors, said to have been made by some man whose name I do not now recall—

Mr. FOWLER. The Hon. Samuel Simpson Sharpe.

Mr. BUTLER. The Hon. Samuel Simpson Sharpe, my friend tells me. Right here I desire in this public place to commend the gentleman from Illinois for having taken an early opportunity to make a denial of this unfortunate comment upon 47,000 American sailors. In the course of his remarks the gentleman of the Canadian Parliament used this language:

Men who are not good socially, morally, and otherwise.

If these remarks should ever fall before this man's gaze, I hope that my rebuke will attend them, and that he shall know that there is one American citizen who is not afraid to denounce him as boldly untruthful. [Applause.] My friends, we have 47,000 enlisted men in the American Navy—give me your attention for a moment—I am simply making the defense for plain men who only speak through their performances and who in the affairs of our Government are taking a most important part. If this man were ignorant, I would deplore his lack of knowledge, but being untruthful I despise him. [Applause.] Gentlemen, this great fleet of ours, composed of 25 ships of war, went around the world making 25,000 miles of a journey within the last three or four years, and to the credit of its seamen who attended it not one case of misbehavior has been reported. [Applause.] It touched place after place in the world. It visited Japan, China, Siam, in the East, and all parts of the world in its route, giving a great object lesson for the people of the world that the American Navy was not built to live at home. Wherever this fleet touched these men were landed, and I repeat what I said before, to their great credit not one case of misbehavior has been reported against them. It is easy for us to talk of how our sailors on Lake Erie actually played with death and how at Santiago they were brave enough to taunt their enemy, but now when their morality and stability are assailed, when they are accused of being worthless and without character, I wish that every man in this House would be willing to bear testimony to the high esteem in which the American people hold them.

This same authority upon American morality has the effrontery to say that these men are principally foreigners. Perhaps he did not know of what he spoke; but if he did know, he was untruthful in his statement. Of the 47,000 men in the American Navy, or enlisted in the American Navy, 96 per cent are American citizens. [Applause.] Of the 96 per cent, 90 per cent are American citizens born in America.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Chairman, to repeat, of this 96 per cent, 90 per cent are native born; and of that 96 per cent, 4 per cent are composed nearly entirely of natives from the insular possessions, who are debarred from citizenship by a doubtful construction of the law by the courts. The 1 per cent is foreign born, and enlisted in our service more than six years ago, before the date of the law denying further enlistment of foreign citizens, and that 1 per cent patiently serve us as noncombatants.

Now, I think I have been able, at least I have endeavored, within the few minutes that you have accorded me, to show you that this statement, made by a supposedly responsible party and published generally in our newspapers, and which I have never seen denied by them—this reflection on the character of the American seamen is unworthy even of the man who was rash enough to make it. My friends, I have here in my hands a memorandum prepared by a man who knows the service well; a man who has soldiered with our seamen and bears honorable scars upon his body given him by the enemies of America. I requested him to give me a statement affecting the personnel, of its conduct and of its character, because he knows better than I do concerning these things, and with your permission I will make this statement of Lieut. Commander Tausig a part of my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The following is the memorandum referred to:

FEBRUARY 15, 1913.

NOTES CONCERNING THE ENLISTED FORCE OF THE NAVY.

Recently in the Canadian Parliament a member of that organization made a reflection on the character of the American sailor. These remarks have been given widespread significance by the newspapers of this country and in foreign journals. Although refuted by an editorial in the Washington Post and in a speech made by the Hon. Mr. FOWLER,

of Illinois, on the floor of the House on the 30th of last month, the publicity given the Post editorial and this speech has been insignificant compared to that given the speech of the member of the Canadian Parliament.

The member of the Canadian Parliament said, in part:

"Few native Americans sign for the Navy, and those who do are desperate. Men who are no good socially, morally, and otherwise. A hard winter, hard times, and strikes make the best recruiting seasons for the United States Navy. Thus it becomes a sort of home for destitutes and moral degenerates. Deserters from foreign ships—Scandinavians, Russians, Finns, Austrians, and Latins—take kindly to the Yankee Navy, for in it they learn the language and a trade, and the life to them is easy compared with their previous existence."

It can be positively stated that these remarks are false.

What is given here is founded on facts as shown by official reports and statistics.

There are in the Navy to-day approximately 47,000 men, of whom 96 per cent are American citizens. This 96 per cent is composed of 90 per cent native-born, and 6 per cent naturalized citizens. The remaining 4 per cent is composed nearly entirely of natives of our insular possessions who are debarré from citizenship by a doubtful construction of the law by the courts. Less than 1 per cent of the total enlisted force of the Navy, the part not accounted for in the figures just given, are aliens. This 1 per cent is composed entirely of men who first enlisted more than six years ago, before the law was changed prohibiting the enlistment of foreigners. These men have been honorably discharged and reenlisted, as most of them have had long, faithful, and honorable service in the Navy of this country. These men, the foreigners, belong to the noncombatant element on board ship, such as musicians and messmen, and their numbers are so small their importance on board sinks into insignificance. From this it is seen that the sailors who man the guns, those who fire the furnaces, and those who handle the intricate machinery on board our men-of-war are American citizens.

It can be shown that these men are not low characters, but are men of excellent character, of good family, and far above the average.

The following are extracts from the Navy Regulations on the subject of recruiting:

"Every person before being enlisted must pass the physical examination prescribed in the medical instructions; and no one shall be enlisted unless pronounced fit by the commanding and medical officers. * * * Each recruit shall be required to declare on oath, in presence of the commanding officer of the ship or rendezvous, that he makes a true statement of his age to the best of his knowledge and belief * * *. No insane or intoxicated person and no deserter from the naval or military service * * * shall be enlisted in the naval service. * * * Except as provided in article 760, no person shall be enlisted who is not a citizen of the United States or a native of the insular possessions and who does not understand and speak the English language."

"Article 760 is the provision authorizing any man who has received an honorable discharge to reenlist within four months from date of discharge, and is the regulation by virtue of which the small per cent of foreigners are still in the service."

There are many other Navy regulations governing enlistments. The intent of all of them is to insure the enlistment of a high-class native element, on whom the country must depend for defense should there ever come another war.

The Bureau of Navigation, which has direct charge of recruiting, issues to all recruiting officers explicit instructions as to the intent of the regulations and insists that only men who come up to the requirements be enlisted. Once in a while a mistake is made and a man of low character slips through, but these exceptions are seldom, and it is not long before the man's true character is learned and he is discharged or dismissed.

That only men who are morally, mentally, and physically fit is shown by the fact that during the fiscal year ending June 30, 1912, out of 73,364 applicants for enlistment only 17,743 were accepted and allowed to enlist. These figures are significant in that they show our American sailors to be picked men. In many foreign countries all able-bodied men must serve for a certain length of time in either the army or navy. It is not to be supposed that the men of the services of such countries where all must serve can compare in character and physique with the men in our Navy, where only a few are chosen from the many who desire to enlist. The standard of the enlisted personnel of our Navy is the highest in the world. There are hundreds of cases on record in the files of the Navy Department that show the high character of the American sailor. These official documents comprise testimonials from our own people and from foreign sources.

A few of the many instances where the inherent bravery and natural worth of the American bluejacket is shown are given below.

There is not an instance on record where, in cases of emergency, the sailors have not arisen to the occasion and been willing to sacrifice themselves either in fighting for their country or in the saving of the lives of their shipmates and others. The eager rush of volunteers to man the *Merrimac* when it was known she was to be sent on a mission from which escape seemed well-nigh impossible, the difficulty of picking a crew from the thousands of volunteers, and the joy of the few who were chosen and the sorrow of the many who were not is an example. The manner in which these men behaved in the face of a terrible fire and how well they conducted themselves during their long confinement in a Spanish prison are matters of history. These men who composed the crew of the *Merrimac* were picked at random from the American sailors.

During the Boxer uprising in China in 1900 a column of 2,000 men composed of the sailors representing eight nations attempted to reach our besieged legations in Peking. This column was overwhelmed by many times their number of Chinese soldiers, but they finally fought their way into Tientsin. In this encounter, lasting over a week, the American sailors and marines, under Capt. McCalla, were given the post of honor in the van by Vice Admiral Sir Edward Seymour, of the British Navy, who commanded the combined forces by virtue of his rank.

Vice Admiral Seymour in a letter to the commander in chief of the American fleet said:

"I desire to express to you my highest sense of the unflinching energy and zeal displayed under somewhat trying circumstances by the United States officers and men, whose courage was worthy of their high traditions and requires no words of men to describe."

The incidents referred to show us the American sailor in the stress of battle under modern conditions.

A few instances not under the stress of battle but dwelling on emergencies in time of peace are noted below:

In 1902 a fire broke out on board the gunboat *Petrel*. In this fire the commanding officer of the ship lost his life, but many sailors made

heroic efforts to save him. In a general order, issued by the Secretary of the Navy, these men are mentioned by name. The order states: "These men were themselves overcome by the smoke and had to be hauled up to the upper deck."

In 1906 a boiler on the gunboat *Bennington* exploded, killing many of the crew. After a thorough investigation the Secretary of the Navy issued a general order to the service. An extract from this order follows:

"Men grievously wounded forgot their own injuries and rushed back in the shower of scalding water, steam, and ashes to rescue their more unfortunate shipmates. Amid such a display of self-sacrifice and heroism it is difficult to select individual cases * * *"

The coolness and bravery of the sailors in the terrible accidents that happened in the turrets of the *Georgia*, the *Missouri*, and the *Kearsarge* when, in each case, a number of men exposed themselves to almost certain destruction in their endeavors to save human lives, are well known to all who have kept in touch with naval affairs.

In September, 1910, an act of bravery was performed by a number of sailors on the *North Dakota* when an explosion occurred while making a test with fuel oil. The general order on this subject, after giving the names of a number of men, states:

"On September 8, 1910, while making tests with oil as fuel, an explosion occurred, resulting in the death of three enlisted men of the Navy and greatly endangering the ship. The men named above hauled fires in the furnaces of boiler No. 3 fireroom while the oil was burning on boiler 'I,' and took all precautions to prevent boiler explosions. They searched for and assisted in carrying out the bodies of the three men who lost their lives. This work was done in water up to their waists, in dense smoke, heat, and fumes from burning oil, and gas and steam arising from the hot coals and coke floating on the water."

These accounts, taken from records in the Navy Department, are founded on fact. These acts are only a few of the many on record and speak for themselves in showing to the country the true character of the American sailor.

There are numerous letters in the department, written from many varying sources, testifying to the good behavior of the sailors when on shore. The most notable incident is the recent cruise of the battleships around the world. In every port of the world where the fleet touched thousands of American sailors went ashore on liberty. In not one of these ports was it necessary for the local authorities to arrest a single American bluejacket. In every port the authorities and the newspapers made special comment on the excellent behavior of the American sailors; many foreign officials made official reports to their Governments on this subject, and some of them wrote direct to the commander in chief of our fleet. These letters are on record in the department.

Admiral Simpson, of the Chilean navy, who was present at Punta Arenas during the stop of the American fleet at that port, wrote to his Government:

"During the stay of the American fleet at Punta Arenas, Admiral Evans gave permission to the greater proportion of the sailors of his ships to go on shore, and, according to the official report made by the commissioner of police of Punta Arenas, a copy of which was given me by the governor of the Territory, the American sailors have shown a spirit of discipline and order worthy of praise. In spite of the fact that so many sailors had shore leave, calculated as 15,000 by the commissioner, there was no disagreeable incident to be complained of."

It will be remembered that shortly before the fleet went to Japan there had been misgivings about allowing the American sailors to go ashore in this country, owing to the ill feeling supposed to exist toward the Japanese sailors. The Navy Department did not have any apprehension on this score, but the public at large, through the newspapers, expressed grave fears of disturbances if the sailors were allowed to go ashore; but in Japan, as in all other places, there was not a single case of misconduct, and all the men of the fleet went ashore—as many as 3,000 at the same time. In fact, the behavior of the sailors while in Japan was so exemplary the commander in chief sent a special cablegram to the President of the United States commending their conduct.

On an average of about 10 times a year the attention of the department is called to some special noteworthy act of the sailors. Since the Congress provided for awarding medals of honor to men for deeds of gallantry and heroism in times of war and peace there have been over 700 of these medals issued to the men "who have shed luster on the service by upholding the honor of the flag in storm and battle, by their devotion to the country and to each other, and by their unselfishness in risking their own lives to save others."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LEE of Pennsylvania having taken the chair as Speaker pro tempore, a message from the Senate announced that the Senate had insisted upon its amendments to the bill (H. R. 28907) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURTIS, Mr. SMOOT, and Mr. MARTIN of Virginia as the conferees on the part of the Senate.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. SISSON. Mr. Chairman, the gentleman referred to the expenditures of money out of the Federal Treasury. I want to call the attention of my Democratic colleagues to the Democratic platform, in view of many of the appropriation bills which have passed this House and in view of the fact that it now seems as if these bills as they passed the House will aggregate something like \$121,000,000 more than the last Republican Congress. When you take into consideration that the Committee on Appropriations is the committee that has saved something like \$40,000,000 over the last Appropriations Committee, it seems to me that this language of the platform may be new in the minds of our Democratic friends. The last platform, on the subject of Republican extravagance, is as follows:

We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of the

recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toll. We demand a return to that simplicity and economy which befits a Democratic Government.

Mr. MANN. I think you would be ashamed to read that now.

Mr. Sisson. It is with a degree of pain, I will say to the gentleman from Illinois, that I do read it; but I think it is proper, because we are coming into power in both branches of the Government, and I think it is well that Democrats should begin at the very beginning of the Democratic administration to try to carry out their pledges. The conclusion of our platform is as follows:

Our platform is one of principles which we believe to be essential to our national welfare. Our pledges are made to be kept when in office as well as relied upon during the campaign, and we invite the cooperation of all citizens regardless of party.

Now, I want to say to my Republican friends that you have helped out considerably in this matter upon the theory that the Democratic majority in this House is responsible for the appropriation bills as they leave the House. And when an effort has been made as a rule, with some exceptions, the majority of our Republican friends have helped to put us deeper in the hole. But I want to say to my Democratic colleagues, that if we do not want to put a check upon these appropriations, unless we find a new method of taxation, according to the income of the Treasury to-day, Woodrow Wilson, during his second, if not the first, year of his administration, will be confronted with a bond issue. I therefore call upon Democrats here and now to do what they can to prevent in conference any more additions to these bills. And if they make an effort in another body to put large additions to these bills, I believe it would be the duty of every Democrat here to see that these bills are not passed, and that they be taken up under the next Democratic administration, because this Government is provided for up until the 1st of July, and if the Congress is unable then to make appropriations by that date, we then can pass resolutions, as we have frequently done, from month to month, reappropriating the amount carried in the last appropriation bill, and save to the American people millions of dollars and carry out our pledges to them, and be able to go home and look the honest electorate squarely in the face, and say that we have kept the faith. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. Sisson. I yield to the gentleman from Illinois.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi [Mr. Sisson] have two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MANN. I understand that the recommendation of the gentleman is that, instead of trusting to a Democratic Congress to pass the appropriation bills, they will just pass a joint resolution extending the appropriations made under a Republican President for fear they will be too extravagant if they make them themselves? [Laughter.]

Mr. Sisson. No; because we do not have time now, and perhaps we would have time to pass them before the 1st of July.

But I will say to the gentleman from Illinois that when I came here I was very much more of a partisan than I am now. I want to say that economy as practiced on this side of the House is not altogether a virtue applicable and attributable only to the Democrats. The Republicans have exercised some economy, and I realize now how difficult it is to keep down the appropriation bills. But since the time when we denounced you in our platform eight years ago and four years ago for extravagance for spending \$90,000,000 more than you did in the preceding year—and I have not the time now in the two minutes allowed me to read the platform declaration where we denounced you because you had expended \$90,000,000 more than you expended in the preceding year—the question arises, Why on earth have the Democrats the right to denounce Republicans for extravagance in the future? For the life of me I can not see. [Applause and laughter.]

Mr. MANN. For years the stock in trade of the gentleman's party has been to denounce the Republicans for extravagance.

Mr. Sisson. Yes; and if I had my way about it, I would make good our pledges and in that way put you in a hole, and not ourselves. [Applause on the Democratic side.]

Mr. MANN. Oh, the gentleman can not say that. You Democrats are all extravagant. You denounce extravagance one day and become extravagant yourselves the next day. [Applause on the Republican side.]

Mr. Sisson. Oh, the gentleman need not shake his gory locks at me, because if I have made any reputation here among my Democratic as well as Republican colleagues, it has been because I have made an honest attempt to practice economy and advocate the practice of economy on the part of others. [Applause on the Democratic side.]

Mr. MANN. Oh, the gentleman from Mississippi is just as anxious to put through a lot of stale claims as anybody I know of on his side of the House. [Laughter.]

Mr. Sisson. I am anxious to prevent the payment of stale claims, and I will remind the gentleman from Illinois that I have helped him prevent the payment of stale claims in this House, and every one of them was from the Southern States, because I did not think they were just and honest claims.

Mr. MANN. The gentleman has remarked that the bills already sent over to the Senate would exceed in the aggregate the highest Republican appropriations by \$120,000,000.

Mr. Sisson. That is an estimate, but it is not far from accurate.

Mr. MANN. If the gentleman's party has succeeded in going \$120,000,000 above the highest limit reached by the Republicans while the Democratic Party has had control of only one House, how much does the gentleman suppose his party will exceed the total appropriations attained by the Republicans when his party shall have control of both House and Senate? [Laughter.]

Mr. Sisson. I say that is the reason why we should consider in the future what we have done and try to do better in the next Congress; and I say that I have reached that point in my life where I shall expect and endeavor to serve my country, even though some of my party colleagues here complain when I state the truth in the House.

Mr. MANN. Mr. Chairman, will the gentleman yield again?

Mr. Sisson. Yes.

Mr. MANN. Last year the Members on the Democratic side held a caucus with a view to keeping down the total of the naval appropriation bill. Has my friend from Mississippi called such a caucus this year for that purpose?

Mr. Sisson. I will say to the gentleman from Illinois that there was such a call, and I was in entire sympathy with it.

Mr. MANN. Yes; it was called, but nobody came. [Laughter.]

Mr. Sisson. The trouble was that those who believed in faithfully carrying out the pledges of our party platform did attend, but the balance stayed away, and the men who believed in a two-battleship program succeeded in breaking up the meeting. [Laughter.]

Mr. MANN. Those who stayed away were so much more numerous than those who came that those who did attend the meeting could not do anything. The economists on your side are in a minority, and always were, except on the stump. [Laughter.]

Mr. HOWARD. Mr. Chairman, a parliamentary inquiry.

Mr. Sisson. I want to say, Mr. Chairman, to the gentleman from Illinois [Mr. MANN]—

Mr. MACON. Mr. Chairman, I rise to a question of order. The gentlemen are not discussing the bill. I make the point of order.

Mr. Sisson. The other gentlemen were not discussing the bill, either.

Mr. MANN. We were discussing the extravagance of the Democratic Party incident to the discussion of the naval appropriation bill.

Mr. Sisson. Just one word more, Mr. Chairman. I want to say that I do not believe the statement made by the gentleman from Illinois is by any means correct. I know that repeatedly on this floor a majority of the Democrats have voted for economical measures when nearly a solid vote appeared on the other side against those policies. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LEE of Pennsylvania having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. OLIVER, Mr. LA FOLLETTE, and

Mr. SMITH of South Carolina as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. WILLIAM W. WEDEMEYER, late a Member of the House of Representatives from the State of Michigan.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be suspended in order that proper tribute may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also—

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. GEORGE HERBERT UTTER, late a Member of the House of Representatives from the State of Rhode Island.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also—

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. ISIDOR RAYNER, late a Senator from the State of Maryland.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended, to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Also—

Resolved, That as a further mark of respect to the memory of Mr. RAYNER, Mr. UTTER, and Mr. WEDEMEYER the Senate do now adjourn.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For commissions and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of civilian employees, and for actual and necessary traveling expenses of midshipmen while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen; for actual traveling expenses of female nurses; for rent of buildings and offices not in navy yards, including the rental of offices in the District of Columbia; expenses of courts-martial, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing paymasters' offices of the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers; all advertising for the Navy Department and its bureaus (except advertising for recruits for the Bureau of Navigation); copying; care of library, including the purchase of books, photographs, prints, manuscripts, and periodicals; ferrage; tolls; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction at home and abroad, in maintenance of students and attachés; information from abroad, and the collection and classification thereof; all charges pertaining to the Navy Department and its bureaus for ice for the cooling of drinking water on shore (except at naval hospitals), telephone rentals and tolls, telegrams, cablegrams, and postage, foreign and domestic, and post-office box rentals; and other necessary and incidental expenses: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, and messenger service in navy yards, naval stations, and purchasing pay offices for the fiscal year ending June 30, 1914, shall not exceed \$280,000; in all, \$1,000,000: *Provided further*, That the same construction shall be made of the law applying to leave of absence of all per diem employees of the classified service of the clerical, drafting, inspection, messenger, and watch force paid from appropriations made in this act: *Provided further*, That employees while taking their leaves of absence shall not receive compensation for services rendered during the period of such leave of absence in addition to leave pay.

Mr. Sisson. Mr. Chairman, I reserve a point of order on the new matter which I can point out in this paragraph. On page 4, in line 22—

For rent of buildings and offices not in navy yards, including the rental of offices in the District of Columbia.

The proviso on page 5, the proviso beginning in line 1 on page 6, and the other proviso, beginning in line 5 on page 6.

The CHAIRMAN. Does the gentleman refer to the words in parentheses in lines 5 and 6 on page 5?

Mr. MANN. The gentleman can reserve a point of order on the paragraph.

Mr. Sisson. A portion of it is not subject to the point of order.

Mr. MANN. The gentleman can reserve a point of order on the entire paragraph.

Mr. Sisson. I will reserve a point of order on the entire paragraph. I notice on page 4, in lines 22 and 23—

For rent of buildings and offices not in navy yards, including the rental of offices in the District of Columbia.

Mr. PADGETT. The words "including the rental of offices in the District of Columbia" are new matter. This is not a new charge or a new appropriation. For a number of years they have been paying rent out of this appropriation, amounting to \$3,996 a year.

Mr. Sisson. Is that authorized by law?

Mr. PADGETT. They have been renting offices here for years, and officers have been occupying them, and they have been paying for them out of this appropriation.

Mr. MANN. We can not hear the gentleman's statement.

Mr. Sisson. I asked the gentleman concerning the words:

Including the rental of offices in the District of Columbia—

Which words are new. I want to know whether that is authorized by law or not; and if so, why it is necessary to put these words in the bill.

Mr. PADGETT. I stated that for years the department has been renting quarters here in the District of Columbia, the amount of the rental being \$3,996 a year. This is adding nothing to the expense.

Mr. Sisson. Is that the total rent?

Mr. PADGETT. That is the total rent. There is an act, passed some years ago, which reads:

Hereafter no contract shall be made for the rent of any building or part of any building to be used for the purposes of the Government in the District of Columbia until an appropriation therefor shall have been made in terms by Congress, and that this clause be regarded as notice to all contractors or lessees of any such building or part of building.

We thought that in view of that language there ought to be an express stipulation here, so that there would be no quibble with the accounting officers. Nothing is added. These quarters have been rented for many years.

Mr. Sisson. And this is solely for the purpose of making it legal?

Mr. PADGETT. For the purpose of making it plain, so there will be no quibble on the part of the accounting officers.

Mr. Sisson. Is the matter on page 5 new matter?

Mr. PADGETT. Not at all.

Mr. Sisson. On page 6 there is new matter?

Mr. PADGETT. On page 6 there is new matter. I will state to the gentleman that I received a letter, dated January 24, from the American Society of Marine Draftsmen, in which they call attention to the fact that if a clerk works up here in the department he is credited with 30 days' annual leave with pay. If a per diem employee works a year he is credited with 30 days' leave of absence with pay.

Mr. Sisson. Is this for the purpose of equalizing?

Mr. PADGETT. Yes. I want to give an illustration. If they detail this same man down at the navy yard to do their work there they only credit him with 15 days. To give you a concrete case, a draftsman in the Bureau of Yards and Docks worked in the department from January 1 to May 29 and was credited on the basis of 30 days' leave. He worked from May 29 to December 31 at the navy yard, doing the same work, and was credited at the rate of 15 days.

Mr. Sisson. In other words, when he works in the navy yard he only gets 15 days' leave, whereas if he works in the department he gets 30 days' leave.

Mr. PADGETT. Yes; doing the same work in both.

Mr. Sisson. How many men will this affect?

Mr. PADGETT. Not a large number, but I can not give the gentleman the number.

Mr. Sisson. It will affect everybody who works in the navy yard in the District of Columbia only, will it?

Mr. JOHNSON of South Carolina. No; in all the navy yards.

Mr. PADGETT. In all the navy yards of the country.

Mr. Sisson. Can the gentleman give any idea how many men will be affected by it?

Mr. PADGETT. Not a great many. This letter I have here states that they know of no law giving the per diem employees in the departments 30 days' leave.

Mr. Sisson. I know that this is solely for the purpose of construing the present statute.

Mr. PADGETT. To equalize it.

[The time of Mr. PADGETT having expired, by unanimous consent his time was expended five minutes.]

Mr. PADGETT. Now, if a man gets 30 days in the department, we thought he ought to get 30 days in the navy yard, but if he is entitled under the law to 15 days we are not raising it.

Mr. Sisson. I have no objection to that provision. I would prefer to change the law so as to make it 15 days instead of 30 throughout the entire service, but I am not going to make a point of order on the paragraph. The latter part of the paragraph I would like to have explained.

Mr. PADGETT. Our idea was that where the clerk gets 30 days' leave of absence it is for the purpose of resting and recuperating, to put himself in a position to do better service for the other 11 months. But we found cases where they would be credited with 30 days' absence, paid for the 30 days' leave, and then would actually work and get pay for that 30 days besides, so that they really got pay for 13 months. The latter part of

the item is to compel them to take the leave of absence and rest up and be prepared to do better service for the other 11 months.

Mr. Sisson. What assurance has the gentleman that they would not work outside of the department that extra 30 days?

Mr. PADGETT. We have no assurance, but they could not work for the department.

Mr. Sisson. Mr. Chairman, I withdraw the point of order.

Mr. MANN. Mr. Chairman, I renew the point of order. I regret to say that we could not hear what the chairman of the committee, the gentleman from Tennessee, was saying in the center of the Hall.

Mr. PADGETT. I want to say that my voice is in very bad condition owing to an attack of laryngitis.

Mr. MANN. I understand that, and I do not want to distress the gentleman. I want to ask him what is the meaning of the word "same" in this language: "That the same construction shall be made of the law applying to leave of absence of all per diem employees of the classified service," and so forth?

Mr. PADGETT. The department has construed that under existing law the per diem employees, working in the Navy Department, are entitled to 30 days leave of absence, but if that same employee is detailed to work in the navy yard, and paid from the same appropriation, and does the same work, he shall be entitled to 15 days.

Mr. MANN. Assuming that is true, how does this help it?

Mr. PADGETT. This says that if they construe one 30 days they shall construe the other one 30 days.

Mr. MANN. And it says if they construe the one for 15 days they shall construe the other for 15 days.

Mr. PADGETT. That is what it does.

Mr. MANN. But how do you know which way they will construe it? You can not construe the law that way. You say they shall construe it the same, but they may not be able to do it unless they change the law.

Mr. PADGETT. The gentleman who calls my attention to it in this letter says that the Judge Advocate General of the department made a ruling in which he stated by analogy the per diem employees were entitled to the same leave as the per annum employees.

Mr. MANN. That is not what this section says.

Mr. PADGETT. He further says: "This ruling has never been construed to include the navy yard." Now, he says, "However, to my knowledge there is no law which grants 30 days' annual leave to a per diem employee in the Navy Department."

Mr. MURRAY. Who says that?

Mr. PADGETT. This clerk or secretary of the American Society of Marine Draftsmen, Washington, Navy Yard branch.

Mr. MANN. This paragraph is grammatically deficient. Here is a provision that the same construction shall be made of the law applying to leave of absence to all per diem employees of the classified service of the clerical, drafting, inspection, messenger, and watch force paid from appropriations made in this act. What does the word "same" have reference to?

Mr. PADGETT. That they shall make the same construction with reference to leave granted to those working in the department and those working in the navy yard who are paid from this appropriation; for the reason that they will be the same men, they will allow the same men while working in the Navy Department 30 days' leave, and when detailed to the navy yard only 15 days.

Mr. MANN. If you have one law that says one thing and another law that says another thing, and then you say the officers shall construe the different laws to mean the same thing, what do you mean by it?

Mr. ROBERTS of Massachusetts. That they will either get 15 days' leave or 30 days' leave.

Mr. MANN. Then change the law. This is no way to do that.

Mr. PADGETT. There is no express law for it.

Mr. MANN. Oh, the officers do not make the law. They take the law as we make it; and when the gentleman says there is no law on the subject—

Mr. PADGETT. I said no express statute.

Mr. MANN. There must be an express statute upon which they base this decision.

Mr. GARNER. They get that decision by analogy.

Mr. MANN. Very well. They get it from a statute. This does not mean anything.

Mr. PADGETT. Mr. Chairman, I can only tell the gentleman what language was used by the Judge Advocate General.

Mr. MANN. I am inclined to think that the result of this would be to cut off the 30-day leave now given to the various employees of the Government, who ought to have it, and reduce it to 15 days, and I make the point of order.

Mr. ROBERTS of Massachusetts. It will give the 15-day men 30 days.

Mr. MANN. But it does not say so.

Mr. ROBERTS of Massachusetts. The gentleman need not be alarmed but that they will construe it that way.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MANN. I made the point of order to the first proviso, on page 6.

Mr. PADGETT. Mr. Chairman, the point of order is well taken if the gentleman insists upon it.

The CHAIRMAN. The point of order is sustained.

Mr. COX. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 6, line 8, after the word "pay," at the end of the line, insert the following:

"Provided, That officers while traveling under orders in the United States shall be allowed only their actual mileage and no more."

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I reserve the point of order.

Mr. MANN. What does the gentleman mean by that?

Mr. COX. If the gentleman will observe the language on page 4, beginning with line 15—

Mileage to officers while traveling under orders in the United States.

I mean to reach that particular language.

Mr. MANN. Officers while traveling under orders in the United States?

Mr. PADGETT. They get 8 cents a mile now, and that covers Pullman and hotel bills and meals and other expenses. Does the gentleman's amendment limit it to the actual railroad ticket?

Mr. COX. Yes.

Mr. MANN. Is that the gentleman's amendment? Let us have it reported again.

The CHAIRMAN. Without objection the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. MANN. What does that mean?

Mr. COX. Actual mileage, train fare, and steamboat fare.

Mr. MANN. That is not what it says. They are only allowed actual mileage.

Mr. COX. But they are paid at the rate of 8 cents a mile.

Mr. MANN. That is true, but that is the mileage.

Mr. COX. And whatever that can buy?

Mr. MANN. Then, that is not the gentleman's amendment. They are allowed 8 cents a mile for their actual mileage, and they would still be allowed that even if the gentleman's amendment prevailed.

Mr. MADDEN. Mr. Chairman, I ask to have the amendment again reported.

The CHAIRMAN. Without objection the Clerk will report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. COX. Mr. Chairman, if the gentleman will temporarily withdraw his point of order, I will ask leave to modify my amendment.

Mr. MANN. Oh, let the gentleman withdraw his amendment and offer another.

Mr. COX. Mr. Chairman, I ask unanimous consent to withdraw my amendment with permission to offer another.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, I now offer the amendment as follows:

Provided, That officers traveling under orders in the United States shall be allowed mileage not to exceed 5 cents a mile.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I insist that the gentleman put his amendment in writing.

The CHAIRMAN. The gentleman must prepare his amendment in writing.

Mr. COX. I would be very glad to do so, if I have the time.

Mr. Sisson. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana has the floor. If the Clerk has the amendment in writing he will report the same.

The Clerk read as follows:

Page 6, line 8, after the word "pay" insert the following:

"Provided, That officers while traveling under orders in the United States shall be allowed mileage not to exceed 5 cents a mile."

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. COX. Mr. Chairman, I do not desire to take up very much time in discussing this point of order. I think it is clearly in order under the Holman rule adopted at the beginning of the present Congress.

If the Holman rule means anything at all, then the amendment is clearly in order. If it does not mean anything at all—and it was put in the Democratic rules at the time the Democrats captured the Congress—we had better repeal it and get rid of it. The Holman rule provides that an amendment or legislation is in order on general appropriation bills where it tends to reduce expenses or to retrench expenditures. Now, Mr. Chairman, under the law officers of the Navy while traveling under orders are allowed 8 cents a mile. It was argued out once before on the floor of this House, and the Chairman knows that it does not take 8 cents a mile to travel in this country. I made the statement when the Army bill was before this House, and I take opportunity now to reiterate it, that you can buy a ticket from here to Seattle, Wash., for \$73; that is, including Pullman fare. Five cents a mile is a sufficient amount. That is the amount of money we allow witnesses in going to and coming from the Federal courts and for travel under the orders of the court. Five cents a mile is the amount we allow our ambassadors and consuls while traveling to and from their destinations. The Department of Commerce and Labor is the only department in this Government that has had the nerve to come out and recommend that their employees be put upon an actual expense basis. The Department of Commerce and Labor has a few employees, I think inspectors, who travel at the rate of 5 cents a mile, and that department reports that if their employees were put on an actual expense basis, so far as mileage is concerned, they would save \$15,000 a year. Now, Mr. Chairman, if that department's employees, drawing only 5 cents a mile, by being put upon an actual expense basis can save \$15,000 a year, upon the same principle why can not we save that much or more if this class of officers were put under the same rule? I want to again draw the distinction, Mr. Chairman. While my amendment provides they can be allowed 5 cents a mile, that is the total amount that is now allowed to employees of the Department of Commerce and Labor, and yet they say by cutting that down to an actual mileage basis it will save \$15,000 a year.

Mr. LEVY. Will the gentleman yield?

Mr. COX. I will yield.

Mr. LEVY. How does the gentleman expect them to pay for their Pullman?

Mr. COX. This 5 cents a mile will pay it.

Mr. LEVY. How does the gentleman expect them to pay the traveling expenses of their families?

Mr. COX. Five cents will pay for it all over the United States.

Mr. LEVY. How will they pay for their baggage?

Mr. COX. Five cents a mile will cover the entire amount, and still have money left.

Mr. LEVY. It is not half enough.

Mr. COX. Yes, it is enough; and more than enough.

Mr. HOBSON. Does the gentleman think that Members of Congress ought to have 20 cents a mile—

Mr. COX. I do not, and I have offered amendment after amendment here to reduce it, and I hope the gentleman has voted with me. I have offered to put it on an actual expense basis, and have offered to put it at the rate of 5 cents per mile, but I have always been defeated; and if any of my amendments had carried it would have saved over \$200,000 per year.

Mr. HOBSON. I have not voted with the gentleman.

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

Mr. COX. Yes.

Mr. MANN. The allowance now of a naval officer for travel is 8 cents a mile.

Mr. COX. That is the statute.

Mr. MANN. And then in addition to that he is allowed the freight charges on 8,000 pounds of baggage.

Mr. COX. I think that is true; I know that amount is allowed to Army officers.

Mr. MANN. I assume that it is the same.

Mr. HOBSON. There is no allowance to a naval officer, I will say to the gentleman, except the 8 cents a mile.

Mr. MANN. The gentleman is usually correct; I hope he is this time, although I doubt it. I have never known the Navy to get any way behind the Army. The Public Health Service was making a great roar here a short time ago to the effect they were not receiving as much as the Army and Navy. Now, if the gentleman's amendment would prevail it would not only reduce the amount of mileage but it would also cut off the allowance for furniture and so on.

Mr. COX. I did not know that they use any part of this to pay cost of transporting freight.

Mr. MANN. But the gentleman's amendment, as I understand, limits the amount that can be paid to the officers traveling to 5 cents a mile.

Mr. COX. So far as his own personal traveling expenses are concerned.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, my information is that while the Army and Marine Corps get an allowance for freight, the Navy does not have an allowance of that kind. Theirs is embraced within the 8 cents the officers get, and they do not get the freight privilege that is accorded to the others.

Mr. COX. Well, we do not take any part of this mileage of 8 cents a mile to pay the cost of transporting freight?

Mr. HOBSON. All has to come out of it.

Mr. PADGETT. When they move from place to place, out of that they have to pay their cost of moving.

Mr. MANN. Mr. Chairman, I make the point of order. Under the Holman rule, Rule XXI, it is provided:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number—

Which this amendment does not do—

and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

It does not do the last, and the only way it can be held in order is as a reduction of the compensation of the officers paid out of the Treasury. I take it this is no part of the compensation of an officer. It is allowed to him to cover the expense of traveling.

Mr. COX. Will the gentleman yield now? What does the gentleman say on the question of the germaneness of my amendment to the bill?

Mr. MANN. I think it is germane, so far as that is concerned.

Mr. COX. If the gentleman thinks it has no place except in the manner just indicated, how does the gentleman differentiate between the case now under consideration and the Nurse Corps, which was under consideration a moment ago, where it is proposed that a nurse is to receive 75 cents a day, as to whether or not that did not increase their salary?

Mr. MANN. That provision was a direct provision to have the auditing officers allow the salaries that have been paid to the officers heretofore. It is a direct change of law.

Mr. COX. The gentleman will admit, will he not, if it became a law it would have increased the salary of the Nurse Corps?

Mr. MANN. That provision was subject to a point of order.

Mr. COX. It was, and went out; but what I am trying to do is to get the gentleman to admit it, if I can.

Mr. MANN. If it is true, I admit it.

Mr. COX. But if it had become law, it would have increased the salary of the nurses, would it not?

Mr. MANN. It would have made an allowance to them. It would not have increased the salary.

Mr. COX. In other words, it would have given them an opportunity to save all their salaries and have the Government pay their board.

Mr. MANN. There is no doubt about that.

Mr. ROBERTS of Massachusetts. I would like to ask the gentleman if he considers the mileage of Members of Congress a part of the salary?

Mr. COX. A part of the emolument and compensation of the Members of Congress; yes.

Mr. ROBERTS of Massachusetts. Does the gentleman think the three document boxes and his clerk allowance a part of it?

Mr. COX. I do not know as I do.

Mr. ROBERTS of Massachusetts. It is an allowance.

Mr. COX. Just one word, Mr. Chairman. I contend that under the Holman rule the amendment which I have offered is germane to the matter to which my amendment relates. I further contend that it is clearly in order, because it tends to reduce expenditures, and, if it does, that my amendment is germane and not subject to a point of order.

The CHAIRMAN. The Chair is of the opinion that the amendment is in order, under paragraph 2 of Rule XXI, providing as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The point of order is overruled. The question is on the amendment.

Mr. HOBSON. Mr. Chairman, I would like to be heard on the amendment, simply to point out, so that Members will un-

derstand, that there are no allowances for expense money where mileage is allowed in the Navy. For instance, a naval officer ordered from the Navy Department here to the navy yard in New York, would be under the necessity of transporting his family, to pay his railroad fare, and the Pullman fare, and excess baggage. He would get no aid from any Quartermaster's Department as would the Army and the Marine Corps, and no allowances for any freight he might ship. Take, for example, the officers traveling year in and year out. I do not believe that 8 cents would even approximately defray the actual expenses they incur in moving from one station to another under orders.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield.

The CHAIRMAN. Does the gentleman yield?

Mr. HOBSON. Yes.

Mr. GREEN of Iowa. Do I understand the gentleman to say that 8 cents a mile is all that they can receive?

Mr. HOBSON. Yes; 8 cents a mile is all that they can receive. The process is a simple one. I have traveled many thousands of miles under orders, and they simply note the number of miles by the shortest route, and then indorse on the orders the compensation at 8 cents a mile for that many miles traveled.

Mr. GREEN of Iowa. Then, if this provision were added, 5 cents would be the rate?

Mr. HOBSON. Yes; 5 cents would be substituted for 8 cents, and it would not meet the actual expenses of those officers. I want to say that there is really very much more hardship than gentlemen understand in traveling on the part of officers and their families.

Mr. JOHNSON of South Carolina. Is there not a good deal involved in traveling, on the part of officers, outside of traveling with their families?

Mr. HOBSON. Yes, sir.

Mr. JOHNSON of South Carolina. Suppose an officer were sent to San Francisco to make an inspection?

Mr. HOBSON. Yes.

Mr. JOHNSON of South Carolina. Then this rule would apply?

Mr. HOBSON. If I were ordered to New York, and then ordered to return to Washington, the 8 cents would more than cover the railroad fare and the Pullman, and I would save a little on that. But it would not cover the expenses one would probably be put to in providing for his own subsistence on a longer journey.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HOBSON. Certainly.

Mr. MANN. Is the full 8 cents allowed in every case, or is it an uncommon thing to provide that only the actual expenses are allowed?

Mr. HOBSON. That is very frequently the case when travel is required in regular duty, and when you travel abroad in a foreign land only actual expenses are allowed.

Mr. MANN. When an officer is ordered to travel the order is issued, and is it not quite common to provide that he shall be paid only his actual expenses?

Mr. HOBSON. It depends on the kind of duty in this country. It is usually a straight order on which 8 cents is collected. If they send you abroad, they will supply you with a ticket and then defray the actual expenses, of which you are required to keep a memorandum.

Mr. COX. They are paid under different statutes here and abroad, are they not? They are paid here under a different statute?

Mr. HOBSON. They get no mileage at all; they get actual expenses abroad.

Mr. COX. They get no mileage at all, but actual expenses?

Mr. HOBSON. Yes.

Mr. COX. The mileage applies only when they are traveling in this country?

Mr. HOBSON. Yes.

Mr. PADGETT. If the gentleman will permit me—

Mr. HOBSON. Certainly.

Mr. PADGETT. There are certain cases where, when they are traveling in this country, they receive only actual traveling expenses, while in other cases they receive 8 cents a mile. In those cases where the travel is only going from one point to another without a change of duty they get actual expenses, but where they move from one point to another, where the movement involves a change of duty, they get 8 cents a mile. I asked Admiral Cowie, the Paymaster General, this question and he answered:

The law now provides reimbursement for actual necessary expenses for most travel not involving a change of station and duty.

Mr. HOBSON. Take the case of officers serving on the inspection board.

Mr. PADGETT. They get only actual expenses—

Mr. HOBSON. When their duty requires their movement from place to place.

Mr. COX. But when they are drawing 8 cents a mile, that is when they are traveling under orders, is it not?

Mr. PADGETT. Yes; when they are traveling under orders and it involves no change of station. For instance, if a man is stationed in Washington, and he is assigned elsewhere—

Mr. COX. My amendment applies only to people who are traveling under orders in the United States.

Mr. PADGETT. Just a moment. When he is traveling under orders, which involves a change of station and duty, he is allowed 8 cents a mile.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. I ask unanimous consent that the time of the gentleman from Tennessee be extended five minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Tennessee be extended five minutes. Is there objection?

There was no objection.

Mr. PADGETT. The Army officers get 7 cents a mile; and in addition, where they have household furniture not exceeding, I believe, 7,000 or 8,000 pounds, they get the privilege of having it transported for them. Officers of the Navy do not have the privilege of having their furniture or household effects transported, but they get 8 cents a mile. Now, when an officer is just sent on current duty he gets actual expenses, but if he is sent under orders involving a change of station and duty, then he gets 8 cents a mile. If he is stationed at Washington and his station is changed to South Carolina or to Cincinnati or some other point where he has naval duty, and it involves a move where he has to take his family and his household furniture, he is allowed 8 cents a mile, but if he is serving on recruiting duty or other duty where he goes and remains only a short time, then he is only allowed his actual traveling expenses. I think it would be very wrong to change this law and to adopt the amendment offered by the gentleman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. Cox].

The question being taken, on a division (demanded by Mr. Cox), there were—ayes 27, noes 60.

Accordingly the amendment was rejected.

Mr. SISSON. I move to strike out the last two words. I want to call the attention of the gentleman from Tennessee again to the lump-sum appropriation carried in this paragraph. I do not think there is any more vicious way to legislate. As I said a moment ago, I am not censuring the gentleman from Tennessee, but I think there is no more vicious method of legislation than to make lump-sum appropriations. There is only one way in the world in which Congress can keep control of these appropriations. There are at least 18 different items that ought to be carried under different subheads in this section. The Secretary of the Navy might, in his discretion, expend all of this money for the item—

Special instruction at home and abroad, in maintenance of students and attaches.

And he would violate no law. You leave it absolutely within his discretion to spend these various amounts upon any one of these various items, as he sees fit and proper.

Mr. PADGETT. He could not do that, because there would be nothing left to pay all the other items.

Mr. SISSON. That is true; but he would violate no law in doing it. Now, serving as I do on the Committee on Appropriations, where these things come up almost every day, I find that it is with a great deal of difficulty that we can get the departments to make up these various items in such shape that the officials can not expend them for various purposes as in their discretion and good judgment may seem fit and proper. I want to commend the gentleman from Virginia [Mr. HAY] and the Military Committee for the effort they have made and the progress they have made in the separation of the various items so that Congress can control them.

Mr. SLAYDEN. The gentleman is discussing that part of the law which authorizes an expenditure for the students and attaches, is he not?

Mr. SISSON. This paragraph involves at least 18 different subheads, and there is a total of \$1,000,000.

Mr. SLAYDEN. If the gentleman will permit me, I want to say that the Senate put that on the Army appropriation bill this year for the first time and alleged as a reason for it that it is done for the Navy. The gentleman's service here has been long enough for him to know that one service is played against the other. They say, "We must have this for the Army, because you have given it to the Navy," or "We must have this

for the Navy, because you have given it to the Army." The Senate put that on, and this circumstance arose that compelled them to do it.

Mr. Sisson. I am glad the gentleman from Texas gives me that information, but before I sit down I want to ask what is meant by these "attachés"? What sort of employees are they?

Mr. PADGETT. We have naval attachés who serve in foreign countries gathering information.

Mr. Sisson. Do they attend personally upon naval officers as a valet would do?

Mr. PADGETT. Oh, no; not in that sense.

Mr. Sisson. It is possible under this appropriation for an officer to employ one, two, or three of these valets, and the Secretary of the Navy has a million dollars with which to pay for them.

Mr. PADGETT. Oh, no.

Mr. Sisson. He does have it, because there is absolutely nothing in this appropriation that would prevent it. It is left in the discretion of the Secretary of the Navy. I am unwilling, so far as I am concerned as an individual Member, to vote for appropriations made by this Congress of the people's taxes to be spent within the discretion of any Cabinet officer for any bureau; that is my objection to it.

Mr. HOWARD. Mr. Chairman, I move to strike out the last three words. A few moments ago I listened with interest to the gentleman from Mississippi [Mr. Sisson], and he read an extract from the Democratic platform as to economy, and so forth. I thoroughly agree with the gentleman that all of these items ought to be segregated, and that we ought to know what we are spending the money for in each particular branch of the service and each particular item specified in these bills.

But the gentleman will come back to the very place he started from in making these criticisms on the committee in making up the bill when he said a while ago that we were spending money extravagantly and charged it up to this side of the House. I do not agree with what the gentleman says about wanton and willful extravagance of this side of the House.

The gentleman has been here longer than I have, and he is on the great Appropriation Committee of this House, and he knows that every single, solitary Member is absolutely dependent upon the officials in the different departments of the Government for information upon which they act and upon which they predicate every fair and wholesome appropriation.

Mr. Sisson. And, notwithstanding that fact, the Appropriation Committee on the sundry civil bill reduced the estimates \$33,000,000.

Mr. HOWARD. And you have received the congratulations of every Democrat on this side of the House, and you deservedly received those congratulations. But you did not deal in the sundry civil bill upon the same basis that other gentlemen on other committees have been dealing with these departments. Who is this Democratic committee dealing with? In the first place, you have got 21 Members on the Naval Committee, 7 of whom are Republicans, and then you have got on that committee, so I have been reliably informed, three or four or five gentlemen who would be willing to issue bonds to the extent of sixty billions per annum and spend it on battleships. These men are cooperating with the seven Republicans on that committee.

Mr. ESTOPINAL. I do not know where the gentleman gets his information, but I want to say to him that it is not true.

Mr. HOWARD. I am glad to know that there are not five, but I am informed that there are four. I will accept the statement of the gentleman from Louisiana and say that he is honestly in favor of economy, but the matter I am trying to get before the committee is that the gentleman from Mississippi says we are chargeable with this extravagance, when as a matter of fact we are relying on the heads of Republican departments of this Government, upon the Republican administration, to give testimony to a Democratic committee as to the amount of these expenditures, and I say that they have to depend upon this department, and so does every other committee in this House, with the exception of the great committee headed by the gentleman from New York [Mr. FITZGERALD], upon which my distinguished friend from Mississippi [Mr. Sisson] is a member. All these appropriation committees are dependent for information upon the departments.

Mr. CALLAWAY. Does the gentleman think the heads of these committees are excusable for taking without reserve the statement of the heads of departments? Does not he think they ought to take them with a grain of salt?

Mr. HOWARD. Suppose they did not do it; the department could make omnipresent and omnipotent fools out of any committee that did not take their estimate. The committees are absolutely dependent on them.

Mr. CALLAWAY. Does the gentleman think that the heads of these committees know nothing about the expenditures and that they are wholly dependent on the heads of these departments?

Mr. HOWARD. We have been blindly doing it ever since and long before either the gentleman from Texas or I came to this Congress.

[The time of Mr. HOWARD having expired, by unanimous consent his time was extended three minutes.]

Mr. HOWARD. Mr. Chairman, in reply to the gentleman from Texas [Mr. CALLAWAY], I want to say that I am as much in favor of economy as is he or any other Member of this House; but I say that by the methods by which great appropriation bills in this Congress are made up you can not charge the Democrats for extravagance for which they are not guilty.

Mr. MURRAY. Will the gentleman state what plan he has for the correction of this evil?

Mr. HOWARD. I have a plan, but it is not an original plan with me. It is the plan of a man who has developed into—and will be so long as he remains in public life—one of the greatest leaders of men, the greatest constructive statesman that this country has produced since the Civil War, OSCAR W. UNDERWOOD.

Mr. MURRAY. Will the gentleman state what it is?

Mr. HOWARD. To have the Congress of the United States represented in the departments in obtaining information by an expert, so that we may intelligently make up appropriation bills. Congress is not represented by these men who seek to have their salaries boosted, these men who seek to obtain special privileges, these men that appear before these committees biased and selfish, asking for and seeking to obtain greater appropriations year by year. If you will take the history of the growth of these appropriations, you will find that the personnel represented in the appropriation bills have gotten their hands deeper and deeper into the Treasury each year since this Government has existed, and it is no departure now if this bill be extravagant in its proportions.

Mr. PADGETT. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Certainly.

Mr. PADGETT. I just want to say to the gentleman that the Naval Committee in this bill cut down the estimate more than \$22,000,000.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. PADGETT. Mr. Chairman, I ask that the Clerk read.

Mr. Sisson. Mr. Chairman, I move to strike out the words "and attachés," on page 5, line 13.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 13, amend by striking out the words "and attachés."

Mr. Sisson. Mr. Chairman, I just want to say a word. I made a statement a moment ago with reference to the extravagance of this Congress, and I want to say that I had no intention of making the Naval Committee the goat. I simply put them in the same class with the other committees that have reported these bills, and I do not want to do the gentleman from Tennessee any injustice.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. Sisson. Yes.

Mr. HOWARD. The gentleman will admit that even his own committee is dependent absolutely on Republican officeholders for the estimates upon which they act.

Mr. Sisson. We depend upon them for information.

Mr. HOWARD. And this committee cut the original estimate \$22,000,000.

Mr. Sisson. I decline to yield further. We are dependent upon them for information, but when you go at these men right I have found nearly all of them will give you the information, and if you make up your mind you are going to cut things down at the right place, they will tell you where to cut. That has been our experience in the Appropriation Committee. We may not deal with the same people that these other committees deal with. I hope this amendment will prevail.

Mr. PADGETT. Mr. Chairman, I simply want to say to the committee that these naval attachés are abroad. They are experts. They render a service that gets very essential and very important information for the Government and the departments, and I hope the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. Sisson) there were—ayes 25, noes 61.

So the amendment was rejected.

The Clerk read as follows:

Contingent, Navy: For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department, or any of its

subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper, \$46,000: *Provided*, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made under the appropriation "Contingent, Navy," to civilian employees appointed by the Navy Department for duty in and serving at naval stations maintained in the island possessions during the fiscal year 1914.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I have been somewhat wearied by hearing the gentleman from Mississippi [Mr. Sisson] criticize the make-up of the naval appropriation bill and hold up as the model for this committee to follow the Army appropriation bill that recently passed the House. I have sent for that bill and now have a copy of it in my hand. The criticism made of the naval bill by the gentleman from Mississippi is that we do not itemize, that we have 40 or 50 items in a lump-sum appropriation, and that the appropriation can be expended, as he says, for any one of the items. If he will take the Army appropriation bill and look on page 5, he will find a lump sum of \$375,000, with 16 lines of special items, for any one of which that can be expended, as he maintains. On page 19, equipment of Coast Artillery, he will find a lump sum of \$275,000, with 11 lines of special items that that money may be expended for. If he will go further on, to page 22, he will find a lump-sum appropriation of \$9,140,000, with two whole pages of individual items, for any one of which, upon his argument, the whole \$9,000,000 may be expended. If he will go still further on, page 25, he will find another lump-sum appropriation of \$7,660,000, with three and a half solid pages of individual items for which that can be expended. Then, still further on, page 40, he will find a lump-sum appropriation of \$775,000, with a page and a half of individual things for which that can be expended, for any one of which, as he argues, that lump sum can be expended. I want to say to this committee that the naval bill is itemized more in detail, with the one exception of the men and officers, than the much-vaunted Army appropriation bill.

Mr. Sisson. Mr. Chairman, I want to say to my friend from Massachusetts [Mr. Roberts] that I did not hold up the Army bill as an example. I simply held up the Army bill as an evidence of the efforts that the gentleman from Virginia [Mr. Hay] had made to have his bill more properly itemized, but the gentleman will not find in the Army bill a single item that approaches in amount the \$39,000,000 carried in this bill. Not only that, but the items to which the gentleman referred, several of them, were classifications which would properly fall within one item in the bill, but the items in this bill are not so logically arranged, because there are 18 different items in one of these paragraphs which have no immediate relation with each other. I can understand how appropriations for Coast Artillery, where the appropriation is to be spent by one set of officers who have charge of the work might be made in one lump-sum appropriation for that specific service, but where it ranges over the entire range of naval appropriations we ought to know what each particular branch of the naval service is costing, how much and why; but under this bill that can not be ascertained unless one should go over the hearings.

And I might say now when I got to the hearings on this bill I found that only the new items, as a rule, are the ones about which a single question has been asked and when I go over the hearings I find that some member of the committee or the chairman will say, the next new item we find in this bill is over on page so-and-so, and item after item is skipped and not a single question asked about it. I do not know whether the Army bill does the same thing or not, but if they do it I have as much opposition to that, and the committee upon which I have the honor to serve is a committee where I am just as much opposed to lump-sum appropriations wherever they occur as any other lump sum. I am not attacking the Navy bill here as such. I am simply attacking the system that prevails, and I would like for Members of the House to join in a businesslike way in having these departments give this legislative body some information about what the people's money is expended for.

Mr. ROBERTS of Massachusetts. Will the gentleman yield for a question?

Mr. Sisson. I yield to the gentleman, but the gentleman declined to yield to me.

Mr. ROBERTS of Massachusetts. No; I did not decline to yield.

Mr. Sisson. If I have the time.

Mr. ROBERTS of Massachusetts. I did not decline to yield.

Mr. FOSS. How long has the gentleman been on the Committee on Appropriations?

Mr. Sisson. Two years.

Mr. FOSS. I understood he had been on it only this session?

Mr. Sisson. Well, that is two years on the 4th of March.

Mr. FOSS. Does not the gentleman think he is assuming a pretty large contract, in view of his short membership upon the committee, to state the distinguished chairman of the Committee on Naval Affairs, who has been on that committee for ten or a dozen years—

Mr. Sisson. I know some gentlemen, by reason of their long service and long continuance of abuses, are unwilling to admit there is anything wrong in the past. The man who sits supinely by and is willing that these things may continue is a man who never made any progress and never did his country any service. [Applause.] I do say that no business man, no banker, no railroad president, no man legislating in his own interest, in his own business, would so legislate.

There is no reason why the membership of this House should not have the same information that the members of the committee have, and I am favoring now in the Appropriations Committee, and I hope they will do so in the next session of Congress, the putting of every new item and every new change in italics in the bill for the information of the House, so that each individual Member might have the same information that the members of the committee have.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Sisson. I ask for one more minute. I do not believe that the committee has any other function to perform other than to make recommendations to this House, and every Member of the House has an equal right to all the information that every member of the committee has, and I do not believe that it is proper that men should endeavor to conceal in bills things that commend themselves to the committee and endeavor to slip it through the House, and then congratulate themselves that the House never discovered it.

Mr. PADGETT. I want to say to the gentleman that every single new item in this bill is in italics.

Mr. Sisson. Not in the one you presented to the House; that one you hold in your hand is for your own information. That is what I am complaining about; you are willing the membership of the committee should have the italicized new items, but you do not give it to the House, and I am not criticizing the gentleman because no committee is doing it now.

Mr. ROBERTS of Massachusetts. Is not that true of the Committee on Appropriations?

Mr. Sisson. Absolutely; and I am complaining of that committee. I am not making any complaint against the Naval Committee, but make it against every committee. I do not stand by that committee, if I think it is wrong. I do not even stand by my party, if I think it is wrong. Does the gentleman say the same thing? Will you say the same thing?

Mr. ROBERTS of Massachusetts. Yes, indeed.

Mr. MANN. When my distinguished friend is translated to the other end of the Capitol will he remember to do that?

Mr. Sisson. I will if you transfer me over there.

Mr. RODDENBERRY. Mr. Chairman, I move to strike out the last word in this paragraph. It is for the purpose of calling the committee's attention to the very important question that is raised touching making of appropriations in the lump sum.

Mr. Sisson. Will the gentleman permit me just one interruption?

Mr. RODDENBERRY. Yes; just one.

Mr. Sisson. I want to call the attention of the House to one subcommittee of the Committee on Appropriations—the Subcommittee on the District of Columbia—which italicized every new item in the District appropriation bill.

Mr. RODDENBERRY. I want to call the committee's attention to a bill that is ideal, according to the measure of the gentleman from Massachusetts [Mr. Roberts] and other gentlemen. All these large bills you bring in here carry many unitemized, lump-sum appropriations, running as high as and over \$10,000,000 each. If you will get the public buildings bill and turn to it, you will find every item specifically stated. It shows specifically whether it is a site, an additional site, a site and a building or an extension, itemized fully and completely, so that the House knows exactly what it is. Consequently, when our committee brings a bill in we do not consume the time of the country here in endless debate. We call up our bill, and, under the rules, without resorting to the chairman of the Committee on Rules [Mr. Henry] for a gag rule, and pass the bill. We do not rely on a simple majority, but put it through the House by more than a two-thirds vote, and everyone knows exactly what he has in the bill.

Mr. MANN. Will the gentleman yield?

Mr. RODDENBERRY. I yield.

Mr. MANN. If the other appropriation bills should be itemized as the public buildings bill was, would the gentlemen in

charge of it be afraid to have it discussed on the floor of the House?

Mr. RODDENBERRY. It would not be necessary. They could inquire into it beforehand. And as to the public-building bill, you take my friend from Mississippi [Mr. Sisson] or my friend from Texas [Mr. Dies], when the bill goes over to the Senate; if the reckless Public Building Committee of the House has given to his district an amount that he thinks is too much, or that he ought not to have, he can say to the Senator from Mississippi or to the Senator from Texas, "Senator, there is tainted meat in that bill; cut it out." My friend from Mississippi [Mr. Sisson] had a little pork in the House bill that was strung up a trifle under age, yet I see it still hangs in the Senate bill. And when my friend from Texas [Mr. Dies] introduced his two bills in the House, one for \$75,000, we applied the rule, and gave him the maximum of \$55,000. And for his Orange site bill we gave him \$10,000, though his bill did ask modestly for \$20,000. I was, however, astonished when I read the Senate bill to find that his tainted pork, instead of being hauled out and buried, went back to the Senate in the bill. Not only that, but at Orange, Tex., where the House committee, by giving him only half the pork he asked for, in the sum of \$10,000 for a site, created a stench in the nostrils of the people, so he says, nevertheless, I perceive it now shows up in the Senate increased to \$60,000 for a site and building. And my friend from New York [Mr. Fitzgerald], when in a virtuous and economic mood, entreated our committee to expunge Brooklyn from the House bill. It was malodorous pork, and he would not have it. The House committee, with due regard for his refined sensibilities, did it. But, behold, in the Senate bill, Brooklyn, smelling to high heaven, shows up with that same \$350,000 worth of pork, notwithstanding there has already heretofore been appropriated for the same building, in Brooklyn, \$1,680,000. And I find that the city of New York has a side of tainted meat of the alleged value of \$3,000,000. Of course, if a Republican Senator had put the \$3,000,000 in the bill in the Senate, I would have thought that my friend from New York, chairman of the Appropriation Committee [Mr. Fitzgerald], was helpless to prevent it; but when a Democratic Senator, whose own hand helped write the Democratic economy platform at Baltimore, puts it in, I am astounded that Brooklyn, the home of my colleague from New York, does not rise in revolt against being the dumping ground for tainted pork. [Applause.] The city of New York has already had \$20,000,000 of pork in public buildings. And yet it will not do for a rural Member to look with longing eyes even upon a small slice of bacon. Gentlemen, if any of you—

The CHAIRMAN. The time of the gentleman from Georgia [Mr. Roddenberry] has expired.

Mr. BUTLER. Mr. Chairman, I ask that he have an hour.

Mr. RODDENBERRY. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that his time be extended for two minutes. Is there objection?

There was no objection.

Mr. RODDENBERRY. And if some gentlemen had not been so busy scenting out tainted meat in the naval bill they would have had time to have studied the rules of the House a little more, and they would know how to pass a naval bill. Why, in the last days of Congress you are taking up day after day in considering this measure and studying the rules. But when you have a bill you should bring it in like the Public Buildings Committee, who understand how to pass legislation and do business—do business. [Laughter.]

If any of you gentlemen who urged the House committee to give you some public-building pork, and after they did it and you knew it would pass, your stomach got too weak to digest the meat, you can go to the Senate and vomit it up. Indeed, it will give me pleasure, as a member of that committee, to go to my able Senators from Georgia and ask them to cooperate with your Senators in the Senate and expunge from that bill this "rotten meat" that the House Committee on Public Buildings and Grounds have rammed through you without a chance to investigate. [Laughter.] You need not carry any pork back home with you if it is so abhorrent to you. That bill has not passed the Senate yet. There is not a member of the House Committee on Public Buildings and Grounds who will not cheerfully go in person to the Senate, or in writing, and help any of you outraged gentlemen get your spoiled meat out of that bill that is alleged to be a stench in the nostrils of the people of the country. [Laughter and applause.] Brethren, I offer you my services, and if you do not desire me to go with you I will promise you not to make a point of no quorum while you are at the other end of the Capitol disgorging. [Laughter.]

Talk about "tainted meat." Let me read from the naval appropriation bill: "Rhode Island; Philadelphia, Pa.," spoiled meat; "Newport, R. I.," "Portsmouth, N. H.," "Boston, Mass.," "New York, N. Y."—more pork. Oh, it is a small sum. It is just \$270,000; that is all. [Laughter.]

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. RODDENBERRY. I regret I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. RODDENBERRY. Pork again, "Philadelphia, Pa.," only \$270,000 worth. The last-named two big coast cities in two items in this bill are gulping down more naval "pork" in one year than 50 per cent of the inland States have had in the history of the Government for public improvements. [Applause.]

Again I read from the naval bill, "Norfolk, Va." It is only \$260,000. "Charleston, S. C.," "Mare Island, Cal.," "Rhode Island" again; "California," "Mare Island, Cal.," "Rhode Island" again; "New York Harbor," "La Fayette, N. Y.," "Lake Denmark, N. J." "Pork, pork; more pork!" [Laughter.]

Gentlemen, how comes it that the people of the country who want public buildings for adequate, needed postal services are just getting "pork"? What-in-the-name-of-God kind of varmint is this you naval statesmen are figuring to feed on? Is it possum? [Laughter.] From what the gentlemen have said it must be polecat meat, commonly called "skunk." [Laughter.]

I read again, "St. Julian Creek," "Mare Island, Cal.," "Hingham, Mass.," "Philadelphia, Pa.," "Boston, Mass." Oh, to be sure, it is only a quarter of a million dollars, but that is only a small sum. [Laughter.]

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. RODDENBERRY. I can not yield. But let me read on through this essay on "pork," gentlemen, and you will find "Portsmouth, N. H.," again, and "Boston, Mass.," again. Why they have got it cut up into sides, in quarters, in middlings, in jowls, in joints, in link sausages, and in unrid guts. [Laughter.] Here is "New York" again.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RODDENBERRY. Mr. Chairman, I would like to have one minute more.

Mr. FOSTER. Mr. Chairman, I call for the regular order.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

Mr. GUDGER. I ask that the gentleman be given five minutes.

The CHAIRMAN. The gentleman from Georgia [Mr. Roddenberry] asks unanimous consent for one minute more. Is there objection?

Mr. FOSTER. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. Foster] objects.

Mr. RODDENBERRY. Mr. Chairman, I will finish these broken remarks again. [Laughter and applause.]

Mr. MURRAY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Clerk will read.

Mr. MURRAY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURRAY. Is it in order for a gentleman to rise in his place in the House, here, in this committee, and ask recognition before the Clerk was directed to read?

The CHAIRMAN. The gentleman did not do that.

Mr. MURRAY. Is it in order?

The CHAIRMAN. It is in order.

Mr. MURRAY. Then, I assert that before the Chair had directed the Clerk to read, I stood up in my place and asked for recognition.

The CHAIRMAN. The gentleman asked to interrupt the gentleman from Georgia [Mr. Roddenberry], but that gentleman's time has expired.

Mr. MURRAY. Mr. Chairman, I asked for recognition in my own right after the gentleman's time had expired.

The CHAIRMAN. The Chair did not understand the gentleman.

Mr. MURRAY. That is not my fault.

The CHAIRMAN. The gentleman will now be recognized.

Mr. MURRAY. Mr. Chairman, I yield one minute of the time I have to the gentleman from Georgia.

The CHAIRMAN. The gentleman can not do that.

Mr. RODDENBERRY. Mr. Chairman, will the gentleman yield?

Mr. MURRAY. Mr. Chairman, I yield to the gentleman from Georgia [Mr. Roddenberry] for a question.

Mr. RODDENBERY. I was reading from certain pages of the naval bill, and the gentleman from Massachusetts [Mr. MURRAY] is more thoroughly familiar with it than I am.

Mr. MURRAY. I want to say, Mr. Chairman, since I have had recognition, that every one of these items recommended by the Secretary of the Navy is recommended by one hostile to the Boston Navy Yard, and it is a ridiculous proceeding for the gentleman from Georgia [Mr. RODDENBERY] or any gentleman to stand here and object to appropriations for the maintenance of work that is to be done at the navy yard at Charlestown, Mass.

Why, it is only a year ago that the Secretary of the Navy announced that he is entirely in favor of the abolition of the navy yard at Charlestown, Mass., and it was only because of the activities of my colleagues from Boston, Mr. CURLEY, Mr. PETERS, and myself, backed as we were by the overwhelming public sentiment of the people of Boston, that we were able to make a successful fight for any appropriation of this character in this bill.

There is a great navy yard at Charlestown which could do much more splendid and efficient work for the maintenance of the American Navy than it is permitted to do because of the activity of a hostile Secretary of the Navy. It is all very well for the gentleman from Georgia [Mr. RODDENBERY], and it is all very fine for other Members to stand up here as captious critics, to point to what they describe as large appropriations, but we know the facts. The chairman of the Committee on Naval Affairs and the members of that committee, economists both real and alleged, will testify to the truth of my assertion that there is not one penny of money appropriated in this bill for Charlestown that is any greater than it should be.

I have received during the past few days a written request to have included in this bill an item for \$200,000 to put the Charlestown Navy Yard in condition of equipment to build for the United States any battleship the Nation may require.

It is a wise request to make, and it would be a wise item to include in this bill. We know that battleships are costing this Government more than they should cost; we know that Great Britain and Germany are building their ships at a manufacturing cost that is estimated to be 30 to 40 per cent less than the amount for which we can buy like ships from private shipbuilders.

I believe sincerely that this Government can build in its own navy yards, once they are properly equipped, better ships at less cost than are being built in private shipbuilding yards.

You may tell me that a few years ago two ships for the American Navy were built, one at a Government yard and one at a private shipbuilding place; that the cost of the *Florida*, the first ship, was greater than the cost of the *Utah*, the second.

I reply to you that the comparison is not fair. I cite to you as a clear illustration of the unfairness of the comparison that the Government ship was built by workmen on an eight-hour basis and the private work was done by contractors, who did not observe the eight-hour rule of employment; that building was done before we passed the law requiring contractors doing work for the Government to observe the principle of eight hours as a day's work.

I regret that the temper of the times and the rules of this House make it impossible for me to get this appropriation of \$200,000 at this time. We shall continue to fight for it, however, and I hope that the day is not remote when we may win. [Applause.]

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last three words. The gentleman from Boston [Mr. MURRAY] may not think that the gentlemen from the South who are requesting appropriations and securing them in this Congress are rendering their constituents proper service. I am not surprised at that. For years and years nearly all the appropriations of this Government have been voted into the large cities, like Boston and New York, Chicago, and other places in the east and west. And because, forsooth, the people of the South are now coming into their own in small degree, and securing some appropriations, gentlemen who have been gobbling up everything all of these years come in here on this floor and criticize us for trying to get something.

Mr. MURRAY. Will the gentleman yield?

Mr. TRIBBLE. You get millions upon millions year after year. I got an appropriation through here for places in my district and some gentlemen have been chiding me on being inconsistent in supporting the building bill. Yes, I am for the building bill; not only that, I was not satisfied with the House provisions for my district. I went to the Senate and saw Senator SMITH and got three more building sites, and my constituents will commend me and praise me for doing it. [Applause.]

The Clerk read as follows:

Care of lepers, islands of Guam and Cullion: Naval station, island of Guam: Maintenance and care of lepers, special patients, and for other purposes, including cost of transfer of lepers from Guam to the island of Cullion, in the Philippines, and their maintenance, \$14,000.

Mr. Sisson. I reserve a point of order. I want to ask if this increases the appropriation; it is a new item.

Mr. PADGETT. No; it is in pursuance of the law of last year transferring the lepers from Guam to the island of Cullion.

Mr. Sisson. What was the necessity of that?

Mr. PADGETT. They did not want to maintain two places, and they are putting them all at one place.

Mr. Chairman, I want to submit a request for unanimous consent. There are a number of Members that want to take a recess for an hour for dinner. I want to ask unanimous consent that if the committee will rise we may take a recess for an hour in the House, from now until 7.30 o'clock.

Mr. GREGG of Texas. Make it two hours. I can not get home and get anything to eat in less than two hours.

Mr. MANN. The gentleman knows that no agreement can be entered into in committee.

Mr. PADGETT. I am simply ascertaining if it meets with approval. If it does, instead of holding on, I will ask that the committee rise, and then I will ask for a recess until 7.30.

Mr. MANN. At which time it will take a motion to go back into Committee of the Whole.

Mr. PADGETT. I am going to rely on the good sense of the Members of the House not to use obstructive tactics.

Mr. BUTLER. It will require a quorum to get back into the House.

Mr. PADGETT. Mr. Chairman, there seems to be a number of objections around me, and I think I will not put the request, but we will proceed.

Mr. Sisson. I move that the committee do now rise.

The CHAIRMAN. The Chair thinks that that is in the hands of the gentleman from Tennessee, the chairman of the committee.

The Clerk read as follows:

BUREAU OF NAVIGATION.

Transportation: For travel allowance of enlisted men discharged on account of expiration of enlistment; transportation of enlisted men and apprentice seamen at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation, \$825,000.

Mr. Sisson. Mr. Chairman, I want to state that it seems to me that if we take a recess until 7.30 it will allow Members to come back with better vigor and we will save time.

The CHAIRMAN. That suggestion is not in order.

Mr. Sisson. I move to strike out the last word in order that I may make the suggestion. A moment ago I made a motion that the committee rise, and I think the motion ought to have been put. I have no disposition to delay the matter, and I have no objection to returning after recess.

Mr. MANN. The gentleman seems to be very hearty and vigorous; does he need anything to eat?

Mr. Sisson. I have been at work ever since 9 o'clock this morning, and I have not had any lunch.

Mr. MANN. Oh, the gentleman ought to be able to work 14 hours without anything to eat.

Mr. Sisson. Mr. Chairman, I make the motion that the committee do now rise.

The question was taken; and on a division (demanded by Mr. Sisson) there were 35 ayes and 55 noes.

Mr. Sisson. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and three Members present, a quorum.

So the motion was lost.

Mr. FOWLER. Mr. Chairman, I desire to offer an amendment to this paragraph by striking out the figures \$25,000 and inserting in lieu thereof the figures 800,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 7, line 16, by striking out the figures "\$25,000" and inserting in lieu thereof the figures "800,000."

Mr. FOWLER. Mr. Chairman, I understand that \$800,000 was the amount carried by the bill passed during the last session of Congress. I have been looking into the expense of this item the best I can, and I have failed to see any good reason why the increase should be made over the appropriation of the last session of Congress. I can not understand, Mr. Chairman,

why this item should be increased, and I therefore request of the gentleman who is at the head of this committee to give me some reason why this item has been increased.

Mr. PADGETT. Mr. Chairman, last year we authorized 4,000 additional men, and we have enlarged the enlistment. The department asked for \$50,000 on account of the need of transporting additional men, and the committee recommended \$25,000. We have more men to handle and more officers to transport.

Mr. FOWLER. Was the entire \$800,000 appropriated in the last bill expended?

Mr. PADGETT. Practically all of it.

Mr. FOWLER. What was the surplus?

Mr. PADGETT. It was a very small one. I do not remember.

Mr. FOWLER. I will be very glad to have the amount in the Record, if I can get it.

Mr. PADGETT. It is a very small balance. I have not before me the exact unobligated balance, because the returns are not yet all in.

Mr. FOWLER. In round numbers, does it amount to as much as \$25,000?

Mr. PADGETT. I think not.

Mr. FOWLER. Mr. Chairman, I understand that there is an unexpended balance in this item for the fiscal year ending June 30, 1912. I am really in favor of giving the Navy every dollar that is necessary to make it efficient, but I am not willing to vote for a single dollar more. We are compelled, Mr. Chairman, to reduce ourselves to a condition of economy in these great appropriation bills, or the sum total will rise so high beyond our expectations, and the expectation of the people, that there will be no reasonable excuse for our conduct.

I am aware of the fact that there are some very able men upon this committee, men of long service, and all of the gentlemen are able men, but I exhort them, as well as members of the other great Appropriation Committees, that they take that precaution in making these appropriations that they said they would on the stump in the last campaign.

Mr. Chairman, I feel that if these appropriations should pile up as large as the estimate now shows, the people in the next election will unfold a tale, which will not only harrow up the political soul of some of the gentlemen here, but will freeze their young political blood and make their two eyes, like stars, start from their spheres, and their knotted and combined locks to part—

And each particular hair to stand on end
Like the quills upon the fretful porcupine.

[Applause.]

Mr. PADGETT. Mr. Chairman, I want simply to state that we have already reduced this appropriation last year \$200,000, and this year they are asking for \$50,000, on account of an increased enlistment of 4,000 men. We are simply giving them \$25,000, which would make a net reduction from the former appropriation of \$175,000. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. Sisson. Mr. Chairman, I ask for a division.

Mr. BUTLER. Mr. Chairman, I make the point of order that the request comes too late.

The CHAIRMAN. The gentleman is too late. The Chair had already announced the result.

Mr. Sisson. Mr. Chairman, I rose as soon as I could. I was on my feet endeavoring to address the Chair. I make the point of order that there is no quorum present, and there manifestly is not a quorum present.

The CHAIRMAN. The Chair will count and see.

Mr. BUTLER. Mr. Chairman, I suggest that we have not done any business since the Chair ascertained there was a quorum present a few moments ago.

The CHAIRMAN. But there seems to be an intent not to do any business. The Chair will count. [After counting.] Seventy-nine Members are present—not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names.

Allen	Bradley	Cline	Davis, Minn.
Ames	Brantley	Conry	Davis, W. Va.
Andrus	Broussard	Copley	De Forest
Ansberry	Brown	Crago	Dent
Anthony	Burke, Pa.	Cravens	Denver
Ayres	Burke, S. Dak.	Crumpacker	Dickson, Miss.
Barchfeld	Burleson	Cullop	Difenderfer
Barnhart	Byrnes, S. C.	Currier	Dodds
Bartholdt	Callaway	Curry	Doremus
Bates	Campbell	Dalzell	Draper
Bathrick	Cannon	Danforth	Driscoll, D. A.
Berger	Cantrill	Daugherty	Driscoll, M. E.
Boehne	Carter	Davenport	Dupré
Borland	Claypool	Davidson	Dwight

Evans	Hughes, W. Va.	Mondell	Shackelford
Fairchild	Hull	Moon, Pa.	Sherley
Fergusson	Humphrey, Wash.	Moon, Tenn.	Sims
Ferris	Humphreys, Miss.	Moore, Tex.	Slemp
Focht	James	Morgan, La.	Sloan
Fordney	Johnson, Ky.	Morgan, Okla.	Smith, J. M. C.
Fornes	Johnson, S. C.	Morrison	Smith, Saml. W.
Fuller	Kahn	Morse, Wis.	Smith, Tex.
Gallagher	Kennedy	Mott	Sparkman
George	Kent	Murdock	Speer
Gill	Kindred	Needham	Stack
Glass	Kinkaid, Nebr.	Nelson	Steenerson
Godwin, N. C.	Kinkaid, N. J.	Norris	Stephens, Miss.
Goeke	Knowland	Nye	Stephens, Nebr.
Goldfogle	Konig	Olmsted	Stephens, Tex.
Good	Kopp	Page	Stevens, Minn.
Gould	Korby	Palmer	Sweet
Graham	Langham	Parran	Talbot, Md.
Green, Iowa.	Lawrence	Patten, N. Y.	Talcott, N. Y.
Greene, Mass.	Lee, Ga.	Patton, Pa.	Taylor, Ala.
Greene, Vt.	Lenroot	Peters	Taylor, Colo.
Gregg, Pa.	Lever	Pickett	Taylor, Ohio
Griest	Lewis	Porter	Thayer
Guernsey	Lindsay	Post	Towner
Hamill	Linthicum	Pou	Townsend
Hamilton, W. Va.	Littleton	Prince	Turnbull
Hammond	Lobeck	Prouty	Tuttle
Harris	Longworth	Pujo	Underhill
Harrison, Miss.	McCall	Randell, Tex.	Vreeland
Harrison, N. Y.	McDermott	Ransdell, La.	Warburton
Hart	McGuillicuddy	Reilly	Webb
Hartman	McGuire, Okla.	Reyburn	Weeks
Haugen	McKellar	Richardson	Whitacre
Heald	McKenzie	Riordan	White
Heflin	McKinley	Roberts, Mass.	Wilson, Ill.
Helgesen	McKinney	Rodenberg	Wilson, N. Y.
Henry, Conn.	McMorran	Rothermel	Wilson, Pa.
Henry, Tex.	Madden	Rouse	Wood, N. J.
Hill	Martin, Colo.	Rucker, Colo.	Young, Kans.
Houston	Martin, S. Dak.	Rucker, Mo.	Young, Mich.
Howell	Matthews	Sabath	Young, Tex.
Howland	Mays	Sells	
Hughes, Ga.	Miller		

The committee rose; and Mr. UNDERWOOD assuming the chair as Speaker pro tempore, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, finding itself without a quorum, he had caused the roll to be called, and that 155 Members answered to their names, and he reported herewith the list of absentees.

The SPEAKER pro tempore. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee, finding itself without a quorum, he caused the roll to be called under the rule, and 155 Members answered to their names—a quorum. The Clerk will note the names of absentees and the committee will resume its session.

The Clerk read as follows:

Recruiting: Expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, \$130,000: *Provided*, That no part of this appropriation shall be expended in recruiting seamen, ordinary seamen, or apprentice seamen unless, in case of minors, a certificate of birth or a verified written statement by the parents, or either of them, or in case of their death a verified written statement by the legal guardian, be first furnished to the recruiting officer showing applicant to be of age required by naval regulations, which shall be presented with the application for enlistment; except in cases where such certificate is unobtainable, enlistment may be made when the recruiting officer is convinced that oath of applicant as to age is credible; but when it is afterwards found, upon evidence satisfactory to the Navy Department, that recruit has sworn falsely as to age, and is under 18 years of age at the time of enlistment, he shall, upon request of either parent, or, in case of their death, by the legal guardian, be released from service in the Navy, upon payment of full cost of first outfit, unless, in any given case, the Secretary, in his discretion, shall relieve said recruit of such payment: *Provided*, That authority is hereby granted to employ the services of an advertising agency in advertising for recruits under such terms and conditions as are most advantageous to the Government.

Mr. FOSTER. Mr. Chairman, I make a point of order on the paragraph, especially to that part of the paragraph upon page 7 which provides for advertising.

Mr. ROBERTS of Massachusetts. What is the point of order?

Mr. FOSTER. I want to ask the gentleman from Tennessee if the Navy Department has authority under the law to advertise for recruits?

Mr. PADGETT. Yes; I think so.

Mr. FOSTER. If they have that authority by law, then I will withdraw that point, and I make the point of order on the second proviso.

Mr. PADGETT. Line 15, page 8?

Mr. FOSTER. Yes.

Mr. PADGETT. I will state to the gentleman that this has been operating for a couple of years past and has given very satisfactory results. It has been very beneficial and very helpful and has reduced the cost of recruiting and has worked very satisfactorily. I hope the gentleman will not make the point of order.

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

Mr. MANN. How much is now paid for advertising in magazines and newspapers by the Navy Department?

Mr. PADGETT. I think we have a statement in the hearings, but I do not recall it just at the moment.

Mr. COX. I think it is about \$28,000.

Mr. PADGETT. I think it is somewhere around there, but I do not remember the exact figures.

Mr. FOSTER. I will state, Mr. Chairman, while I am not positive—and I am willing to take the statement of the gentleman from Tennessee that the Navy Department has a right to advertise for the recruits—that I do not believe that it is a good plan to enter into a scheme of this kind of going into advertising agencies for the purpose of securing recruits.

Mr. MANN. Will my colleague yield there? While I think we have authority, I do not think it is express authority, but only authority to obtain recruits.

Mr. FOSTER. If that is all, I make the point of order against this part in regard to advertising. I think I shall make that, Mr. Chairman.

Mr. ROBERTS of Massachusetts. Mr. Chairman—

Mr. FOSTER. I will make the point of order on page 7, line 19, "advertising for and."

Mr. MANN. "Advertising for and."

Mr. FOSTER. "Advertising for and," and also the proviso on page 8.

Mr. PADGETT. Mr. Chairman, I can not put my hand on it just now, but that language has been in the bill time out of mind, advertising for recruits, and I think it is authorized by law, for the simple reason that the department must have some means of letting the public know that they need recruits and must have them.

Mr. FOSTER. I take it that they establish recruiting stations and those recruiting stations usually advertise in the community where they are established by their presence, but I will say to the gentleman frankly that I am opposed to this manner of obtaining recruits for the Navy. I think it is a bad practice to put out all sorts of alluring advertisements to get young men to go into the Navy, and after they are in there for a few months they become dissatisfied and many of them are unable to get out, and the result is they desert and our prisons have been filled by these young men on account of their deserting.

Mr. PADGETT. The desertions are decreasing every year.

Mr. FOSTER. I will say to the gentleman from Tennessee I would rather see fewer men, fewer boys, enlist in the Navy and have those boys satisfied with the position they occupy than I would to have the prisons of the country filled by young American citizens.

Mr. PADGETT. The desertions are reducing every year, and there are now only about 3½ per cent, I think—

Mr. MURRAY. Mr. Chairman, I inquired into this same item last year, and I found the reason for this item was because under the old system they had to have separate vouchers and separate clerical work for each bill from each newspaper or magazine that was presented. That is the reason for requesting this authority, in order that a great many newspaper advertisements or magazine advertisements might be cared for in one voucher.

If the gentleman's objection is as to the practice of advertising at all, I think it is probably well taken, but if his objection is to the advertising-agency feature of it, I think there is a wise economy in the advertising agency. I made an inquiry, not in the debate last year, but as an independent proposition, of the chief of the bureau, because it attracted by attention, as it seems to have attracted the attention of the gentleman from Illinois [Mr. FOSTER].

Mr. ROBERTS of Massachusetts. I want to suggest to the gentleman from Illinois [Mr. FOSTER] that if his point of order is well taken and it should be sustained and strike out the advertising authority, there would be no way left for the Navy Department to get recruits. If we absolutely prohibit them from any form of advertising, they could not even hang out a sign over their recruiting station in a city saying that recruits were wanted.

Mr. FOSTER. I will say to the gentleman from Massachusetts I see no harm in that, and I do not think there is anything wrong in it, but I do believe that it is absolutely wrong for the Navy Department to put out great colored posters describing all the wonderful things a boy can obtain by enlisting in the Navy, inducing those boys through that advertisement to enlist when they ought not to do so.

Mr. ROBERTS of Massachusetts. Let me suggest to the gentleman that very little of that is being done by the department now.

Mr. FOSTER. I will say to the gentleman from Massachusetts that he can go to any post office throughout the country—

Mr. ROBERTS of Massachusetts. A great deal of it is done through the magazines.

Mr. FOSTER. The gentleman can go to any post office throughout the country, perhaps not in the city in which he lives, but the city in which I live, and out through the interior of the United States, and he will find these colored posters placed in the post offices with all sorts of alluring advertisements of what these boys may see around the world by enlisting in the Navy. And when they get a young boy at the age they go into the Navy under those circumstances he does not make an efficient man and, in my judgment, we fill our prison ships with this kind of young men, who ought not to be there. I make the point of order, Mr. Chairman.

Mr. GALLAGHER. I want to call the gentleman's attention to a condition that exists in large centers which I think is deplorable. If this appropriation carries with it a provision to employ men of the Army and the Navy who in dress-parade uniform stand out in front of recruiting offices and who are simply decoys to rope in young men, I am against it.

Mr. FOSTER. I will state this, further, Mr. Chairman—

Mr. GALLAGHER. I want to say, further, that these recruiting offices in large cities are located in some of the worst sections, over saloons, and in a majority of cases these decoys stand outside for the express purpose of inducing young men to join the service.

Mr. FOSTER. I have found in the district that I have the honor to represent that fathers have written to me requesting that the Navy Department should stop the sending of this literature to their sons; that they did not want them to enlist in the Navy, but that the department was continually sending this literature, describing all the wonderful things that were to be had by enlisting, and it made the boys dissatisfied. And I have had to go down to the Navy Department to stop that sort of practice. I believe it is wrong.

Mr. BURNETT. Will the gentleman yield to a question? I have had cases where, after they had gotten them in by that kind of a decoy, and you would go to the Navy Department to get them out, they would say, "We will turn them loose, but we will prosecute them for perjury."

Mr. PADGETT. That was changed some years ago. I do not think the words "advertising for and," on page 7, are subject to the point of order. The proviso is subject to the point of order, if that is made.

The CHAIRMAN. Has the gentleman from Tennessee [Mr. PADGETT] the law authorizing the advertising for recruits?

Mr. PADGETT. I have not, sir. All I know is that it has been in the appropriation bills time out of mind.

The CHAIRMAN. Unless there is some law, the point of order will have to be sustained in both instances.

Mr. MURRAY. Did the Chair sustain the point of order in the absence of proof that there is no law? Does the Chair rule in the absence of any affirmative proof of the existence of the law that the point of order should be sustained?

The CHAIRMAN. The burden is on the committee to show the law authorizing the appropriation.

Mr. MURRAY. Rather than on the gentleman's suggesting the point of order?

The CHAIRMAN. That is the ground on which the Chair rules. The Clerk will read.

The Clerk read as follows:

Contingent: Ferriage, continuous-service certificates, discharges, good-conduct badges, and medals for men and boys; purchase of gymnastic apparatus; transportation of effects of deceased officers and enlisted men of the Navy; books for training apprentice seamen and landsmen; maintenance of gunnery and other training classes; packing boxes and materials; and other contingent expenses and emergencies arising under cognizance of the Bureau of Navigation, unforeseen and impossible to classify, \$15,000.

Mr. SISSON. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman from Tennessee a question. I believe this appropriation is the same as it was last year?

Mr. PADGETT. Yes, sir.

Mr. SISSON. How much of this appropriation is carried for good-conduct prizes and medals? Is there a statement showing what these different items cost?

Mr. PADGETT. No; the amount that is expended for badges is but a small proportion of the \$15,000.

Mr. SISSON. Does the gentleman believe that these badges and trophies, as they are denominated here, have a good effect upon the men?

Mr. PADGETT. They have a very admirable effect. It is a stimulation to them to get these badges. It is a token of honor and efficiency in the Navy, and the amount is very small.

Mr. Sisson. If it performs a good service to the Navy, I have no objection. The amount is small enough. I have no objection to the amount. I withdraw my pro forma amendment. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Gunnery exercises: Prizes, trophies, and badges for excellence in gunnery exercises and target practice; for the establishment and maintenance of shooting galleries, target houses, targets, and ranges; for hiring established ranges, and for transportation of civilian assistants and equipment to and from ranges, \$100,000.

Mr. Sisson. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Tennessee another question. I notice here that he has an appropriation for prizes and trophies again. Is that for the same service?

Mr. PADGETT. This is for the gunnery exercises.

Mr. Sisson. The other is for good-conduct badges, and this is for excellence in marksmanship?

Mr. PADGETT. Yes, sir.

Mr. Sisson. How many shooting galleries have been established?

Mr. PADGETT. This is on board ship, and the shooting is carried on when they go out in their annual and semiannual practices, in the cruises. For instance, they have recently been down at Guantanamo in their winter practice.

Mr. Sisson. Was this amount \$67,000 last year?

Mr. PADGETT. It was \$167,000 last year, and we have reduced it to \$100,000.

Mr. Sisson. You have reduced it \$67,000?

Mr. PADGETT. Yes.

Mr. Sisson. I withdraw my pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Aviation experiments: For experimental work in the development of aviation for naval purposes, \$10,000.

Mr. Mann. Mr. Chairman, I move to strike out the last word. What other appropriations are there in the bill that are available for aviation?

Mr. PADGETT. Those under the Bureau of Steam Engineering and the Bureau of Construction and Repair in the lump-sum appropriations. They are inserted this year without limitations. In the hearings this year it was stated that perhaps each one would require \$50,000.

Mr. Mann. Do you contemplate experiments to be carried on by three different branches of the service?

Mr. PADGETT. Yes.

Mr. Mann. I think that would be a very expensive proposition.

Mr. PADGETT. This is under the Bureau of Navigation. This \$10,000 has largely to do with the personnel, and the meeting of emergencies and repairs. Under Steam Engineering they have charge of the engines and the machinery. Under Construction and Repair they have charge of the construction and building of what you might call the body of the biplane.

Mr. Mann. Does the Navy intend to construct airships itself?

Mr. PADGETT. Yes. They are experimenting with them and constructing both the engines and the body of the planes, but on a very limited scale.

Mr. Mann. I do not feel that I am in a position to make any criticism of such a matter, but from the way the Navy divides up its work I should think it would be a very expensive way to make experiments to have three different branches of the service working on it under three different appropriations.

Mr. ROBERTS of Massachusetts. I think the gentleman from Illinois misunderstands how these experiments are being carried on. There is an officer in charge of aviation. He has charge of the experiments, and when he wants any repairs to the flying machinery he goes to the appropriate bureau of the department to make those repairs. If he wants parts of the flying machine reconstructed he goes to the Bureau of Repairs and has the plane reconstructed, and if he wants repairs to the steam engine he goes to the Bureau of Steam Engineering to install the motor.

Mr. Mann. How many machines have they now?

Mr. ROBERTS of Massachusetts. I think they have three.

Mr. Mann. How many officers are there detailed on this work?

Mr. ROBERTS of Massachusetts. My recollection is, from statements made by Capt. Chambers, that there are eight all told who are working or under instruction. I think there are about five under instruction.

Mr. Mann. I noticed in one of the Washington newspapers yesterday what purported to be a statement made by Capt. Chambers, which is impudent and impertinent to the highest degree. I do not know whether he made the statement or not;

but if he made the statement attributed to him he ought to be court-martialed and dismissed from the Navy.

Mr. ROBERTS of Massachusetts. What was it?

Mr. Mann. Reflecting upon Congress, and everybody else that he could think of.

Mr. ROBERTS of Massachusetts. I do not know about this particular matter, but I do know that Capt. Chambers is a very courteous officer.

Mr. BUTLER. I should be very greatly surprised if Capt. Chambers was correctly quoted, because I know him to be very civil toward everybody.

Mr. Mann. It looked as though the captain had written a statement and furnished it to the press. It was in that form.

Mr. ROBERTS of Massachusetts. I will state to the gentleman from Illinois that the amount for aviation has been kept down in this bill below what some members of the committee would like to have seen appropriated, because Capt. Chambers requested it. He said the Navy was proceeding slowly in this matter; that they had given out to the inventors of the world certain requirements that they wanted in the ideal flying machine for naval purposes, and he did not propose to expend a great deal of money or invest any considerable money in flying machines until they had come nearer the ideal than anything at present in existence.

Mr. Mann. Very likely he was not correctly quoted in the papers.

Mr. ROBERTS of Massachusetts. As stated by the gentleman from Pennsylvania [Mr. Butler], I should be very much surprised if he said anything that was impertinent or impudent.

Mr. RODDENBERRY. Did I understand the gentleman from Illinois to say that he read the Washington Star yesterday?

Mr. Mann. I did.

Mr. RODDENBERRY. On Sunday?

Mr. Mann. I did. I read the Post, too.

Mr. RODDENBERRY. On Sunday?

Mr. Mann. Yes; and then afterwards I read the Times.

Mr. RODDENBERRY. When we had up the bill to prohibit the delivery of mail at the post offices on Sunday, I thought I heard the gentleman from Illinois say that he did not read any mail on Sunday, and that he did not even read the newspapers, and I wondered if in this Democratic administration he had learned to follow our bad example. [Laughter.]

Mr. Mann. I did not read any letters yesterday, and I did not open any mail yesterday, and if the gentleman should spend no more time reading the papers than I do on Sunday, he would not spend very much.

Mr. KENDALL. This was Sunday's Star, but it was read this morning before breakfast. The gentleman misunderstood the gentleman from Illinois.

Mr. Mann. I did not so state. Being a man who is not afraid of what he has done, however foolish it may be, I read the Star, in the way that I read the papers, and afterwards I read the Post, and then by inadvertence in the afternoon I read the Times.

Mr. RODDENBERRY. Did the gentleman see anything in any of the papers concerning pork?

Mr. MADDEN. They say pigs have gone up from \$6 to \$9 a hundred.

Mr. Mann. Yes; I read something about pork, because I keep track of the market as to pork, thinking perhaps I may be able to get a considerable slice of pork before Congress adjourns, and dispose of it in that way; and if the pork barrel keeps on, I might be able to sell my share of the pork at a high price. [Laughter.]

Mr. RODDENBERRY. I wish the gentleman would advise me when he thinks the top of the market is reached. I should like to dispose of my oversupply.

Mr. Mann. The gentleman has an oversupply, if all I have read is true.

Mr. RODDENBERRY. I am not raising any question about that; and I may want to get rid of the surplus before it spoils.

Mr. Mann. The gentleman can turn it over to the gentleman from Mississippi [Mr. Sisson].

Mr. LEVER. I will take it.

Mr. Mann. Or he can turn it over to the gentleman from Tennessee [Mr. Garrett], or some of the other gentlemen in the House who opposed the public building bill when it passed the House, and then promptly went over to the Senate and got their Senators to include items in the Senate which were much larger and more expensive than those in the House. I do not refer to the gentleman from Mississippi [Mr. Sisson] in that respect.

Mr. Sisson. Mr. Chairman, I deny the mild impeachment of the gentleman from Illinois.

Mr. MANN. I said I did not refer to the gentleman from Mississippi in that respect.

Mr. RODDENBERRY. I hope the gentleman—

Mr. MADDEN. Did I understand the gentleman from Georgia [Mr. RODDENBERRY] to say that he had gone to the Senate to ask for accommodations there?

Mr. RODDENBERRY. No. "The gentleman from Georgia" took such good care of himself on his own committee that it was unnecessary.

The Clerk read as follows:

Outfits on first enlistment: Outfits for all enlisted men and apprentice seamen of the Navy on first enlistment, at not to exceed \$60 each, \$800,000.

Mr. SISSON. Mr. Chairman, I move to strike out the last word, and I want to ask the gentleman how much was left over from this appropriation last year?

Mr. PADGETT. I think we reduced it about \$100,000.

Mr. SISSON. How much was left over?

Mr. PADGETT. I have not the exact figures.

Mr. SISSON. I have a note here of \$317,000.

Mr. PADGETT. Oh, no; it was that much two years ago, but we reduced it last year and then again we reduced it this year. They spent, as I remember it, in the neighborhood of \$800,000 last year.

Mr. SISSON. Was the \$319,900 covered into the Treasury, or reappropriated?

Mr. PADGETT. It was covered into the Treasury.

Mr. SISSON. The law allows \$60?

Mr. PADGETT. The law allows that as the cost of the outfit. They figure on the cost of the outfits for the year as \$944,400, and not expecting that they could enlist them all at the time, we made a reduction to \$800,000.

Mr. SISSON. I notice that this will take care of over 13,000 enlistments. Does the gentleman think that it will take that much during the fiscal year?

Mr. PADGETT. Yes; last year we had, I think, about 15,000 enlistments.

Mr. SISSON. If a man enlists does he get the \$60 outfit immediately?

Mr. PADGETT. He does on the first enlistment, and if he is discharged at the end of the first year he has to refund. He enlists for four years, and if he is discharged at the end of the first year he has to repay the cost of that first enlistment.

Mr. SISSON. I had no idea that there was as many as 14,000 enlistments. In making the computation I see that this will take care of 13,333, and I thought that that was a large enlistment.

Mr. PADGETT. We have enlisted more than that at times. The estimate was made on fourteen thousand and some hundred enlistments.

Mr. SISSON. And the committee cut that down from \$900,000 to \$800,000?

Mr. PADGETT. Yes.

Mr. SISSON. So, I presume, the estimate is not too large.

Mr. GOODWIN of Arkansas. Mr. Chairman, I ask unanimous consent that I may extend my remarks in the Record.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The Clerk read as follows:

NAVAL TRAINING STATION, CALIFORNIA: Maintenance of naval training station, Yerba Buena Island, Cal., namely: Labor and material; buildings and wharves; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and street car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same; fire engines and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and materials, and maintenance of same; heating and lighting; stationery, books, and periodicals; fresh water, and washing; packing boxes and materials; and all other contingent expenses; maintenance of dispensary building; lectures and suitable entertainments for apprentice seamen; in all, \$70,000.

Mr. SISSON. Mr. Chairman, I want to ask the chairman of the committee if this is the usual annual appropriation?

Mr. PADGETT. Yes.

Mr. SISSON. Is it for the entire expense of the Naval Training Station?

Mr. PADGETT. This covers only the maintenance charges.

Mr. SISSON. It does not cover the clothing and salary of the men, and so forth, but is simply for maintenance? How many men have you there?

Mr. PADGETT. We keep from 1,500 to 2,500 men there in training.

Mr. SISSON. Does this take care of not only the quarters of the men but also the training grounds, rooms, and so forth?

Mr. PADGETT. The training rooms; repair of apparatus, furnishing new apparatus, and everything of that kind.

Mr. SISSON. What sort of training do they have there?

Mr. PADGETT. They have their drills, gymnastic exercises for physical development, and on the water they have the training in the small boats and larger boats, and signaling, and everything of that kind that goes to fit and qualify and train the boy for a seaman.

Mr. SISSON. Does the number of men vary?

Mr. PADGETT. It varies; sometimes running very high, and then they go aboard ship and others come in.

Mr. SISSON. I notice the last two years there has been appropriated \$70,000; I did not go back of that.

Mr. PADGETT. That has been the appropriation for some time and we would not increase it this year.

Mr. MANN. Mr. Chairman, will the gentleman answer a question?

Mr. PADGETT. Yes.

Mr. MANN. How many of these naval training stations are there, and how many apprentices?

Mr. PADGETT. We have a naval training station at Norfolk, one at Newport, one in California, and one on the Great Lakes at Chicago. At Newport the total during the last fiscal year was 5,573; at Norfolk, Va., 2,331; at North Chicago, 1,717; and at San Francisco, 2,312.

Mr. MANN. Where did you carry the appropriation last year for maintenance of the training station at Norfolk?

Mr. PADGETT. Under "Yards and docks."

The Clerk read as follows:

Naval training station, Rhode Island: Maintenance of naval training station, Coasters Harbor Island, R. I., namely: Labor and material; buildings and wharves; dredging channels; extending sea wall; repairs to causeway and sea wall; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and street car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same; fire engines and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and materials, and maintenance of same; heating and lighting; stationery, books, and periodicals; fresh water, and washing; packing boxes and materials; and all other contingent expenses; lectures and suitable entertainments for apprentice seamen; in all, \$55,000. *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1914, shall not exceed \$5,701.60.

Mr. SISSON. Mr. Chairman, may I ask the gentleman from Tennessee the reason for this proviso in reference to permitting the Secretary of the Navy to have \$5,701 for clerical, drafting, inspection, and messenger service?

Mr. PADGETT. This is a limitation on the amount that he may use.

Mr. SISSON. Why should he be permitted to use these boys in this way at all?

Mr. PADGETT. He does not use the boys. These are civilian clerks. They are not enlisted men.

Mr. SISSON. I understand. These are the men in training there?

Mr. PADGETT. No; he does not use them. This is a clerical force.

Mr. SISSON. Does he have a clerical force that costs more than \$5,701?

Mr. PADGETT. He has a clerical force there, and in order to prevent him from using more than that amount this limitation is placed.

Mr. SISSON. Where do they use this clerical force?

Mr. PADGETT. In running the establishment there. They have clerks, and they make reports to the department, and they have a regular clerical establishment there.

Mr. SISSON. Does he have a clerical force there that does any other service than to look after this particular establishment?

Mr. PADGETT. Not except this establishment at this place.

Mr. SISSON. I was rather struck with the amount of money expended for clerical force when the total appropriation was only \$85,000. This does not include the management and the pay of professors and teachers?

Mr. PADGETT. No; this is the clerical force—messengers, drafting, and a force of that kind.

Mr. SISSON. I thought that was a rather large appropriation. It is a very large overhead charge for an appropriation of \$85,000.

Mr. PADGETT. They have the whole management of that institution.

Mr. SISSON. You do not know how many he has there in that service?

Mr. PADGETT. I think there are two clerks, two messengers, two watchmen, or one watchman.

The Clerk read as follows:

Naval training station, Great Lakes: Maintenance of naval training station: Labor and material; general care, repairs, and improvements of grounds, buildings, and piers; street car fare; purchase and main-

tenance of live stock, and attendance on same; motor-propelled vehicles, wagons, carts, implements, and tools, and repairs to same; fire apparatus and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and material, and maintenance of same; heating and lighting, and repairs to power plant equipment, distributing mains, tunnel, and conduits; stationery, books, and periodicals; washing; packing boxes and materials; lectures and suitable entertainments for apprentice seamen; and all other contingent expenses: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1914, shall not exceed \$44,553.36; in all, naval training station, Great Lakes, \$98,457.

Mr. SISSON. Mr. Chairman, why is it that for the same service at the naval station on the Great Lakes as there was allowed in the Rhode Island station, \$5,701, you should have \$44,553.36?

Mr. PADGETT. The naval training station on the Great Lakes was recently constructed and is a very large establishment. It is many times larger than the other one. The one on the Great Lakes has an outlay of several million dollars in buildings or improvements that have been made there, and there is a much larger force employed in the clerical force and the messenger service.

Mr. SISSON. Is it eight times as large?

Mr. PADGETT. I should say more than that in investment.

Mr. SISSON. There is \$44,000 in one for clerical services, drafting, and inspection, and in the other only \$5,000. That makes a difference of over eight times as much in favor of the Chicago station. If they are using the clerical help necessary to maintain the establishment, you have over half or nearly half the entire appropriation for the maintenance of the station in clerical force there, while in the other you have only one-sixth.

Mr. PADGETT. Yes.

Mr. SISSON. Or less than one-fifth. Why should there be that difference in the clerical force at the Great Lakes from the one at Rhode Island?

Mr. PADGETT. The one on the Great Lakes, as I stated, is a much larger establishment, with much more pretentious buildings.

Mr. SISSON. I could understand how it would cost more to maintain it, to feed and clothe the men and the professors and trainers. I can understand that; but I can not understand how the clerical force should be so out of proportion with the clerical force needed in the naval station at Rhode Island. That is what I would like to have the gentleman explain, if he can.

Mr. PADGETT. I have not the details upon that phase of it, as to the exact number.

Mr. SISSON. Did the gentleman's committee inquire into why they wanted so much clerical force at one place and so much less at the other?

Mr. PADGETT. This is a new station, which was completed last year, and we are cutting down the maintenance. We have reduced it below what it was last year \$7,000 or \$8,000.

Mr. SISSON. What was your limitation last year on the clerical force?

Mr. PADGETT. I think it is the same as in this.

Mr. SISSON. You cut your maintenance down and yet left the expenditures for clerical force at this large sum of \$44,000?

Mr. PADGETT. That is the same as last year.

Mr. SISSON. Now, in the Rhode Island station you had two clerks and two messengers—

Mr. PADGETT. I said about that number.

Mr. SISSON. I mean that is about what it was. Now, how many do you have here to absorb this \$44,500?

Mr. PADGETT. I do not know, sir.

Mr. SISSON. I do not understand how this committee would give this sum for that purpose unless they knew the number of employees and what we were doing with those employees.

Mr. PADGETT. It has been the same as it was there last year, and, as there was no increase in it, the station is just getting well under way, and this work is going on, so we left it just about the same.

Mr. SISSON. Of course I understand this is a new station, and it is quite possible you may have a number of expert mechanics, and so forth, to complete the station, but such information ought to have been provided and—

Mr. PADGETT. We did not go into those items this year, as it was the same as last year.

Mr. SISSON. In view of the fact this station was near completion, as the gentleman said awhile ago, this clerical force, or drafting force, ought to have been very materially reduced if the committee had gone into it.

Mr. PADGETT. These estimates were sent in regularly and we did not go—

Mr. SISSON. The gentleman understands when these items are sent in from the department they will always, as his experience as chairman of that committee would tell him, as of all the other committees, unless you inquire into this they will take the same amount of money.

Mr. PADGETT. They reduced the total expenditure \$8,000 or \$10,000.

Mr. SISSON. Why could not they reduce the \$44,000 instead of the total amount?

Mr. MANN. If the gentleman will permit me to suggest, in view of the reduction made in the total amount and the fact they may be short, this entire \$40,000 can be expended for that purpose.

Mr. SISSON. I see; I understand that; and I asked the question, Why should they appropriate so much for the clerical services at this naval station and such a small amount in the others?

Mr. MANN. I apprehend the fact is that amount of \$44,543 is not for that purpose.

Mr. SISSON. Possibly not.

Mr. MANN. If it is used for maintenance it is not a large sum.

Mr. SISSON. The limitation is that they shall not use more than \$44,000 for clerical help. I understand how it can be used.

Mr. MANN. The total sum appropriated is not a large sum for maintenance.

Mr. SISSON. Of course they could divert it from this and every bit of the appropriation be used for maintenance.

Mr. MANN. Under this limitation they can not go above this amount for clerical help, but not that it must be expended for clerical help.

Mr. MADDEN. There is one thing that must be taken into account and that is that these buildings are not all completed, and it might require a great many more men to act as receiving clerks and draftsmen and inspectors and such men as those.

Mr. SISSON. All that may be true, but I was simply asking as to the difference in these items.

Mr. MADDEN. That can be accounted for by the fact they are still constructing the building.

The Clerk read as follows:

Naval training station, St. Helena: Maintenance of naval training station; labor and material, general care, repairs, and improvements; and all other incidental expenses, \$25,000.

Mr. SISSON. I desire to reserve a point of order. I will say to the gentleman I do not know whether it is subject to the point of order or not. The only thing there is, it is a new matter, and if it is the establishment of a new naval station there is no authority of law for that.

Mr. PADGETT. It is the same one I read to the gentleman a few moments ago. This is one of the best stations we have, and it is costing less. This is a new item put in here this year, because heretofore it has gone under the yards and docks appropriation, \$25,000. Last year we cared for 2,381 men. We have a number of cheap buildings there, and this is the first year that we have given them—

Mr. SISSON. How long has this been maintained—several years?

Mr. PADGETT. For a number of years.

Mr. SISSON. You simply transfer it and make a separate item of it?

Mr. PADGETT. No; we have not transferred it, but it has been heretofore under the item of yards and docks, \$25,000, and we have put this new item in here for maintenance of that existing building, so as to give them a fund for the maintenance of the building. That was formerly put in under yards and docks—for the maintenance.

Mr. SISSON. I want to congratulate the gentleman on segregating this item from yards and docks and putting it in a separate paragraph so we can talk about that. If the gentleman will do that in the next year's bill, I will commend him again.

The Clerk read as follows:

Naval War College, Rhode Island: For maintenance of the Naval War College on Coasters Harbor Island, and care of grounds for same, \$23,750; services of a lecturer on international law, \$1,500; services of civilian lecturers, rendered at the War College, \$300; care and preservation of the library, including the purchase, binding, and repair of books of reference and periodicals, \$1,800: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, drafting, and messenger service for the fiscal year ending June 30, 1914, shall not exceed \$10,250. In all, Naval War College, Rhode Island, \$26,850.

Mr. SISSON. We are about through with these items, and I would like to ask the chairman one question: Why do you put on all these provisos a limitation as to inspection, drafting, messenger service, and clerical work, and so forth?

Mr. PADGETT. So that he could not use all the appropriation for clerical work.

Mr. Sisson. Has there been in years past any abuse of this?

Mr. PADGETT. Many years ago the practice was to appropriate for so many clerks, and they had so many named for this and so many here and so many there, so many at \$1,000 and so many at \$1,500, and they could not readjust it, and Congress changed from that and adopted his method of limiting the appropriation so much for the clerical, drafting, and messenger force.

The Clerk read as follows:

Naval Home, Philadelphia, Pa., pay of employees: 1 secretary, \$1,600; 1 foreman mechanic, \$1,500; 1 superintendent of grounds, at \$720; 1 steward, at \$720; 1 one store laborer, at \$480; 1 matron, at \$420; 1 beneficiaries' attendant, at \$240; 1 chief cook, at \$480; 1 assistant cook, at \$360; 1 assistant cook, at \$240; 1 chief laundress, at \$216; 5 laundresses, at \$192 each; 4 scrubbers, at \$192 each; 1 head waitress, at \$216; 8 waitresses, at \$192 each; 1 kitchen servant, at \$240; 8 laborers, at \$360 each; 1 stable keeper and driver, at \$480; 1 master-at-arms, at \$720; 2 house corporals, at \$300 each; 1 barber, at \$360; 1 carpenter, at \$846; 1 painter, at \$846; 1 painter, at \$720; 1 engineer for elevator and machinery, \$720; 4 laborers, at \$540 each; 2 laborers, at \$360 each; total for employees, \$22,288.

Mr. Sisson. Mr. Chairman, I reserve a point of order on the paragraph. I do it for the purpose of inquiring about the new positions created here in the item. I notice you have one painter at \$720, and you have four laborers.

Mr. PADGETT. I wanted to offer an amendment for five. In the total it is for five. It is a misprint of "four."

Mr. Sisson. Now, have you any new laborers?

Mr. PADGETT. Yes, sir. There is one new laborer, and they are increased from \$360 to \$540 each.

Mr. Sisson. How many did you have in the last bill, where you have four laborers here now at \$540 each?

Mr. PADGETT. We had three.

Mr. Sisson. Now you want to make it five?

Mr. PADGETT. And we had one at \$300. So there were three at \$540 and one at \$300, and we are making it five at \$540. I wanted to say to the gentleman that the naval home is supported and maintained out of the interest upon the naval pension fund and does not come directly out of the Treasury, and the surplus from the interest of the Navy pension fund, after the maintenance of the naval home, is turned over to the Secretary of the Interior and goes to the Pension Office to pay pensions of the Navy.

Mr. Sisson. I have no doubt the gentleman will be just as careful about the expenditure of that sacred fund as he would of the other sacred fund out of the Treasury.

Mr. PADGETT. Just exactly so. For the comfort of these old men—the proof shows that these employees are needed to take care of the property. This painter is needed, and we did not feel that the salary of \$300 was a sufficient compensation for a man to live on or that raising it to \$500 was extravagant.

Mr. Sisson. Does that account for the increase of the appropriation?

Mr. PADGETT. Entirely.

Mr. Cox. Does the Government pay interest on this?

Mr. PADGETT. Yes.

Mr. Cox. What interest does it pay on it?

Mr. PADGETT. Four per cent. That fund was created many years ago out of the sale of the prizes captured by the Navy in battles, and the fund was turned into the Treasury as a trust fund, the interest upon which was to go to the maintenance of these old sailors who are taken care of out there in the home, and the surplus goes into the pension fund.

Mr. Cox. And the Government pays 4 per cent interest on it?

Mr. PADGETT. Pays 4 per cent interest on it.

Mr. Sisson. Have you ever exceeded the interest in the maintenance or support of the home?

Mr. PADGETT. We pay five or six hundred thousand dollars a year into the pension fund.

Mr. Cox. How much does the pension fund represent?

Mr. PADGETT. Something like \$14,000,000. It is a fixed charge under the statute, unless the statute is changed. But it provides for the maintenance of the naval home, and that the surplus, which is \$500,000 or \$600,000, shall be turned over to the Secretary of the Interior to pay Navy pensions.

Mr. Sisson. It goes entirely to Navy pensions and not to the military?

Mr. PADGETT. To the Navy pensions; and to that extent reduces the amount which might be drawn from the Treasury.

Mr. Sisson. Mr. Chairman, I withdraw the point of order.

Mr. PADGETT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, line 14, strike out the word "four" and insert in lieu thereof the word "five."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Maintenance: Water rent, heating, and lighting; cemetery, burial expenses and headstones; general care and improvements of grounds, buildings, walls, and fences; repairs to power-plant equipment, implements, tools, and furniture, and purchase of the same; music in chapel and entertainments for beneficiaries; stationery, books, and periodicals; transportation of indigent and destitute beneficiaries to the Naval Home, and of sick and insane beneficiaries, their attendants and necessary subsistence for both, to and from other Government hospitals; employment of such beneficiaries in and about the Naval Home as may be authorized by the Secretary of the Navy, on the recommendation of the governor; support of beneficiaries, and all other contingent expenses, \$54,421; rebuilding river bulkhead, \$5,500; total, maintenance, \$59,921; in all, for Naval Home, \$82,209, which sum shall be paid out of the income from the naval pension fund.

Mr. Sisson. Mr. Chairman, I reserve a point of order on the paragraph. I do not know that it is subject to a point of order, but I notice that it is a new paragraph.

Mr. PADGETT. No; it is not a new item. It is simply a change of the wording of the old item in order to save expenses of clerical help; expenditures in the department in the matter of bookkeeping.

Mr. Sisson. What was the change that was made?

Mr. Mann. The gentleman from Mississippi will notice that last year they carried various items specifically; "water rent and lighting, \$2,000; cemetery, burial expenses, and headstones, \$1,000; improvement of grounds, \$1,000"; and another item, \$1,000. This year it is all lumped.

Mr. Sisson. I have not the item before me, but I notice that you had \$73,469 appropriated last year, and this year the amount is \$82,209.

Mr. PADGETT. The river bulkhead is a new item, \$5,500. The land is washing away, and washing into the stream; and under the laws of Maryland the riparian owner is required to repair and preserve the banks. The Government here is the owner, and we are putting in this appropriation for \$5,500 for the construction of a bulkhead there, to preserve the land from falling in and washing into the stream.

Mr. Sisson. May I ask the gentleman from Tennessee why he adopts this language? Was it suggested by the department or was it conceived in the committee?

Mr. PADGETT. It was suggested by the governor and managers of the Naval Home, through the department. It came through them to the department, and was transmitted with the department's recommendation to the committee.

Mr. Sisson. Would the gentleman from Tennessee have any objection to an amendment carrying the amount in the language that was carried in the last bill, with the item added?

Mr. PADGETT. Not at all; except that it makes a greater cost of bookkeeping. Otherwise I would have no objection.

Mr. Sisson. But it would give Congress, which makes the appropriations, the information it desires, and it would continue the good practice of having the sums specified. I should have no objection to the item if it were carried in the language of the other appropriation.

Mr. Mann. Will the gentleman yield in reference to that?

Mr. Sisson. I will.

Mr. Mann. Last year the item was "Water rent and lighting, \$2,000; cemetery, burial expenses, and headstones, \$1,000; improvement of grounds, \$1,000; repairs to buildings," and so forth, \$1,000. The gentleman can see that if those items are segregated and one man is doing a part of the work on all four of them, the expense has to be charged on a separate account, which makes it rather expensive, after all. There were five items last year, and one of them was for \$300, and they were segregated. After all, like many other things carried in the bill, this is carried in a lump sum for the purpose of avoiding bookkeeping and the extra service of different men accounted for on different items.

Mr. Sisson. I will say to the gentleman from Illinois that I have no particular objection to items of this character being grouped together in the maintenance of one home, but where they are in a different department and under different bureau chiefs I have some objection.

Mr. Mann. Of course, these are all together, and I think the committee is right this year in lumping them.

Mr. PADGETT. It was paid out of the same sum as the former item.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. Sisson. Mr. Chairman, I withdraw the point of order. I am rather in doubt as to whether it should not have been carried in the former language.

Mr. VARE. Mr. Chairman, I would like to ask the gentleman in charge of the bill what is the capacity of the naval home at Philadelphia? What is the number of members or inmates that it would accommodate?

Mr. PADGETT. I do not know, sir, but there is abundance of room. I do not know how many inmates it will accommodate. The gentleman has reference to the home at Philadelphia?

Mr. VARE. Yes.

Mr. PADGETT. They had last year, one day when I was there, some one hundred and odd members.

They had a capacity for a very much larger number, but I do not recall now what the number was.

Mr. ROBERTS of Massachusetts. At the time of the last annual report it was 72. It is varying all the time.

Mr. VARE. My information is that the capacity is 500.

Mr. PADGETT. I suppose it is.

Mr. VARE. And that the average number of inmates is approximately 75.

Mr. PADGETT. More than that, so they tell me.

Mr. VARE. And inasmuch as there are only 75 of these venerable old sailors occupying this very large institution, I want to ask the chairman of the committee whether he does not think it would be in line with good business policy to build a new home at the Philadelphia Navy Yard, which would have much more up-to-date improvements and conveniences, where these old sailors could be in close contact with the battleships in the reserve basin?

Mr. PADGETT. No; I think not. I was over at Philadelphia and I found there quite a sentiment in favor of transferring these old sailors over to the navy yard and the Government donating these many acres of land to the city of Philadelphia. I confess that the project did not commend itself to me.

Mr. BUTLER. These old fellows want to remain where they are.

Mr. PADGETT. The thing back of this is a proposition to give this property to the city of Philadelphia.

Mr. VARE. Then it is rather a question of appealing to the sentimental side rather than the idea of giving the old sailors a new home with more up-to-date accommodations?

Mr. PADGETT. No; they have as fine accommodations there and as magnificent a hospital and home as I ever saw, and they have beautiful grounds right in the city, much better located, and with shade trees and grass and everything, none of which they have at League Island.

Mr. VARE. Is it not a fact that the hospital in connection with the naval home is approximately about 4 miles from the Philadelphia Navy Yard, and that if a hospital was erected at the Philadelphia Navy Yard it would be in close touch with the employees of the Government there in case of accident?

Mr. PADGETT. That might be, but this is a naval home, and is not intended as a hospital for the employees of the navy yard.

Mr. VARE. It is a hospital on the grounds, is it not?

Mr. PADGETT. The hospital is on the grounds of the naval home, but not on the grounds of the League Island Navy Yard.

Mr. MANN. I move to strike out the last word. If it costs over \$1,000 apiece to maintain these old sailors at this home, in addition to the overhead charges, subsistence, and clothing, would it not be a great deal cheaper and probably fully as satisfactory if the Government would pay for putting them in some of the old soldiers' homes throughout the United States? Is it not a rather expensive proposition to pay over \$1,000 apiece for the maintenance of these men in this home, and besides that pay the overhead charges, the cost of living, and the cost of clothing?

Mr. PADGETT. These old soldiers who are carried there—decrepit old men—are well cared for, as I think the Government should care for them.

Mr. MANN. Everybody will concede that.

Mr. PADGETT. Of course, they could be cared for, by having less comfort and less convenience, in a cheaper way. I do not think these men should be farmed out to the lowest bidder.

Mr. MANN. I do not see how it is possible to spend as much money on these sailors at this home as is spent in the items in this bill, much less in addition to that the cost of clothing them and the cost of subsisting them and the cost of the naval officers or other officers of the home, and other overhead charges.

Mr. PADGETT. This item carries the support of the beneficiaries, \$54,000. It is embraced as a part of the \$82,000.

Mr. MANN. That means the subsistence?

Mr. PADGETT. Yes.

Mr. MANN. Who pays for the support of the officers of the home?

Mr. PADGETT. The head of this institution is a naval officer who is assigned there.

Mr. BUTLER. He is on the retired list, is he not?

Mr. MANN. And the other employees who work there?

Mr. PADGETT. They are paid out of these items that we have just passed.

Mr. MANN. "Support of beneficiaries"?

Mr. PADGETT. Fifty-four thousand dollars, and that number varies. When I was there a year ago my recollection is that they had about 120.

Mr. MANN. Well, it runs in the neighborhood of about \$1,000 a person?

Mr. PADGETT. Some are in the hospital and some in the homes.

Mr. MANN. This does not cover medical attendance?

Mr. ROBERTS of Massachusetts. Yes.

Mr. MANN. That is an extra item. This home has become a gross extravagance.

Mr. LA FOLLETTE. Page 13, line 22, says:

Transportation of indigent and destitute beneficiaries to the Naval Home, and of sick and insane beneficiaries, their attendants, and necessary subsistence for both—

And so forth.

Mr. MANN. That is not medical attendance.

Mr. ROBERTS of Massachusetts. It comes out of this appropriation.

Mr. MURRAY. I would like to ask the gentleman if there is any system by which the seamen contribute out of their monthly pay, as they do in the Army, for the maintenance of this or a similar home?

Mr. PADGETT. Yes; they contribute 20 cents a month; but that is a hospital fund, and no part of it goes to the maintenance of this home.

Mr. MURRAY. For what purpose is that fund used?

Mr. PADGETT. For the maintenance of hospitals throughout the country at different places. I think there is one near Boston.

Mr. MURRAY. Is it possible to use any part of that fund for the payment of the expenses at this home?

Mr. PADGETT. No; they are separate funds.

Mr. MURRAY. I wondered if there was any fund collected through the payment of these monthly payments that could be applied to this establishment?

Mr. PADGETT. No; it does not need it; they have a surplus of five or six hundred thousand dollars that is turned into the general pension fund to pay Navy pensions after the cost of the maintenance of the home. The 20 cents contribution a month out of the pay goes into the hospital fund for hospitals scattered about the United States.

Mr. MURRAY. That sum raised is much greater than needed to maintain the hospitals?

Mr. PADGETT. No; it is not greater than needed, but the balance goes to build additional hospitals.

Mr. MURRAY. The number of hospitals located now is large enough to carry on the work, is it not?

Mr. PADGETT. The committee thought so, and you will find later on a provision amending the statute that gives the Secretary absolute control over that fund and its expenditure, and it provides that hereafter new hospital buildings shall not be erected nor sites purchased except as authorized by Congress. Under the law as it now exists the Secretary has the power to erect new hospital buildings or to purchase new sites without consulting Congress.

Mr. MURRAY. I suppose the new arrangement the committee has in mind will result in wise economy.

Mr. PADGETT. We hope so.

Mr. MURRAY. I will ask the gentleman whether or not the money that can be so saved may not well be used for the purpose of maintaining the Naval Home at Philadelphia?

Mr. PADGETT. If it is more than needed I think the better way would be to reduce the contributions required of the men.

Mr. MURRAY. I think there is no complaint from the men of the Navy about the contribution of 20 cents a month. I know I never heard any complaint when I was in the Army. It seems to me that it might be used to maintain this home in Philadelphia.

Mr. PADGETT. If that was used to maintain the home at Philadelphia it would make a larger surplus in the Naval Home fund.

Mr. MURRAY. But this item comes out of the Treasury of the United States.

Mr. PADGETT. No, it does not; it comes out of the interest on the naval pension fund.

Mr. MURRAY. I am referring to the item in this bill on page 13 of \$82,000.

Mr. PADGETT. That comes out of the naval pension fund of \$14,000,000, which is a trust fund upon which the Government pays interest at 4 per cent.

Mr. MURRAY. And no part of this \$82,209 mentioned on page 14 comes out of the Treasury of the United States?

Mr. PADGETT. No; except as the Government pays interest on the trust fund which arises from the sale of prizes captured by the Navy in years gone by.

Mr. MURRAY. I am obliged to the gentleman.

The Clerk read as follows:

Ordnance and ordnance stores: For procuring, producing, preserving, and handling ordnance material; for the armament of ships; for fuel, material, and labor to be used in the general work of the Ordnance Department; for furniture at naval magazines, torpedo stations, and proving ground; for maintenance of the proving ground and powder factory and for target practice, and for pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, and naval magazines: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for chemists, clerical, drafting, inspection, watchmen, and messenger service in navy yards, naval stations, and naval magazines for the fiscal year ending June 30, 1914, shall not exceed \$458,000. In all, \$5,800,000: *Provided*, That hereafter no part of any appropriation shall be expended for the purchase of shells or projectiles for the Navy except for shells or projectiles purchased in accordance with the terms and conditions of proposals submitted by the Secretary of the Navy to all the manufacturers of shells and projectiles and upon bids received in accordance with the terms and requirements of such proposals: *Provided*, That hereafter the Secretary of the Navy is hereby authorized to make emergency purchases of war material abroad: *And provided further*, That when such purchases are made abroad, this material shall be admitted free of duty.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. Sisson. Mr. Chairman, I believe that that is the provision in the bill that buys the armor plate.

Mr. PADGETT. No; this buys the ordnance—shells and projectiles.

Mr. Sisson. I notice here a provision for armament of ships. What does that mean?

Mr. PADGETT. That means the guns, not the armament, the projectiles.

Mr. Sisson. What does the steel, out of which these guns are made, cost?

Mr. PADGETT. I do not know how to answer that question. A 14-inch shell costs, if I remember correctly, about \$500 or \$600.

Mr. Sisson. That is, to make the shell complete? What sort of steel do they make it out of?

Mr. PADGETT. Of the very hardest that can be manufactured.

Mr. Sisson. Did the gentleman inquire into the price that they are paying for this steel?

Mr. PADGETT. They buy the projectile itself.

Mr. Sisson. They buy the entire projectile? Does the Government make none of these projectiles?

Mr. PADGETT. They make the guns.

Mr. Sisson. I thought they made some projectiles.

Mr. PADGETT. I think not.

Mr. Sisson. The Government makes some of these torpedoes.

Mr. PADGETT. This does not embrace torpedoes.

Mr. Sisson. I was trying to ascertain whether the Government made any of this armament.

Mr. PADGETT. The Government may make some of the subordinate matters here, but the projectiles themselves are purchased.

Mr. Sisson. In the markets?

Mr. PADGETT. Yes; and hence there is the provision that the gentleman sees here that it must be in pursuance of bids submitted in the open market.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. Mr. Chairman, I reserve the point of order for a moment. I notice the gentleman proposes this year to put into permanent law the provision that no appropriation made at any time can be used for the purchase of shells and projectiles unless the Secretary of the Navy submits the terms and conditions of the proposals for bids to all the manufacturers of shells and projectiles. Of course that has been carried in the bill as far as this appropriation is concerned. Is it not quite conceivable that at almost any time some one may devise a shell or projectile which it is not desirable to make known to the world?

Mr. PADGETT. Mr. Chairman, I will say to the gentleman that so far as the permanent law is concerned the committee

submitted it for the purpose of seeing whether or not we should carry it in the bill every year as it has been done. I have no objection to striking out the "hereafter."

Mr. MANN. I ask for information. If the terms and conditions of proposals were submitted to all of the manufacturers of shells, I do not know how far those terms and conditions would disclose any process or shell which it might be desired to keep secret. I can easily conceive that the Navy Department might want to buy some shells or projectiles for experiment or otherwise from some one who thought he had something very good. I believe we are now under a contract with some one, made a good many years ago, that has cost us a million or two dollars without any good results.

Mr. ROBERTS of Massachusetts. Mr. Chairman, the gentleman is aware that the department always makes its own specifications with regard to these shells. The department specifies just what it wants. If some one comes in with a patented shell, something that is new, the Navy Department can make its specifications to cover that particular shell.

Mr. MANN. And then give them to everybody else?

Mr. ROBERTS of Massachusetts. Give them to everybody else. They have complied with the law.

Mr. MANN. The chances are that the man who had a good shell would sell it to some foreign government, and would not disclose to this Government the needed specifications.

Mr. ROBERTS of Massachusetts. He does not have to disclose them. It is the Government that names the specifications, and if the shell comes up to the specifications, the Government accepts it. If it does not come up to the specifications named by the Government, they do not take the shell. The man who has a patent in connection with it does not have to disclose that patent to come in and bid under this provision of law.

Mr. MANN. I do not know whether he would or not. The specifications would have to be such that it would cover the patent.

Mr. ROBERTS of Massachusetts. Oh, but the specifications, as the gentleman well knows, can be so worded as to the particulars of the shell—

Mr. MANN. So worded that it means something to one man and not to another?

Mr. ROBERTS of Massachusetts. No; it would mean the same to all, but only the man with the patented shell could comply with those specifications. That is frequently done in all Government contracts. The law does not allow them to advertise specifically for some given patented article, but they make their specifications in such a way that only the man who has the patented article can successfully bid under those plans and specifications.

Mr. MANN. I do not desire to put my judgment up against the experts on the Committee on Naval Affairs, but I should think that it was not desirable to put in permanent law a provision that would not permit the Navy at any time ever to purchase a shell which was perhaps a patented shell or made by a secret device.

Mr. ROBERTS of Massachusetts. I will say to the gentleman that since I have been on the Committee on Naval Affairs we have sought to please the House as far as we could in the form of our bill. If the gentleman will remember, we used to report a bill without this provision put in it and there was a fight on the floor of the House and the provision would be put in for that particular year.

Mr. MANN. I do not remember, but the gentleman so states.

Mr. ROBERTS of Massachusetts. And we concluded we would put that in of our own volition in order to save that much fight on the floor, so we did that for a year or two and we thought perhaps it would avoid discussion and dispute if we made it permanent instead of reiterating it from year to year.

Mr. MANN. I will not make a point of order on the first proviso, but I make a point of order commencing in line 6 down to the end of the paragraph.

Mr. CHAIRMAN. Will the gentleman state his point of order?

Mr. MANN. The Chair means what the point of order is?

The CHAIRMAN. Yes.

Mr. MANN. Oh, well, it is a change of existing law.

Mr. PADGETT. Mr. Chairman, before the gentleman makes his point of order may I state to him that from the letters of the Secretary and his hearings and the chief of bureau there are many things that it is very important that he should have the right to purchase abroad and bring in without paying duty. For instance, torpedoes. He can purchase torpedoes abroad for about \$3,500. The duty on them is 45 per cent. The effect of it is to take out of the appropriation for the Navy 45 per cent on \$3,500 and turn it back into the Treasury and to carry on a

lot of bookkeeping and expense that accomplishes nothing, and then it is often necessary for the department to purchase some war material abroad.

Mr. MANN. I think it accomplishes a very good purpose if we pay a duty on an article which comes from abroad which calls attention to the high duty on the article and furnishes campaign arguments for our Democratic friends, for they are going to be mighty short of that in the next campaign.

Mr. PADGETT. Well, I am not dealing with it as a partisan but as a business question for the Government, and I think that it is a very judicious proposition, and the department approves it very heartily, and the department is Republican. I think it is only a business proposition.

Mr. MANN. But the Navy Department has no politics except naval politics.

Mr. PADGETT. The administration has charge of the Navy Department, and that is Republican, and strongly recommends this provision. We carried it last year, except the word "hereafter" was not in. If the gentleman objects to the word "hereafter," just let us strike it out and not make it permanent law and carry it simply as a provision.

Mr. MANN. I think the item had better go out, and I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Purchase and manufacture of smokeless powder, \$1,150,000: *Provided*, That no part of any money appropriated by this act shall be expended for the purchase of powder other than small-arms powder at a price in excess of 53 cents a pound.

Mr. BUCHANAN. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 15, after the word "pound," insert the following: "Provided further, That in expenditures of this appropriation or any part thereof for powder no powder shall at any time be purchased unless the powder factory at Indianhead, Md., shall be operated on a basis of not less than its full maximum capacity."

Mr. MANN. Mr. Chairman, I reserve a point of order on that. Is it not sufficient to have that in one law?

Mr. BUCHANAN. The other amendment on the fortifications bill, I presume to which the gentleman refers, applies to the Picatinny Powder Factory. There has been recently some improvements and extensions there.

Mr. PADGETT. And it has increased its output. And Admiral Twining states in the hearings and also in a letter which he sent to me last year that, operating 300 days in a year, its capacity would be about 2,500,000 pounds. And this year they have made in new powder nearly 1,500,000 pounds, and they have made in reworked powder over 900,000 pounds. So that they have practically had 2,400,000 pounds out of a maximum of about 2,500,000. So I think that that would be a cumbersome amendment and a limitation when the factory is operating to-day at more than 80 per cent of even its theoretical capacity.

Mr. BUCHANAN. I would like to state, Mr. Chairman, if I may—

Mr. ROBERTS of Massachusetts. Will the gentleman yield for a question?

Mr. BUCHANAN. While the gentleman from Illinois [Mr. MANN] reserves his point of order, I would like to state in the meantime—

Mr. ROBERTS of Massachusetts. Will the gentleman yield for a question?

Mr. BUCHANAN. I would like to make a statement first, and then I will yield. This amendment was declared in order by the chairman of the committee when the Army appropriation bill was being considered. I will say further that it will tend to reduce expenses, that Admiral Twining has stated that the Government is producing powder at 30½ cents a pound, and to operate to the full capacity would add nothing to the overhead charges and insurance that the Government mills are carrying.

Mr. MANN. While I think the form of the amendment is subject to a point of order, it would be easier for my colleague to put it in shape so that it will not be, and I withdraw the point of order, because the question would have to be passed on anyhow by the committee.

Mr. ROBERTS of Massachusetts. Will the gentleman yield to me for a question?

Mr. BUCHANAN. Yes.

Mr. ROBERTS of Massachusetts. I notice the gentleman uses the words "full maximum capacity" in his amendment. I would like to ask him just what he means by that. Does he mean running three shifts a day and 24 hours a day?

Mr. BUCHANAN. I do.

Mr. ROBERTS of Massachusetts. And 365 days in the year?

Mr. BUCHANAN. No.

Mr. ROBERTS of Massachusetts. That is full maximum capacity, I suggest.

Mr. BUCHANAN. That would be working on holidays and Sundays.

Mr. ROBERTS of Massachusetts. I asked the question because if the gentleman does not mean to compel that factory to run on Sundays and holidays he should modify that language and not say "full maximum capacity."

Mr. BUCHANAN. I believe the full maximum capacity is 24 hours a day on the workdays of the year. I do not think it can be construed to include Sundays and holidays.

Mr. MANN. Will my colleague yield for a question? Suppose that there was a breakdown, would that affect the full maximum capacity?

Mr. BUCHANAN. No. In a breakdown it would have no capacity.

Mr. MANN. What I wanted to get at was the same question I asked when this matter was up before. Does this language mean the actual capacity or estimated capacity?

Mr. BUCHANAN. It means the actual capacity, certainly, and not the estimated capacity.

Mr. MANN. A statement was made here some time before that the actual capacity was only about one-half.

Mr. BUCHANAN. I am informed that they produce powder cheaper by running 24 hours a day than running a less time than that, and that it is to the advantage of the manufacturer of powder to run the factory continuously.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the chairman announced that the Chair was in doubt.

So the committee divided; and there were—ayes 51, noes 28.

So the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee how much of this \$1,150,000 has to be used for manufacturing powder and how much has to be used for the purchase of powder?

Mr. PADGETT. It varies. Last year we manufactured 1,500,000 pounds and reworked—I am speaking in round numbers—900,000 pounds.

Mr. MADDEN. How much did we buy?

Mr. PADGETT. And we purchased, if I remember, during the last fiscal year about 1,500,000 pounds.

Mr. MADDEN. How much does it cost the Government of the United States to make powder?

Mr. PADGETT. The inventory cost is about 30½ cents, but Admiral Twining stated that with certain other charges he paid out of other appropriations, it ran up to about 41 cents and a fraction. That is my recollection.

He states that the cost of the manufacture of powder to a private concern, taking in certain items of cost that he does not estimate in his manufacture, would be about 48 cents and a fraction. We have limited the cost here to 53 cents.

Mr. MADDEN. What was the information upon which the committee based the limitation of 53 cents?

Mr. PADGETT. There was a very full hearing had by the Committee on Appropriations.

Mr. MADDEN. Was that the information upon which the committee based its judgment?

Mr. PADGETT. We acted upon the information contained in the hearings.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BUCHANAN. I wish to inquire of the gentleman from Tennessee if it is not a fact that in the committee, when the question was asked of a private manufacturer, he answered that he had no information on the matter?

Mr. PADGETT. No. He gave us a table.

Mr. MADDEN. I wish to ask the gentleman from Tennessee, in charge of the bill, whether the 53-cent limitation was fixed as the price at which powder could be sold to the Government at a profit to the seller, on the basis of constant and full operation of the plant manufacturing the powder, or whether the price fixed as a limitation is based upon the operation of the plant haphazard, at odd times, as the Government may think proper to purchase the powder?

Mr. PADGETT. Fifty-three cents was fixed by the Naval Committee upon the basis of hearings had by the Committee on Appropriations, in which Admiral Twining and Col. Buckner and a private citizen named Waddell and the Chief of the Bureau of Ordnance of the War Department all participated.

Mr. MADDEN. Did they all agree?

Mr. PADGETT. No; they did not agree. Mr. Waddell's statement was very much at variance with the statement of the

chiefs of two bureaus, and also with the statement of Col. Buckner, and, acting upon that testimony upon the fortification bill, the House fixed the price at 53 cents.

Mr. MADDEN. What was Mr. Waddell's statement, for example?

Mr. PADGETT. I think he said they could make powder at about 19 cents a pound.

Mr. MADDEN. What was the other testimony?

Mr. PADGETT. As I stated, Admiral Twining said that the manufacturing cost at a private establishment would be about 48 cents and a fraction.

Mr. MADDEN. Was that based on a calculation that the establishment would be working continuously, or just periodically?

Mr. PADGETT. Continuously.

Mr. MADDEN. If a plant is working not continuously but periodically, and putting out only one-quarter of its capacity—one-quarter of its maximum output—what would be the cost to manufacture it then?

Mr. PADGETT. I do not know.

Mr. MADDEN. Suppose the gentleman himself were running a manufacturing institution, and it had a capacity of 45,000 tons, and you ran only at one-fourth of your capacity and produced only one-fourth of your maximum output?

The cost of that one-fourth of the maximum output might be double the amount of the total receipts. Would you think the cost under such circumstances the cost on which you would want to base the price of your commodity?

The reason I am asking these questions is this: I am afraid that with all these limitations imposed by the Government we shall find ourselves in trouble one of these days if the powder companies should dismantle their plants on account of the price at which the Government will purchase their powder. We may find ourselves in the position where we will not be able to buy powder in an emergency. I think we should go rather carefully in a question of as great importance as this, and not decide it in a haphazard way.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I ask for a few minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MADDEN. I am not interested in any wise whatever in anybody who is manufacturing powder, either directly or indirectly, and I do not know anybody who is in the business of manufacturing powder. I would not know them if I saw them coming along the sidewalk with a signboard on them. But I do know this, that to anybody in the manufacturing business, no matter what the business is, whether making powder or any other commodity, if he is running only one-quarter of his capacity, the product will cost him twice as much as he can sell it for. If the plant is working at only one-quarter of its capacity, it could not pay the fixed charges on the value of the plant or the men who are employed. When manufacturing plants are putting out only half their capacity, half their possible output, they are still putting out that output at a loss, and they do not begin to make any profit on any products that they make until after they have passed 70 per cent of their maximum capacity; and all the profit that is made in any great manufacturing enterprise in America is made on the last 30 per cent of their capacity to produce.

So it is easy to be seen that if this Congress goes on haphazard, limiting the plants from which we are obliged to buy one of the most important commodities used in the Navy and the Army, so that these plants will be dismantled and we have to depend entirely upon the plants which the Government itself has, and these plants are not sufficient to meet the needs of the Government, we may find ourselves in a very embarrassing situation some day when we ought not to be in that situation. I advise the use of greater care by Members of the House in placing limitations on the powers of executive officers in the discharge of important and responsible duties.

Mr. PADGETT. If the gentleman will permit a moment, the provision in the Army bill in reference to the Picatinny powder factory was that it should operate one-half of its maximum capacity. I want to call attention to the fact that Indianhead is now and has been for a year or more operating at least 80 per cent of its capacity.

Mr. BUCHANAN. Mr. Chairman, I move to strike out the last two words. To relieve my colleague from Illinois [Mr. MADDEN] from his fears, I want to say that it seems to me these Government contractors are continually losing money, but yet they are rather anxious to continue to lose that money.

Mr. MADDEN. I want to say to my colleague that I would not take a contract from the Government of the United States at any price under any circumstances.

Mr. BUCHANAN. I do not yield at this time, Mr. Chairman. I wish to say that since the Government started to manufacture its own powder and to build some of its own battleships and to manufacture some of its other supplies, it has been found that these corporations that the Government has been buying from have continued to drop their prices. They have said that they could produce a little more cheaply. In my judgment, the fact is that the criminal Powder Trust of this country, which we are so much concerned about at times, for fear they might stop their mills and so forth, are producing powder much more cheaply than the Government is. We have information that the Government is producing powder for 30½ cents a pound. I want to say that I have enough private information to convince me that the Powder Trust is producing powder still more cheaply than that, but it is purposely keeping us in the dark. When Admiral Twining was asked about it, he said he had never had any figures or information as to the wages paid employees, not only by the Powder Trust but by the Shipbuilding Trust, and therefore he had no knowledge as to the real cost. When they are asked for that sort of information they close their books against our Government officials. We are now paying the Steel Trust \$450 a ton for armor plate that can be produced for less than \$200 a ton. I suppose, if somebody should start a movement to have the Government establish a plant to protect itself against that exorbitant price, somebody would say that we would not be safe unless we relied on some criminal trust for our supplies in time of war.

Let me say to my colleague and to every Member here that if you want to be safe in time of war let the Government provide its own plant for emergency cases, because, if I read aright the signs of the times, if we get into war in this country it is not going to be the fault of any nation that has been referred to as being ready to jump at our throats; it is going to be due to these greedy financial pirates and highbinders who are trying to keep their clutches on the throats of the people and rob and plunder them, and continue to keep their arms in the Treasury up to their elbows. Do not permit yourselves to be deceived, or try to deceive others, that you are going to be protected by relying on some criminal trust or private corporation in these emergencies. Provide for plants under the control of the Government, and then you will be safe, and that is the only way in which you will be safe. I am in favor now of providing emergency powder plants and emergency other supply plants for use in case we get into a war. I claim it is absolutely unsafe to rely on the present corporations of this country, because they are liable to be up in arms against the Government whenever their clutches are shaken loose from the throats of the people. They are the men who have always made trouble in the history of the world. There is where the trouble has started, and nine-tenths of all the wars have been due to greed and graft.

Mr. Sisson. Mr. Chairman, I move to strike out the last three words. I want to state to the gentleman from Illinois [Mr. MADDEN] that this matter was gone into very thoroughly by the subcommittee that examined into the Panama fortifications, of which subcommittee the gentleman from Kentucky [Mr. SHERLEY] is chairman, and for quite a number of days this matter was gone into very thoroughly on the floor when that appropriation bill was up; and in order that these items of appropriation might be the same in all the bills, the Naval Committee followed the conclusions which were there reached.

Mr. MADDEN. All I wanted to be sure of was that the Government was not going to be embarrassed if a warlike situation arose.

Mr. Sisson. Mr. SHERLEY reported that all the overhead charges, the capacity of the plant, the cost of depreciation, the renewals, explosions, dangers, and the hazardous business were all gone into, and it gave them ample margin so that there could be no question of there being an ample profit in the manufacture of powder.

The Clerk read as follows:

For Naval Gun Factory, Washington, D. C.: New and improved machinery for existing shops, \$125,000.

Mr. Sisson. Mr. Chairman, I notice in the hearings that this item has been carried for quite a while. I notice that the gentleman from Massachusetts [Mr. ROBERTS] asked Admiral Twining when we would ever get through building the shops, and it seems that the admiral stated that they would always want the \$125,000. I would like to ask the chairman if all the information that the committee had about it are the two statements that the admiral made, on page 368 of the hearings. It seems that the chairman wanted to know when they would ever get through constructing the plant.

Mr. PADGETT. It is not for construction; it is for maintenance. It is for machinery that wears out and for improved machinery.

Mr. Sisson. The gentleman does not get what is in my mind. I will read:

The CHAIRMAN. The next item is "For Naval Gun Factory, Washington, D. C.: New and improved machinery for existing shops, \$125,000." That is the same as the item last year?

Admiral TWining. Yes, sir.

The CHAIRMAN. Will you need all of that amount to carry on the current improvements, repairs, etc.?

Admiral TWining. Yes, sir.

Mr. ROBERTS. Will the time come, do you think, when you can cut that item out? Will that foundry ever be equipped with new machinery?

The CHAIRMAN. This is the whole of the shops?

Admiral TWining. This is the whole gun factory, all of the shops. I think that ought to be appropriated every year.

Now, it seems that with that statement the chairman leaves this matter. Does the gentleman know whether they bought any new machinery or what they have been doing with \$125,000?

Mr. PADGETT. Buying machinery every year.

Mr. Sisson. Where is the information?

Mr. PADGETT. The statement that we have every year. It is about 4 per cent on the cost of the plant they have there. It is for manufacturing guns and gun carriages.

Mr. Sisson. I can understand how they manufacture them. I want to know if this is the only information the gentleman has about how the \$125,000 was spent last year?

Mr. PADGETT. Certainly, and any man would know that 4 per cent is a very small depreciation for the wearing out of machinery and the purchase of new machinery.

Mr. Sisson. That depends on what sort of machinery it is and how old it is. If it is an old plant, 4 per cent might not be enough, and if it is a new plant, where the machinery is all new, 4 per cent would be enormous.

Mr. PADGETT. Not at all; not for machinery that is cutting iron and for a foundry that is melting iron for the furnaces, and so forth.

Mr. Sisson. The gentleman is assuming that, because he does not get it out of the hearings.

Mr. PADGETT. Oh, we have gone into this years before. I have been through the factory a number of times, and I know what is there and the character of the work that is done.

Mr. Sisson. The gentleman may have the information personally, but it is not in the hearings.

Mr. PADGETT. It seems to me that for a gun factory and a foundry, knowing the character of the work done, anyone would know that 4 per cent was a very small amount for keeping up the old machinery, replacing worn-out machinery, and buying new machinery.

Mr. Sisson. I want to know of the gentleman if there is anything in the RECORD or the hearings that shows how they expended the \$125,000?

Mr. PADGETT. I do not know whether it was stated this year.

Mr. Sisson. Nor is there anything in the hearings that shows how the \$125,000 was spent?

Mr. PADGETT. If they did not expend it, it was covered into the Treasury, because it is limited.

Mr. Sisson. If it was covered into the Treasury, did the committee ascertain how much was turned into the Treasury?

Mr. PADGETT. No; it did not.

Mr. Sisson. The committee made absolutely no investigation and took it for granted?

Mr. PADGETT. The admiral stated that for this year they would need that amount to keep up the gun factory, and, as I have said, it is only 4 per cent on the investment.

The Clerk read as follows:

Ammunition for ships of the Navy: For procuring, producing, preserving, and handling ammunition for issue to ships, to be available until expended, \$3,850,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. Sisson. Mr. Chairman, I intended to reserve it.

Mr. MANN. The gentleman can reserve it.

Mr. Sisson. Mr. Chairman, my objection to this paragraph is that it permits \$3,850,000 to be available until finally expended. I do not think that the appropriation of that amount of money should be left entirely at the disposal and discretion of the Secretary of the Navy or anyone connected with the Government.

Mr. PADGETT. Mr. Chairman, I will state to the gentleman that heretofore it has been regarded as a continuing appropriation, but last year the Comptroller of the Treasury held that it was an annual appropriation. When they give a contract for these shells and projectiles, they can not always be manufactured and delivered within the time. If the gentleman objects to its being available until expended, if he would consent to its being available for two years, we would be satisfied.

The gentleman can see at once that when they make their designs and specification and advertise for bids and carry out the contract, that by the time they consummate them they may

not be able to manufacture these shells and other munitions and deliver them within the time.

Mr. Sisson. Mr. Chairman, my objection to that is this: That it carries with it the absolute right, without being compelled to repeal a law, to control these appropriations. We have an annual session of Congress under the Constitution, and each Congress ought to have the right, without being at all embarrassed and without having to repeal a law, to control the appropriation.

Mr. PADGETT. Mr. Chairman, this only applies to this particular appropriation. It does not have any effect whatever upon next year.

Mr. Sisson. I am sure of that, because it is only one item that is affected; but I do not care to discuss the matter further unless the gentleman has some other reason for it, because all of these departments, as a rule, would like to have all of the appropriations for the public buildings, for rivers and harbors, and all the other expenses of the Government made available until expended or until the work is completed. This is a bad precedent.

Mr. PADGETT. For public buildings and rivers and harbors they are, by law.

Mr. Sisson. But they are not all, because they frequently have a deficiency.

Mr. PADGETT. Not public buildings and rivers and harbors.

Mr. Sisson. But notwithstanding the fact that the law does authorize the expenditure of \$50,000 on a public building, so far as I know not a building has been constructed and all of the money made available. On the contrary, the money is appropriated just as they need it and just as they make estimates for it, and the architects would be glad to have all of the money available, but even when it is specifically authorized by law Congress has never appropriated more than the amount of money that can be consumed during the fiscal year in order that it may always have control of the purse strings of the Government.

Mr. PADGETT. As a matter of fact, the appropriations for public buildings are continuing until used; and about a year ago we authorized a public-building bill and made appropriations in the sundry civil appropriation bill for numbers of public buildings, on not one of which an hour of work has been expended, and in the present bill, which was passed a few days ago, there were other appropriations for public buildings in addition to the ones last year not yet used.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. Sisson. Yes.

Mr. MANN. What is covered by the term "ammunition for ships"?

Mr. PADGETT. Powder, projectiles, shells, explosives, and so forth.

Mr. MANN. We have already had an appropriation for powder.

Mr. PADGETT. Yes. This is for the new ships that come into commission; that are authorized.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. We have already had an item for the purpose of manufacturing smokeless powder, \$1,250,000. Why put in another item to get smokeless powder?

Mr. PADGETT. This is for powder and high explosives. It is for projectiles and shells.

Mr. MANN. We have already had an item for projectiles and shells.

Mr. PADGETT. Some of them, but this is to provide for the new ships that are not cared for under these other appropriations. The other appropriation the gentleman means was for experiment and for target practice and for reserve.

Mr. MANN. Well, I should think it is very queer if we carried an item of \$5,800,000 in the bill for shells and projectiles in one place and \$1,150,000 for powder in another place, and then carried an item when neither one was mentioned for \$3,850,000 in another place and covered the same thing. I think that can not be possible.

Mr. PADGETT. We carried \$1,150,000 for the powder, and then in this place we carried—

Mr. MANN. Nearly \$4,000,000.

Mr. PADGETT. (continuing). Three million eight hundred and fifty thousand dollars, as it has been carried for a good many years, and it is for the reserve and for the supply of the new ships that come in as they are authorized and go into commission.

Mr. MANN. Well, now, if it is for powder, why is it any more necessary to make it any more available until expended than it is in these other two items, where it is not available until expended?

Mr. PADGETT. It is to be made available because it takes more than two years often to use the money, for the reason they have a year in which to obligate; they have a year in which to pay out the obligation. Admiral Twining states in his hearings that he has turned into the Treasury the amount not used and went to the Appropriations Committee for a deficiency to pay for the shells and ammunition which he contracted for, and turned the money back into the Treasury before they were delivered.

Mr. Sisson. As the law required him to do.

Mr. MANN. If it requires two years on this item, why does not it require two years on the \$5,800,000 item for the same purpose?

Mr. PADGETT. To which item does the gentleman refer?

Mr. MANN. The one for ordnance and ordnance stores, shells and projectiles.

Mr. PADGETT. That pays for the labor and material and the purchasing of various items—

Mr. MANN. Oh, it pays for the same, in procuring, producing, preserving, and handling ordnance material, and then specifically names shells and projectiles and handling ammunition for issue, and so forth. It is the same thing.

Mr. PADGETT. For furniture at naval magazine, torpedo station, and proving grounds, maintenance of proving grounds and powder factory, and for target practice, for pay—

Mr. MANN. But that is only a small item.

Mr. PADGETT. For pay of clerks, messenger, and the labor. It is an enormous sum. There are \$400,000 added into that appropriation this year; \$100,000 of it is for the increase in the wages of laborers at the gun factory, \$300,000 of it is for the increase of target practice.

Mr. MANN. Why does that only require a one year's appropriation and the other two years?

Mr. PADGETT. Because we use it during the current year. They do not have to make contracts. Wherever a person is to manufacture and deliver they do not pay for it until delivery is made, but here it is to pay for current work and operations under that appropriation.

Mr. MANN. Do I understand the gentleman that when you are providing shells for a ship you contract for those, but if you are getting shells for target practice the Government makes them?

Mr. PADGETT. No.

Mr. MANN. I should think whichever you do it would be the same; those you practice with and those you put on shipboard.

Mr. PADGETT. The shells used on shipboard are made of the hardest and finest steel—

Mr. MANN. Are they made by contract?

Mr. PADGETT (continuing). And cost three or four times—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I would ask that the gentleman from Mississippi really have five minutes and then I will not interrupt him.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. Let me finish my statement. The shells that are produced for use on shipboard are of the finest material and the hardest steel, and they cost more than five times as much as the shells that are used in target practice. Target-practice shells are made out of cheap material simply for the purpose of practice and are lost. The shell for target practice, as I remember, cost \$50; the one that is used on board ship costs \$350 to \$500.

Mr. Sisson. I will state to the gentleman I read the hearings as closely as I could of this particular item and I did not find in the hearings any specific explanation why you should desire that it be made available until expended, and for that reason, Mr. Chairman, I make the point of order on that portion of the paragraph, on page 16, beginning in line 6 on the words "to be available until expended."

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For new and improved machinery and tools for torpedo factory, \$15,000.

Mr. Sisson. I notice you have inserted here the words "and improved." Was it necessary to add that?

Mr. PADGETT. We did not want simply new machinery, but we wanted to acquire improved machinery if we found some that was better than we had.

Mr. Sisson. I do not object to the "new," except it seemed to me that the words "new machinery" as purchased by these experts would certainly mean improved machinery.

Mr. PADGETT. It would.

Mr. Sisson. I thought possibly the committee had some reason for it. Have you been buying bad machinery?

Mr. PADGETT. No; but the development of the torpedo is very rapidly taking place. Two years ago the limit of the torpedo was 4,000 yards; to-day it is 10,000 yards, and machinery that was purchased two or three years ago is not available now. It is very expensive to use that, and it would be very injudicious to attempt to use it, and not economical at all when we can get so much better machinery.

Mr. Sisson. I have no objection to the language, except I wanted to know whether there was any reason for it or not.

The Clerk read as follows:

Experiments, Bureau of Ordnance: For experimental work in the development of armor-piercing and other projectiles, fuses, powders, and high explosives, in connection with problems of the attack of armor with direct and inclined fire at various ranges, including the purchase of armor, powder, projectiles, and fuses for the above purposes, and of all necessary material and labor in connection therewith; and for other experimental work under the cognizance of the Bureau of Ordnance in connection with the development of ordnance material for the Navy, \$200,000.

Mr. FOWLER. Mr. Chairman, I move to strike out the paragraph.

Mr. PADGETT. That is the most important paragraph in the bill.

Mr. FOWLER. There was \$100,000 appropriated, Mr. Chairman, last year for this same purpose. I desire to ask the honorable chairman of this committee why this amount is doubled?

Mr. PADGETT. Simply because this experimental work is one of the most important functions in the Navy. They wanted much more, but we did not feel authorized to increase it more than \$100,000.

Mr. FOWLER. How much did they want?

Mr. PADGETT. I believe they wanted \$400,000.

Mr. FOWLER. I supposed it was \$1,000,000.

Mr. PADGETT. No, sir. The experiments form the most important work that is done in keeping abreast of affairs in testing, trying, developing, and finding out what is the most improved projectile, what is the best powder, and all of that. And there is nothing in the bill that is more vital to the efficiency of the Navy than these experiments.

Mr. FOWLER. Did your hearings show that there was any shortage in making these tests on the \$100,000 appropriation last year?

Mr. PADGETT. They wanted to enlarge the tests. They could make \$100,000 worth of tests, or, if they had only \$50,000, they could have made only \$50,000 worth of tests.

Mr. FOWLER. What was the unexpended balance?

Mr. PADGETT. There was not any, as I understand. They used it all up and wanted more, and, perhaps, used from some other funds that were available for that purpose. Of that I am not sure.

Mr. FOWLER. Did your hearings show that there was any deficient armor plate furnished the Government that was easily pierced by these strong projectiles?

Mr. PADGETT. I can not say any deficient armor. They had a test down here, and they pierced the armor at about 10,000 yards, I believe.

Mr. FOWLER. How thick was the armor which was pierced?

Mr. PADGETT. Ten inches, I think it was.

Mr. FOWLER. I believe they pierced the two old vessels, also, that were sunk a short time ago, did they not?

Mr. PADGETT. I believe so.

Mr. FOWLER. Was that above or below the water line?

Mr. PADGETT. It was above. It was in the thick part of the armor.

Mr. FOWLER. Mr. Chairman, I am well aware of the necessity for making these experiments if we are to have a great Navy. I know the great circle is to make extravagant appropriations and pay extravagant prices to the Steel Trust for armor plate with which to build these dreadnoughts. We have paid to Andrew Carnegie about \$500,000,000 profit. And we are still pursuing the same course to give to him or to his successors an opportunity to sell to the Government armor plate at extravagant prices. And, then, we are running mad to find some projectile that will pierce that armor plate, and still running mad to place upon the high seas the greatest Navy in the world; yet, Mr. Chairman, nature has given us the greatest defense that can be had, and man, with all of his ingenuity and munitions of war, will never get in sight of the wonderful defense which nature has given to America.

Mr. PADGETT. Mr. Chairman, may I ask the gentleman a question just at this point?

Mr. FOWLER. Mr. Chairman, I yield to the distinguished chairman of the committee.

Mr. PADGETT. The gentleman stated that we had paid to Andrew Carnegie \$500,000,000 as profits. Inasmuch as we have paid only about two hundred and some odd million dollars, all told, for the ships of the new Navy since 1885, I would like to know how the gentleman gets \$500,000,000 of profits out of the armament?

Mr. FOWLER. Mr. Chairman, there has been expended more than \$500,000,000 for the Navy and these great war vessels, and Andrew Carnegie's steel plant has furnished the greater portion of the material. If his steel plant individually has not furnished it, he has had such an interlocking system that it has received the benefits thereof. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER. Mr. Chairman, I desire to have my time extended for three minutes.

The CHAIRMAN. The gentleman from Illinois asks for an extension of three minutes. Is there objection?

There was no objection.

Mr. PADGETT. Now, will the gentleman permit me, just at this point?

Mr. FOWLER. One moment. I may have been a little extravagant in my statement that Andrew Carnegie had received \$500,000,000. These committees are so in the habit of dealing with millions that I dream in millions. It was a figure of speech, Mr. Chairman, to emphasize the exorbitant profits which he has received from the Government, which, from my best information, reaches several millions. It has been revealed that this armor plate can be furnished at from \$75 to \$125 per ton.

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. And yet Mr. Carnegie's plant has received more than \$500 per ton for this armor plate.

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Will the gentleman yield?

The CHAIRMAN. To whom does the gentleman yield?

Mr. FOWLER. I will yield to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. I want to state to the gentleman that, beginning with our first battleship and ending with the *Utah*, the total amount paid out for battleships is \$202,125,607.83.

Mr. FOWLER. I have the figures here in my hand, showing that the cost of the Navy is around \$500,000,000.

Mr. PADGETT. I am calling the gentleman's attention to the official statement. And for the armored cruisers the total amount paid out is \$66,877,284.40, making in all \$268,000,000.

Mr. FOWLER. Mr. Chairman, I did not yield for a speech.

Mr. CURLEY. Mr. Chairman, will the gentleman yield for a question?

Mr. FOWLER. Yes; I yield to the gentleman from Massachusetts for a question.

Mr. CURLEY. I was going to ask this: If the gentleman considers a misstatement of two or three hundred million dollars as only a little extravagant, what would he consider as very extravagant?

Mr. FOWLER. Mr. Chairman, in answer to the question of the gentleman from Massachusetts, I desire to say he belongs to the jingo type, and I call the jingo policy extravagant. [Laughter.] I could not use language which would be extravagant to his imagination of what we ought to have furnished to make a Navy for the United States. You jingo fellows will have to answer to your constituents before you get back to Congress again.

Mr. CURLEY. We all shall.

Mr. FOWLER. Those who have gone mad in following the direction of the heads of departments of this Government will rue the votes you have cast here during this session long before the ides of November. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CURLEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts [Mr. CURLEY] moves to strike out the last word.

Mr. PADGETT. Wait one moment. What about the motion of the gentleman from Illinois [Mr. FOWLER] to strike out the paragraph?

The CHAIRMAN. Did the gentleman from Illinois make any motion?

Mr. PADGETT. He made a motion to strike out the paragraph.

Mr. FARR. Let him withdraw it.

Mr. CURLEY. Mr. Chairman, I suppose that the most amusing vaudeville show that has taken place in Washington

for many years is the one that has been conducted here this afternoon. One gentleman arises and refers to the great injury that is being visited upon the country by the Powder Trust, and refers to their imaginary filching of the American people, and desires that the manufacture of powder be confined solely and exclusively to those establishments that are under the control of the Government, binding the Government to a policy from which there can be no escape regardless even of war. Another gentleman arises and, despite the fact that since the new Navy of steel-armored ships has been authorized the expenditures for armor plate upon those ships has been but about \$300,000,000, refers to a profit of \$500,000,000 that has been made by Andrew Carnegie from the United States Government, and literally from the American people. Carnegie may be a wonderful character. He may be the wonderful magician or necromancer that my friend from Illinois [Mr. FOWLER] terms him, but I believe he would have to be born again before he could extract \$500,000,000 of profits from \$300,000,000 of sales.

And so it has gone on, Mr. Chairman; and the most singular and amusing feature of the entire vaudeville show that has been conducted here is the fact that it has had as its chief admirers and those in charge of the heartiest applause gentlemen of the opposite political party; and those who have protested most loudly against expenditures of money for naval purposes are men who under no condition would vote for any appropriation for national defense. The men who protest most loudly against naval appropriations are the men who would not vote for even one battleship. They are satisfied to depend upon the God of nature and His divine blessings to the American people to serve as a national defense in the hour of the Nation's trial. I believe, Mr. Chairman, that every man on this side of the House who has given any thought to the conduct of this business this afternoon—

Mr. FOWLER. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Illinois?

Mr. CURLEY. No, Mr. Chairman. I realize that there is much truth in what the gentleman from Illinois [Mr. FOWLER] said at the close of his remarks. If we do not exercise care, there will be vacant seats here in the next Congress. I want to say, as one who realizes that the Democratic President who will take his seat on the 4th of March is a minority candidate by more than a million votes, that it is about time that the Democrats of this body realize the responsibility that rests on them and cease their criticism of committees, a majority of whom are members of their own party, unless it is their wish that in the next Congress their party be the minority party. If criticism is to be visited on a committee for a weakness or for a mistake, let it be done by the men on that side of the House who are not only competent but eager to vent that criticism whenever the opportunity arises. [Applause.] I believe it is about time for us to start a constructive policy for the best interests of the Democratic Party, and I believe it is about time for those men who desire to air their experiences or their ability as vaudeville performers to be first accepted by some committee competent to pass upon their ability to do a turn for the edification of the Republicans on that side of the House and for the disgust of Democrats on this side. [Applause and laughter.]

Mr. FOWLER. Mr. Chairman, I desire to oppose the amendment offered by the gentleman.

The CHAIRMAN. The amendment offered by the gentleman from Illinois is still pending.

Mr. FOWLER. No; I mean the amendment to the amendment offered by the gentleman from Massachusetts.

Mr. CURLEY. Mr. Chairman, my amendment was for the privilege of talking for five minutes. It was not a contribution to the vaudeville performance.

The CHAIRMAN. The gentleman from Massachusetts withdraws the pro forma amendment.

Mr. FOWLER. Mr. Chairman, I move to strike out the words "two hundred thousand" and insert in lieu thereof the words "one hundred thousand."

The CHAIRMAN. The pending question is on the motion of the gentleman from Illinois to strike out the paragraph.

Mr. CURLEY. Mr. Chairman, a parliamentary inquiry. I should like to ask how many amendments are at the present time pending, offered by the gentleman from Illinois? There are two that I know of. I should like to know just how many more it is parliamentary and proper for a Member to make.

The CHAIRMAN. The Chair does not recognize the gentleman to offer the second amendment until the first amendment is disposed of.

Mr. PADGETT. I call for a vote on the first amendment.

Mr. FOWLER. I desire to withdraw the pro forma amendment to strike out the paragraph.

The CHAIRMAN. The motion to strike out a paragraph is not a pro forma amendment.

Mr. FOWLER. I desire to withdraw that amendment.

The CHAIRMAN. The gentleman may ask unanimous consent to withdraw that amendment.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois will state it.

Mr. MANN. Pending a motion to strike out, has not my colleague a right to offer a motion to perfect the paragraph?

The CHAIRMAN. That is in order.

Mr. MANN. That is the motion my colleague makes.

Mr. FOWLER. Mr. Chairman, has the Chair recognized my right to perfect the paragraph?

The CHAIRMAN. The gentleman may make his motion, and the Chair will then rule on it.

Mr. FOWLER. Then, Mr. Chairman, I move to strike out "\$200,000" in line 3, page 17, and insert in lieu thereof "\$150,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 17, line 3, by striking out "\$200,000" and inserting in lieu thereof "\$150,000."

Mr. FOWLER. Mr. Chairman, I desire to say that if \$100,000 was enough to make this test last year, the country certainly has not doubled itself in requirements since that time, and \$50,000 would be a large increase and ample, in my opinion, for the purpose of making the proper tests of armor plate and experimenting for new projectiles.

Mr. Chairman, I have no disposition to be other than perfectly fair to this committee. The gentleman from Massachusetts, I understand, is in sympathy with an enlarged Navy and a monstrous appropriation, because in his section of the country there are certain interests of the War and Navy Department which will receive a large portion of the benefits of these appropriations. I know that men can not free themselves altogether from the wants of their constituents, and I know that that which is intended for a Member's own district is hard for him to vote against.

Mr. EDWARDS. Will the gentleman yield?

Mr. FOWLER. I can not yield, I am sorry, at this time.

Mr. EDWARDS. It is just for a question.

Mr. FOWLER. No; I yielded to the distinguished gentleman from Massachusetts [Mr. CURLEY] a while ago, and when I made the same request of him I got the point blank "no" thrown back in my face as straight as ever a sweetheart put it in the face of her lover. [Laughter.] And so I have learned a lesson to-night not to yield.

Now, Mr. Chairman, the gentleman from Massachusetts was exceedingly oratorical about certain committees having confidence enough in men to put them on these committees in order that the appropriations might be hewn down. I want to say to him and to such Members of his kind as have undertaken to school the Members of Congress to follow a committee right or wrong, that you have put yourselves in the cloakrooms here and whenever an amendment has been offered to cut out an unwarranted appropriation in an appropriation bill you have run out of the cloakrooms like bees out of the hive in order to sustain the contention of the committee. To purgatory with the committee when it is wrong, and to heaven with the committee when it is right.

Now, Mr. Chairman, I have been criticized by the distinguished link in the jingo chain from Massachusetts [Mr. CURLEY]. I said that Andrew Carnegie had profited by virtue of contracts that he had received to furnish armor plate for this country, and I repeat that he has. He was convicted of having defrauded the United States of hundreds of thousands of dollars and was forced to make a settlement in which he paid back \$160,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken; and on a division (demanded by Mr. FOWLER and Mr. MANN) there were—8 ayes and 75 noes. So the amendment was lost.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois [Mr. FOWLER] to strike out the paragraph.

The question was taken, and the amendment was lost.

The Clerk read as follows:

Arming and equipping Naval Militia: For arms, accouterments, ammunition, medical outfits, fuel, water for steaming purposes, and clothing, and the printing or purchase of necessary books of instruction, expenses in connection with the organizing and training of the Naval Militia of the various States, Territories, and the District of Columbia, under such regulations as the Secretary of the Navy may prescribe, \$125,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of asking the distinguished chairman if there is any possibility of the Naval Militia bill being passed at this Congress?

Mr. PADGETT. The Senate has passed it and the committee has reported it to make it conform to the House bill, and it is here on the Calendar.

Mr. MANN. If the gentleman will persuade the Speaker to recognize the gentleman to move to suspend the rules—

Mr. PADGETT. The Speaker has promised to recognize me, and I think there are only five or six ahead of me on the list.

Mr. MANN. I would suggest to the gentleman that the important question in dealing with the Speaker on the question of recognition is when he will recognize the gentleman.

Mr. PADGETT. Mr. Chairman, I hope to get recognition within the next few days, after we get rid of this bill. [Laughter.]

Mr. MANN. I would say to my distinguished friend that will be too late. A few days after we pass this bill Congress will have adjourned.

Mr. PADGETT. I hope not.

The Clerk read as follows:

BUREAU OF EQUIPMENT.

Equipment of Vessels: For hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; specifications for purchase thereof shall be so prepared as shall give fair and free competition; canvas for the manufacture of sails, awnings, hammocks, and other work; stationery for chaplains and for commanding and navigating officers of ships, equipment officers on shore and afloat, and for the use of courts-martial on board ship; purchase, repair, and exchange of typewriters for ships; the removal and transportation of ashes from ships of war; interior appliances and tools for equipment buildings in navy yards and naval stations; supplies for seamen's quarters; aviation outfits; and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy yards; all pilotage and towage of ships of war; canal tolls, wharfage, dock and port charges, and other necessary incidental expenses of a similar nature; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments and repairs to same; libraries for ships of war, professional books and papers, and drawings and engravings for signal books; naval signals and apparatus, namely, signals, lights, lanterns, rockets, and running lights; compass fittings, including binnacles, tripods, and other appendages of ship's compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; lanterns and lamps and their appendages for general use on board ship for illuminating purposes, and oil and candles used in connection therewith; service and supplies for coast signal service, including the purchase of land as necessary for sites for radio shore stations; instruments and apparatus, supplies, and technical books and periodicals required to carry on experimental and research work in radiotelegraphy at the naval radio laboratory; bunting and other materials for making and repairing flags of all kinds; photographs, photographic instruments, and materials; musical instruments and music; installing, maintaining, and repairing interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus, \$4,600,000: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service at the several navy yards, naval stations, and coaling stations for the fiscal year ending June 30, 1914, shall not exceed \$260,000: *Provided further*, That the sum to be paid out of this appropriation for the purchase of land for sites for radio shore stations shall not exceed \$50,000: *Provided further*, That the total expenditures under this appropriation at the naval radio laboratory shall not exceed \$5,000.

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. FOSTER. Mr. Chairman, I reserve the point of order.

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to offer an amendment, which I send to the desk and ask to have read.

Mr. MANN. Mr. Chairman, may I ask the gentleman from Tennessee whether it is intended to purchase radio sites out of this appropriation; and if so, where?

Mr. PADGETT. No such intention has been made known to the committee.

Mr. MANN. Then I make the point of order on the language toward the top of page 19, lines 2 and 3:

Including the purchase of land as necessary for sites for radio shore stations.

Mr. FOSTER. What about the proviso?

Mr. MANN. I do not know whether that is subject to a point of order.

Mr. ROBERTS of Massachusetts. Last year there was land needed at San Francisco.

Mr. MANN. That can be purchased out of the current law. I do not think you ought to carry an item in the bill every year providing for the purchase of land unless we know where it is going to be purchased.

Mr. PADGETT. It is not indicated, whatever, and I have no objection to striking that language out of the bill.

The CHAIRMAN. The point of order is made to the language in lines 2 and 3, on page 19, to wit:

Including the purchase of land as necessary for sites for radio shore stations.

The point of order is sustained.

Mr. MANN. Mr. Chairman, I move to strike out the proviso commencing with line 21, page 19.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Strike out, page 19, line 21, the language:
"Provided further, That the sum to be paid out of this appropriation for the purchase of land for sites for radio shore stations shall not exceed \$50,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I move to strike out, in line 15, page 19, the figures "\$4,600,000," and insert in lieu thereof the figures "\$4,550,000."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend, page 19, line 15, by striking out "\$4,600,000" and inserting "\$4,550,000."

Mr. FOSTER. Mr. Chairman, I will state that this simply reduces the amount \$50,000, which I suppose the committee figured they could get along without, because they have provided \$50,000 shall be paid for the purchase of sites for radio stations.

Mr. PADGETT. May I interrupt the gentleman a moment?

Mr. FOSTER. Under that arrangement I see no use in carrying the extra \$50,000.

Mr. BATHRICK. But we have not stricken it out.

Mr. PADGETT. There was nothing expected to be expended for that.

Mr. FOSTER. Then why did the committee put it in the bill?

Mr. PADGETT. Allow me to explain. There have been deficiencies in this amount for several years. In order to prevent a deficiency last year the department placed a number of the vessels in reserve, and they asked for an increase of \$1,367,000. We granted them an increase of \$760,000, or just a little more than half of what was needed. When the appropriation was fixed at that amount heretofore, we had in the Navy 216 vessels. We have now 277 vessels, or 61 vessels more to be provided for and cared for out of this appropriation than heretofore, and the large increase had been in large ships, an increase of battleships that are expensive, and also in torpedo boats and submarines which are expensive in their equipments, and it is to provide for the equipment of these vessels that this increase was asked. As I stated, the department submitted estimates and earnestly insisted that we should allow \$1,367,000.

But for the purposes of economy the committee only increased it \$760,000, and no part of it contemplates the purchase of any land whatever.

Mr. FOSTER. Well, it seems to me very strange—

Mr. PADGETT. Let me go a little further for a moment. The renewing of the batteries of a submarine costs \$40,000, and with the number of submarines for which we have to renew batteries and with the large ships the equipment of which has to be maintained and renewed, we have already cut them down much below what the department say they really need.

Mr. FOSTER. I think that would leave them still an increase of \$710,000 over last year's appropriation, and if they got through last year with \$3,843,300 I judge this year they could get through with \$4,550,000, and I think if the bill means anything, as we are led to believe from these items we find here in the bill, I see no reason why this \$50,000 should not be stricken out if we are giving them the power to appropriate \$50,000 for that purpose. And if it does not mean anything, why it seems to me strange indeed we should be led to believe that they need \$50,000 additional for that purpose, and so I think it is well to strike this out this year; and if they find that they have to have this amount another year, then it can be given to them.

Mr. MURRAY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURRAY. Even if the amendment suggested by the gentleman from Illinois carries, would the figures in line 21 remain at \$260,000?

The CHAIRMAN. Yes. The question is on agreeing to the amendment offered by the gentleman from Illinois.

Mr. GREGG of Texas. Mr. Chairman, I think the motion made by the gentleman from Illinois [Mr. FOSTER] should prevail. Notwithstanding the explanation made by our chairman, nobody can read this provision without understanding that \$50,000 of this \$460,000 was intended to buy the sites. That is the provision in this paragraph. It says it is for buying sites. Then the committee fixed the amount and said that not to exceed \$50,000 shall be used for buying sites. Now—

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

Mr. GREGG of Texas. Yes.

Mr. PADGETT. Does not the gentleman know that no estimates were submitted for land, and that the estimates did not

embrace or contemplate the purchase of any land, but the increase was \$1,367,000 to equip those vessels?

Mr. GREGG of Texas. There was no special estimate made for these sites, but there was an estimate made for this gross provision, and we thought that \$4,600,000 was enough. Now, because \$50,000 has gone out our committee wants to boast we are economizing considerably, but wants still to keep in this \$50,000 that we were economizing on when we prepared the bill. Now, I think the amendment should prevail. There is no reason in the world for keeping in the \$50,000, because the committee thought that the \$4,600,000 was enough for all the purposes, including the \$50,000 for the sites; and therefore I favor the amendment offered by the gentleman from Illinois.

Mr. Sisson. Mr. Chairman—

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. Sisson. I move to strike out the last word. Now, Mr. Chairman, the Army bill carries an appropriation for the establishment of these stations, and I recall the discussion at that time that it was not necessary to have on land experiments along this line for more than one department of the Government, and it is for that reason I believe that the land item ought to be stricken out. Now, I presume that the department, in preparing this bill, knew what they were doing, and that is that this land was necessary for the purpose of establishing these stations. I agree very thoroughly with the gentleman from Illinois that the item ought to be reduced \$50,000, and especially in view of the fact that the Army is now making expenditures for this purpose.

Mr. Hobson. Mr. Chairman—

The CHAIRMAN. Debate on the amendment has been exhausted.

Mr. Hobson. Mr. Chairman, I move to strike out the last two words. The department has now in contemplation general extension of the radio system, and yet it has not proceeded definitely in that extension because of certain factors that are not yet determined.

Mr. GREGG of Texas. Will the gentleman yield to a question?

Mr. Hobson. Yes.

Mr. GREGG of Texas. Does not the gentleman know this provision has in it to-day, with that world-wide—

Mr. Hobson. I know it has not. When that world-wide system is established any establishment of these will be affected also; and the only point here is that this authorization would have allowed them to proceed if they found it necessary. The chairman is perfectly correct about the deep cuts that have been made in the general estimates for the equipment of our vessels, and while you might cut down more, and they would get no appropriations, we have already cut to the bone, and the mere prevention of their developing the radio system further on these sites has but meager bearing upon the great need for efficiency and upkeep of the Navy and its increase in size by this increase in the appropriation. I do not think, just because we do not allow them to put out some money in this appropriation for buying sites, that it means they do not need, and need badly, this full amount.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. FOSTER].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. ROBERTS of Massachusetts and Mr. FOSTER demanded a division.

The committee divided; and there were—ayes 50, noes 40.

So the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have offered an amendment which is at the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 20, line 2, after the figures "\$5,000," by inserting the following:

"Provided further, That no part of the appropriation herein provided for the equipment of vessels shall be available for the purchase of materials made by foreign labor, except such materials as can not be obtained in the United States."

Mr. MOORE of Pennsylvania. Mr. Chairman, it is not generally known throughout the country that on the 12th of August last was approved the Panama Canal act containing an out-and-out free-trade paragraph with regard to the construction and equipment of our ships. That paragraph provided that hereafter materials entering into the construction of equipment of vessels built in the United States might enter the United States free of duty. The materials referred to in that act have been interpreted by the Treasury Department in a decision recently rendered, and that interpretation includes in the matter of equipment the product of the mills and the factories, as well as of the raw materials that are produced on the farm and in

the cities. Amongst the materials that may now be entered free of duty into the United States, provided they enter into the equipment of vessels built here, are anchors, chains, cables, tackle, bolts, repair parts, and life-saving apparatus, wireless-telegraph apparatus, nautical instruments, searchlights, signal lights, lamps, furniture, carpets, table linen, bed linen, and also articles to be used in renewal or replacement of articles originally devoted to equipment.

Mr. Chairman, the Democratic Party did just what it was expected it would do when it passed the Panama Canal act. It overrode the right of this House to originate legislation affecting revenue, and it wrote into a bill for the operation and management of the Panama Canal a provision that upset all the protective laws of the United States. In our various districts to-day are produced commodities that you have provided shall enter this country free of duty, though made by foreign labor, if they enter into the construction or equipment of ships. In every rural district this question arises, as well as in every city district. There is not a mill that produces carpet or glassware or upholstery or that produces anything that enters into the equipment or construction of a ship that is not affected. American high-priced labor has been brought by this act into direct competition with the cheap labor of foreign countries, and the Navy Department is expected to compete with private shipbuilders in this country under that law. I do not believe that the Navy Department should have the privilege, or even private shipbuilders in the United States, of bringing in, duty free, in competition with American labor, those products made abroad which are necessary for the construction or equipment of ships in the United States if we can produce such materials in this country. It is a vital proposition which sooner or later will come home to plague every man who voted for this provision in the Panama Canal act and who votes against the amendment I submit now, for the protection of the labor of the United States against the cheap labor of foreign countries.

Mr. BURNETT. Mr. Chairman, it comes with poor grace for the gentleman from Pennsylvania [Mr. MOORE] to talk about bringing goods free into this country made by foreign labor when for the last 12 months he has been, in season and out of season, whenever opportunity presented itself, arguing and working day and night for the purpose of aiding in importing foreign labor itself that comes into competition with American labor. [Applause on the Democratic side.]

I am glad that he is beginning, in his old age [laughter], to wake up, at least to the importance of the rights of the American laboring men. The gentleman is in favor, Mr. Chairman, of bringing the cheap labor of Europe to this country for the purpose, in his own State, of beating down the standard of the wages received by the men who toil; and then he stands here contending for higher prices for that which the laboring man has to buy. Why, Mr. Chairman, it is sickening to me to hear him assert that he stands for the welfare of the laboring man, when I remember that he has fought, as he has for months, in the effort to break down the price of labor in America by contending for the admission of the low-priced labor of Europe; and then to see him come here and gather his sanctimonious garments about him and cry, "Unclean, unclean!" against any Democratic measure that is brought forward here in behalf of the people. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, in reply to the statement of the gentleman from Alabama [Mr. BURNETT], I would assure him that I stand for the maintenance in the United States of an American standard of wages, whether it is paid to the man who comes from abroad or to the native American. We maintain that wage standard in the United States despite immigration, and that is a complete answer to the argument that the gentleman from Alabama has made.

I am sorry that he is disappointed over the failure of his efforts to pass effectively that bill for the restriction of immigration, upon which he labored for six years. I regret exceedingly for his sake that he has been denied the opportunity of returning in triumph to his district, where the bands would be playing and the flags flying in honor of his approach.

But I am happy, indeed, that the worthy poor who have knocked at our doors and begged for the opportunity to work at an American wage and to get away from the conditions that surrounded them abroad have not been denied. I am glad, indeed, that we are able to let them come here and enjoy for themselves a higher standard of living than they enjoyed in their native countries. [Applause.]

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

The CHAIRMAN. Does the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. MANN. The gentleman from Alabama [Mr. BURNETT] stated a moment ago that the gentleman from Pennsylvania

was desiring to keep up the high prices on those things which the poor laboring man consumed. I would like to ask my friend from Pennsylvania how many battle compasses the ordinary poor laboring man does consume? [Laughter.] That is the item under consideration.

Mr. MOORE of Pennsylvania. I know that we make them in this country, and the men who make them here get three times as much wages as are paid to the men who make them in any other country.

Mr. PADGETT. Mr. Chairman, I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MOORE of Pennsylvania. A division, Mr. Chairman.

The committee divided; and there were—ayes 38, noes 69.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

On page 20, line 2, at the end of the line, insert the following: "Provided, That no part of any sum herein appropriated shall be expended for the purchase of any material of any kind entering into the equipment of any vessel if foreign labor employed in the production and manufacture thereof shall have been employed thereon in excess of eight hours a day."

Mr. MOORE of Pennsylvania. Now, Mr. Chairman, I appeal to the friends of the downtrodden workingman to support this amendment, and I appeal particularly to those champions of the eight-hour law, who have been so vociferous in their demands for justice to the workingman, to support this amendment. I ask those who claim to speak for the toilers in the mines and for the workers in the mills to say what they are going to do with respect to this proposition to enforce the eight-hour law, which holds throughout the United States, as it applies to that foreign labor to which my friend from Alabama [Mr. BURNETT] referred so touchingly a moment ago.

Here is an opportunity for all the friends of the downtrodden, all the friends of the workingman, all the friends of the common "peepul," to come forward and do some little mite of justice to those who toil and labor for a living in the United States. Will my friends upon the other side, who have been advancing eight-hour legislation and urging it upon the country, after the Republican Party instituted it, stand up for this amendment now, and protect the eight-hour workers of the United States against that downtrodden labor on the other side, about which our friends are so much concerned?

Mr. BATHRICK. Will the gentleman yield?

Mr. MOORE of Pennsylvania. If the gentleman will vote with me.

Mr. BATHRICK. Does not the gentleman think the general eight-hour law covers this?

Mr. MOORE of Pennsylvania. I think we should stop goods coming into this country which compete with eight-hour labor in the United States, when the competitors are employed 13 hours in foreign countries, at one-half and one-third the wages paid in the United States.

Mr. MADDEN. One-fifth.

Mr. MOORE of Pennsylvania. And if the question of sincerity is to be raised, as it was raised by my friend from Alabama [Mr. BURNETT], let us see now whether he will vote in favor of the American workingman on the eight-hour plan, or whether he prefers to give the advantage to the man who works 13 hours on the other side in competition with the American, and getting for it one-half or one-third the pay.

Mr. MADDEN. One-fifth.

Mr. BURNETT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. BURNETT. Do not some of the steel plants in your own State work that foreign labor and others 12 hours a day 7 days in the week?

Mr. MOORE of Pennsylvania. Oh, I think not. There have been so many lumps of \$500,000,000 taken out of the pockets of the poor by Andrew Carnegie that it has come to be a nightmare to the gentlemen on the other side.

Mr. BURNETT. They work night and day under the night-shift management.

Mr. MOORE of Pennsylvania. If they do, they get paid for it, and they get paid a little better for it than certain other workers in this country, to whom I will make no reference just now. Will you tell me whether the eight-hour law is applied on the plantation or in the cotton field? Will you tell me whether you pay there on the eight-hour wage scale? My friend from Alabama [Mr. BURNETT] is most interesting and patriotic at

home, and here he makes most excellent speeches in favor of the downtrodden. Will he and my friends of the Democratic Party join hands with me to-night and say, "We want to be fair with the American workingman, we want to stand with the leaders of labor, we want to keep foreign labor up to an eight-hour basis when it comes into competition with the union labor of the United States"?"

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MANN. I ask that the gentleman have one minute more.

Mr. MOORE of Pennsylvania. I am satisfied to leave this question to the fairness of the other side.

Mr. MANN. I ask unanimous consent that the gentleman have one minute more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania have one minute more. Is there objection?

There was no objection.

Mr. MANN. I should like to ask the gentleman if he believes in the eight-hour law?

Mr. MOORE of Pennsylvania. I do.

Mr. MANN. Does he believe it ought to be applied here now in this House?

Mr. MOORE of Pennsylvania. I think it ought to be applied to all Congressmen. I am entirely in favor of an amendment to this bill to effect it.

Mr. BUCHANAN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the expert in labor matters, the gentleman from Illinois [Mr. BUCHANAN], and I am very glad to have him ask me a question. If he is in favor of the eight-hour law in the United States, he will be in favor of the enforcement of the eight-hour law abroad when it comes in competition with the eight-hour law here.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUCHANAN. Mr. Chairman, I should like to ask the gentleman if he does not know—

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Pennsylvania.

The question being taken, on a division (demanded by Mr. Moore of Pennsylvania) there were—ayes 37, noes 62.

Accordingly the amendment was rejected.

Mr. BUTLER. Mr. Chairman, may I ask the gentleman from Tennessee whether we have not worked long enough? We have been here 12 hours, nearly.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28812, the naval appropriation bill, and had come to no resolution thereon.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock p. m.) the House adjourned until to-morrow, Tuesday, February 25, at 10.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Superintendent of the United States Capitol Building and Grounds, transmitting report on refrigeration of Capitol and House and Senate Office Buildings (H. Doc. No. 1419); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury calling attention to the legislative appropriation bill for the next fiscal year and submitting a deficiency estimate of appropriation to correct same (H. Doc. No. 1420); to the Committee on Appropriations.

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. GOEKE, from the Committee on Expenditures in the Treasury Department, submitted a report (No. 1569) relating to the deposits of Government funds in banks and the surplus working capital in the general fund of the Treasury, which was referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 28810) to authorize the Virginia & Carolina Southern Railroad Co. to construct a bridge across the Lumber River at or near the town of Lumberton, N. C., reported the same with amendment, accompanied by a report (No. 1571), which said bill and report were referred to the House Calendar.

Mr. MCCOY, from the Committee on Expenditures in the Post Office Department, submitted a report (No. 1570) on canceling machines, etc., under H. Res. 109, which report was referred to the House 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. LA FOLLETTE: A bill (H. R. 28846) to authorize the town of Okanogan, Wash., to construct and maintain a footbridge across the Okanogan River; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Resolution (H. Res. 868) to authorize the fumigation and cleansing of fixtures and furnishings of the House of Representatives and committee rooms; to the Committee on Accounts.

By the SPEAKER (by request): Memorial of the Legislature of the State of Nevada, favoring the passage of H. R. 25518, for the construction of a practical fishway in the Derby Dam in the Truckee River, Washoe County, Nev.; to the Committee on Rivers and Harbors.

Also (by request), memorial of the Legislature of the State of Oregon, favoring the passage of H. R. 2081, to create Saddle Mountain National Park; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of the State of Wyoming, favoring laws to protect migratory game birds; to the Committee on Agriculture.

By Mr. ALLEN: Memorial of the Ohio Legislature, relative to a system of national highways; to the Committee on Agriculture.

By Mr. ANSBERRY: A joint resolution of the Legislature of Ohio, relative to a system of national highways; to the Committee on Agriculture.

By Mr. PETERS: A memorial of the General Court of the Commonwealth of Massachusetts, relative to an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor; to the Committee on the Judiciary.

By Mr. POST: A joint resolution of the Legislature of the State of Ohio, memorializing Congress relative to a system of national highways; to the Committee on Agriculture.

By Mr. WILLIS: A memorial of the General Assembly of the State of Ohio, urging the construction and maintenance of a system of national highways; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 28847) for the relief of the heirs of Thomas Smith, deceased; to the Committee on War Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 28848) for the relief of Walter A. Hill; to the Committee on Claims.

By Mr. SLOAN: A bill (H. R. 28849) granting an increase of pension to Martin L. Pembleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28850) granting an increase of pension to Edgar W. Thornton; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 28851) granting an increase of pension to Tamma A. Lloyd; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Federation of Citizens' Associations of the District of Columbia, favoring the passage of the amendment to the District of Columbia appropriation bill providing for the erection of a public-utilities commission; to the Committee on the District of Columbia.

By Mr. ALLEN: Petition of Radabaugh Bros. and other citizens of West Milton, Ohio, favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of South Dakota: Petition of sundry citizens of the United States, favoring the passage of legislation for the investigation of the prosecution of the editors of the Appeal to

Reason by the Government; to the Committee on Expenditures in the Post Office Department.

By Mr. CARY: Petition of W. H. Law, Detroit, Mich., favoring the passage of legislation for the relief of the family of Capt. Ocha, of the Life-Saving Service, deceased; to the Committee on Pensions.

By Mr. CURLEY: Petition of the Massachusetts Peace Society, Boston, Mass., favoring the repeal of the clause in the Panama Canal act making discriminations in the Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New England Water Works Association, protesting against the passage of any legislation tending to destroy the present national system of forest conservation; to the Committee on Agriculture.

By Mr. HILL: Petition of the Danbury Christian Endeavor Union, Danbury, Conn., protesting against the passage of legislation for the return of alcoholic liquors to the canteens of the Army; to the Committee on Military Affairs.

By Mr. LINDSAY: Petition of owners of grain elevators, Buffalo, N. Y., protesting against the passage of House bill 28180, with reference to securing a channel from the outer harbor to connect with the Buffalo River and for the enlargement of the anchorage basin in the outer harbor; to the Committee on Rivers and Harbors.

Also, petition of citizens of the borough of Brooklyn, N. Y., favoring an amendment to the naval appropriation bill providing for the building of one of the two new battleships in a Government navy yard; to the Committee on Naval Affairs.

By Mr. PETERS: Petition of the Massachusetts Peace Society, Boston, Mass., favoring the passage of legislation for submitting to arbitration the clause in the Panama Canal act discriminating against ships in Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. POST: Petition of Radabaugh Bros., West Milton, Ohio, favoring the passage of the Weeks bill (H. R. 27567) for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. J. M. C. SMITH: Petition of Ann Arbor Branch of Collegiate Alumnae, favoring the passage of legislation for the eight-hour law for women in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TILSON: Petition of the New England Water Works Association, Boston, Mass., protesting against the passage of any legislation tending to destroy the present national system of forest conservation; to the Committee on Agriculture.

By Mr. UNDERHILL: Petition of owners of grain elevators, Buffalo, N. Y., protesting against the passage of House bill 28180, with reference to securing a channel from the outer harbor to connect with the Buffalo River and for the enlargement of the anchorage basin in the outer harbor; to the Committee on Rivers and Harbors.

By Mr. WILSON of New York: Petition of owners of grain elevators, Buffalo, N. Y., protesting against the passage of House bill 28180, with reference to securing a channel from the outer harbor to connect with the Buffalo River and for the enlargement of the anchorage basin in the outer harbor; to the Committee on Rivers and Harbors.

SENATE.

TUESDAY, February 25, 1913.

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Smoot and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ESTIMATE OF APPROPRIATION.

The PRESIDENT pro tempore (Mr. GALLINGER) laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of \$334,435 for the installation of a sanitary sewerage and storm-water drainage system in the city of Hot Springs, Ark., abutting the Hot Springs Reservation, which, with the accompanying papers, was referred to the Committee on Appropriations.

SERVICE PENSION LAW.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the commander in chief of the Grand Army of the Republic, transmitting resolutions, which will be read.

The Secretary read as follows:

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
OFFICE OF COMMANDER IN CHIEF,
Bridgeport, Conn., February 24, 1913.

To the PRESIDENT PRO TEMPORE
OF THE SENATE OF THE UNITED STATES,
Washington, D. C.

SIR: In accordance with the vote of the Forty-sixth National Encampment of the Grand Army of the Republic, held at Los Angeles, Cal., September 12-13, 1912, we have the honor to transmit herewith resolutions unanimously adopted by said encampment and directed to be presented to the Senate of the Congress of the United States in appreciation of its passage of the pension bill, approved May 11, 1912.

Very respectfully, yours,

ALFRED B. BEERS,
Commander in Chief.
HENRY J. SEELEY,
Adjutant General.

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
Bridgeport, Conn., January 30, 1913.

To the Senate of the Congress of the United States:

We hereby certify that at the Forty-sixth Annual Encampment of the Grand Army of the Republic held at Los Angeles, Cal., September 12-13, 1912, the following resolutions were unanimously adopted:

Resolved: First. That the thanks of the Grand Army of the Republic and of those whom it represents be, and are hereby, extended to the President of the United States, the Hon. William Howard Taft; to the Congress of the United States in both its branches, and especially our comrade, Gen. ISAAC R. SHERWOOD, chairman of the Committee on Invalid Pensions of the House of Representatives, and to the Hon. PORTER J. MCCUMBER, chairman of the Senate Committee on Pensions, for their efficient cooperation and tactful leadership in securing the enactment of the law of May 11, 1912; and also to Senator HENRY E. BURNHAM, and Representative JOHN A. M. ADAIR, for their invaluable services in reaching an agreement on the part of the conferees of the two Houses of Congress.

Second. That the thanks of the encampment be, and are hereby, tendered to each member of the pension committee of the Grand Army of the Republic and to the comrades who aided the committee in this work, and in particular to Comrade Eli Torrance, past commander in chief and chairman of said pension committee, and to Commander in Chief Harvey M. Trimble, for their great and successful work in behalf of the surviving veteran Union soldiers of the Civil War.

Third. That the incoming commander in chief is hereby directed to have prepared and engrossed copies of these resolutions to be presented to the respective parties herein named.

[SEAL.]

ALFRED B. BEERS,
Commander in Chief.

Official:

HENRY J. SEELEY,
Adjutant General.

The PRESIDENT pro tempore. The communication and accompanying resolutions will be referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented House joint memorial No. 3, adopted by the Legislature of the State of Wyoming, which was ordered to lie on the table and to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss:.

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following copy of house joint memorial No. 3, adopted by the Legislature of the State of Wyoming, has been carefully compared with the original, filed in this office on the 18th day of February, A. D. 1913, and is a full, true, and correct copy thereof:

House joint memorial No. 3.

Whereas there have been introduced in Congress three bills (H. R. 36, H. R. 4428, S. 2367) to afford Federal protection to migratory game birds; and

Whereas there is a very general sentiment in this State in favor of such protection, and an urgent request for the enactment of such a law has been made, as appears by the numerous petitions received: Now therefore

Resolved (the senate concurring), That Congress be, and hereby is, requested to enact a law giving ample protection to migratory game birds.

Resolved, That the legislatures of all other States of the United States, now in session or when next convened, be, and they are hereby, respectfully requested to join in this request by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be, and he hereby is, directed to transmit copies of this resolution to the Senate and the House of Representatives of the United States, and to the several Members of said body representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

MARTIN L. PRATT,
Speaker of the House.
BIRNEY H. SAGE,
President of the Senate.

Approved February 17, 1913.

JOSEPH M. CAREY, Governor.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 18th day of February, A. D. 1913.

[SEAL.] FRANK L. HOUX, Secretary of State.

By F. H. WESCOTT, Deputy.

Mr. CULLOM presented a memorial of the Building Trades Council of Quincy, Ill., remonstrating against the enactment of legislation providing Federal pay for members of the National Guard, which was referred to the Committee on Military Affairs.