

By Mr. SMITH of Idaho: Petition of citizens of Idaho, against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of Woman's Christian Temperance Union of New Meadows, Idaho, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Challis Commercial Club, favoring the creation of the Sawtooth National Park; to the Committee on the Public Lands.

Also, papers to accompany House bill 8491; to the Committee on the Public Lands.

Also, memorial of women's mass meeting at Pocatello, Idaho, relative to woman suffrage; to the Committee on the Judiciary.

SENATE.

THURSDAY, June 22, 1916.

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

Almighty God, we lift our hearts to Thee for Thy guidance and blessing in a troublous time. In the midst of the first rude conflict, a time that tests the great moral and spiritual ideals of the Nation, we turn back to the God of our fathers and seek Thy favor. We know that it will profit us nothing if we as a Nation gain the whole world and lose our own soul. To Thy hand we commit our interests. As Thou hast guided us in the years past ever onward and upward in the achievement of the purposes of our civil organization, so we pray that Thou wilt guide us still. At this time may we not allow ourselves either in the vanity of power or in the conceit of safety to rest secure, but grant, we pray, that in all diligence we may give ourselves to the seeking of those lines of peace and justice and righteousness that exalt a nation and that will give us even larger influence among the nations of the world. May we show ourselves a self-mastered people. To this end do Thou guide us by Thy holy spirit. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, June 20, 1916, when, on request of Mr. SWANSON, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FLOOD, Mr. CLINE, and Mr. COOPER of Wisconsin managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. SHEPPARD presented a memorial of sundry citizens of Keene, Tex., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

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

He also presented a petition of Fenimore Council, No. 249, United Commercial Travelers of America, of Mitchell, S. Dak., praying for the enactment of legislation to provide an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of South Dakota, praying for an increase in armaments, which were ordered to lie on the table.

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

Mr. SHERMAN presented a memorial of Local Branch No. 6, Post Office Clerks' Association, of Chicago, Ill., remonstrating against the transfer of temporary employees in the Auditor's Office of the Post Office Department to the money-order division of the Chicago post office, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a memorial of the Board of Supervisors of Butte County, Cal., remonstrating against the imposition of a Federal tax on inheritances, which was referred to the Committee on Finance.

He also presented a petition of the Health Officers' Association of Los Angeles County, Cal., praying for Federal aid in the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented memorials of sundry citizens of San Joaquin County, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Franklin Printing Trades Association, of San Francisco, Cal., praying for the enactment of legislation to prohibit the exportation of manufactured papers and materials used in the making of paper, which was referred to the Committee on the Judiciary.

Mr. MYERS presented petitions of sundry citizens of Great Falls, Helena, and Miles City, in the State of Montana, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Helena and Miles City, in the State of Montana, praying for the enactment of legislation to forbid interstate transmission of race-gambling odds and bets, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Commercial Club, of Great Falls, Mont., praying for Federal aid in the construction of good roads, which was ordered to lie on the table.

Mr. WARREN presented memorials of sundry citizens of Wyoming, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. POINDEXTER. I present a joint memorial of the Legislature of Washington relating to legislation for the relief of settlers on unsurveyed Northern Pacific Railway lands, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
The State of Washington, Department of State.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 1, passed January 18 and 19, 1915, with the original copy of said memorial now on file in this office, and find the same to be a full, true, and correct copy of said original and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol, at Olympia, this 24th day of February, A. D. 1915.

[SEAL.]

I. M. HOWELL,
Secretary of State.
By J. GRANT HINKLE,
Assistant Secretary of State.

(Senate joint memorial 1.)

To the Hon. FRANKLIN K. LANE,
Secretary of the Interior, Washington, D. C.:

Your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, would most respectfully represent:

That the Hon. A. A. Jones, First Assistant Secretary of the Interior, on December 13, 1913, in submitting his report to the Senate Committee on Public Lands on Senate bills Nos. 2801 and 3087, made the following recommendation:

"I recommend the amendment of the act of July 1, 1898 (30 Stat., 597), extending the right of selection to settlement claims arising prior to July 1, 1913."

That there are pending at this time in the United States Senate certain bills looking for the relief of settlers on Northern Pacific Railway lands, on which bills the Senate Committee on Public Lands has requested a report from the Interior Department.

Therefore, we, your memorialists, most earnestly and respectfully pray that your honorable department submit its further report regarding a proposed amendment of the act of July 1, 1898, extending relief to settlers whose settlement claims were prior to July 1, 1913, causing to be introduced in Congress legislation in conformity with its report, if it should be ascertained that such legislation be not already pending.

And your memorialists will ever pray.

Passed the senate January 18, 1915.

LOUIS F. HART,
President of the Senate.

Passed the house January 19, 1915.

W. W. CONNER,
Speaker of the House.

Mr. POINDEXTER presented the memorial of Carolyn Davis and sundry other citizens of Seattle, Wash., and the memorial of Mrs. George Woolf and sundry other citizens of Colville, Wash., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of Willard Fay and sundry other citizens of Colville, Wash., and the memorial of Mary A. W. Paxton and sundry other citizens of Hassan, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. TOWNSEND presented a memorial of sundry citizens of Alpena, Mich., remonstrating against the enactment of legislation

for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

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

He also presented memorials of sundry citizens of New Bedford and Fairhaven, in the State of Massachusetts, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

CONSTRUCTION OF SUBMARINES.

Mr. SWANSON. From the Committee on Naval Affairs I report back favorably without amendment the bill (H. R. 13670) amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," relating to the authorization of fleet submarines, and I submit a report (No. 526) thereon. I ask for the immediate consideration of the bill.

The VICE PRESIDENT. The Senator from Virginia asks unanimous consent for the present consideration of the bill.

Mr. OLIVER. I should like to hear the bill read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the provision of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," which reads as follows: "Two submarines, to be of seagoing type, to have a surface speed of 25 knots or more if possible, but not less than 20 knots, to cost, exclusive of armor and armament, not exceeding \$1,500,000 each," is hereby amended to read as follows: "Two submarines, to be of seagoing type, to have a surface speed of 25 knots or more if possible, but not less than 19 knots, to cost, exclusive of armor and armament, not exceeding \$1,500,000 each."

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

There being no objection, the bill was considered as in Committee of the Whole.

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

REPORTS OF THE COMMITTEE ON PUBLIC LANDS.

Mr. WORKS, from the Committee on Public Lands, to which was referred the bill (H. R. 348) to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains in the State of California, and for other purposes, reported it without amendment and submitted a report (No. 536) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 5612) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont., reported it with amendments and submitted a report (No. 535) thereon.

BENJAMIN F. ROBINSON AND JOHN DOWS.

Mr. MYERS. On the 20th day of this month the bill (H. R. 11286) for the issuance of a patent for certain Government land to Benjamin F. Robinson and John Dows was read the first and second times and referred to the Committee on Public Lands, and I report it back favorably.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be issued to Benjamin F. Robinson and John Dows a patent for lots 8, 9, 10, and 11, in section 22, township 99 north, range 32 west of the fifth principal meridian, Iowa: *Provided,* That within three months after the passage of this act they shall have presented their application therefor and made payment for said tracts at the rate of \$1.25 per acre: *Provided further,* That nothing herein contained shall have the effect of defeating the rights of any other person or persons which may have attached to the land or to any part thereof.

Mr. CUMMINS. There is a similar Senate bill, which was passed by the Senate. There is no difference whatever between the Senate bill and the House bill, save by a mistake the House passed the House bill instead of the Senate bill, and on the floor a very trifling amendment was made substituting for the words "approval hereof" the words "passage of this act." I therefore ask unanimous consent for the present consideration of the bill now reported.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

LAND IN PORT ANGELES, WASH.

Mr. MYERS. From the Committee on Public Lands I report back favorably without amendment the bill (S. 5900) providing for the disposal of certain lands in block 69, in the city of Port Angeles, State of Washington, and I submit a report (No. 533) thereon.

Mr. JONES. That is a very short bill, and as it is purely local I ask that it may have immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It grants to the city of Port Angeles, in the State of Washington, for municipal purposes, lots 1 and 2, 17 and 18, in block 69, and authorizes the Secretary of the Interior to issue patent to the proper city authorities for said lots, conditioned that the same shall be used for municipal purposes.

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

LAND IN ST. AUGUSTINE, FLA.

Mr. MYERS. From the Committee on Public Lands I report back favorably without amendment the bill (S. 3699) to donate to the city of St. Augustine, Fla., for park purposes, the tract of land known as the powder-house lot, and I submit a report (No. 532) thereon.

Mr. FLETCHER. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. WALSH. I ask that the bill be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the tract of land situate in the city of St. Augustine, Fla., known as the powder-house lot, heretofore set aside as a military reservation of the United States, and lately abandoned as such military reservation, be, and same is hereby, donated to the municipality of the said city of St. Augustine, in the State of Florida, to be used by said municipality for public-park purposes.

SEC. 2. That the Secretary of the Interior is hereby directed to execute and deliver to the duly constituted authorities of the said city of St. Augustine, Fla., such conveyances as may be necessary to vest the fee-simple title to said powder-house lot in the said city of St. Augustine, Fla., attaching to such conveyances the condition that whenever the said powder-house lot shall cease to be used by the city for public-park purposes, then and in that event title to the said powder-house lot shall revert to the Government of the United States.

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

There being no objection, the bill was considered as in Committee of the Whole.

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

SOUTHERN STATES LUMBER CO.

Mr. MYERS. From the Committee on Public Lands, I report back favorably without amendment the bill (S. 5439) for the relief of the Southern States Lumber Co., and I submit a report (No. 534) thereon.

Mr. FLETCHER. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill.

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

Mr. WALSH. I object.

The VICE PRESIDENT. The bill goes to the calendar.

RED RIVER BRIDGE, OKLAHOMA.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably without amendment the bill (H. R. 7613) to authorize the Terral Bridge Co. to construct a bridge across the Red River near Terral, Jefferson County, Okla., and I submit a report (No. 528) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

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

DIXIE HIGHWAY BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably with amendments the bill (S. 6242) authorizing the counties of Nassau, Fla., and Charlton, Ga., to construct a bridge across the St. Marys River between Florida and Georgia, and I submit a report (No. 527) thereon. I ask for the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 6, before the words "Kolars Ferry," to insert "a point suitable to the interests of

navigation, at or near," and in the same line to strike out the words "a point," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the counties of Nassau, Fla., and Charlton, Ga., to build, maintain, and operate a bridge across the waters of the St. Marys River at a point suitable to the interests of navigation, at or near Kolars Ferry, about 2 miles below the Atlantic Coast Line Railway bridge, between the States of Florida and Georgia, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

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

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

WABASH RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 13689) to authorize the county of Wabash, in the State of Indiana, to construct a bridge across the Wabash River, at the city of Wabash, Ind., and I submit a report (No. 529) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

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

GRAND CALUMET RIVER BRIDGES.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 15007) to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana, and I submit a report (No. 531) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

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

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 15006) to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana, and I submit a report (No. 530) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

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

EXPERIMENTS IN DRY-LAND AGRICULTURE.

Mr. STERLING. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 393) to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes. A similar bill has already passed the Senate, being Senate bill 592. I ask unanimous consent for the consideration of the House bill.

Mr. SMOOT. I will ask the Senator if the bill has been referred to the committee.

Mr. STERLING. It has been referred to the Public Lands Committee, and I have been authorized to report it.

Mr. OVERMAN. Let the bill be read so that we may see what it is.

Mr. SMOOT. Let it be read.

Mr. STERLING. It is identically the same as Senate bill 592, which was reported favorably and which has passed the Senate. House bill 393 was also referred to the Committee on Public Lands, and I now report it back.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

Mr. OVERMAN. Let it be read. I think it is all right, but we ought to see what it is.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That upon receipt of a proper deed from the State of North Dakota, executed under authority of the act of its legislative assembly approved February 5, 1915, reconveying to the United States title to section 16, township 138 north, range 81 west, fifth principal meridian, the Secretary of the Interior is authorized to issue patents to said State for such vacant, surveyed, unreserved, unoccupied, nonmineral public lands as may be selected by said State within its boundaries, not exceeding 1,280 acres in aggregate area; and said section when so reconveyed shall not be subject to settlement, location, entry, or selection under the public-land laws, but shall be reserved for the use of the Department of Agriculture in carrying on experiments in dry-land agriculture at the Northern Great Plains Field Station, Mandan, N. Dak.

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

There being no objection, the bill was considered as in Committee of the Whole.

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

BILLS INTRODUCED.

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

By Mr. HITCHCOCK:

A bill (S. 6415) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture and Forestry.

By Mr. PHELAN:

A bill (S. 6416) authorizing the Secretary of Commerce to lease certain property.

The VICE PRESIDENT. If there be no objection, the bill will be referred to the Committee on Public Lands.

Mr. SMOOT. Mr. President, is the bill just introduced by the Senator from California for the purpose of authorizing one of the departments of the Government to lease certain lands?

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read as follows:

Be it enacted, etc., That authority be, and is hereby, given to the Secretary of Commerce to lease, at his discretion, for a period not exceeding 25 years, such unoccupied and unproductive property of the United States under his control for the leasing of which there is no authority under existing law, and such leases shall be reported annually to Congress.

Mr. NELSON. Mr. President, the subject matter of that bill is under the jurisdiction of the Treasury Department, and it should be referred to the Committee on Commerce. I therefore ask that it be so referred.

The VICE PRESIDENT. The bill will be referred to the Committee on Commerce.

By Mr. WARREN:

A bill (S. 6417) granting a pension to George J. Ham (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 6418) granting an increase of pension to Nathan J. Way (with accompanying papers);

A bill (S. 6419) granting an increase of pension to Enoch Jones (with accompanying papers); and

A bill (S. 6420) granting an increase of pension to John W. Torrance (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 6421) granting a pension to Mary E. Sargent;

A bill (S. 6422) granting a pension to John Zilkie;

A bill (S. 6423) granting a pension to Margaret Jeffrey; and

A bill (S. 6424) granting a pension to Eliza Hiser; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 6425) granting a pension to Rittie Wilson (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6426) granting an increase of pension to Sarah A. Carroll (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 6427) granting an increase of pension to Edward T. McClannahan (with accompanying papers); and

A bill (S. 6428) granting a pension to John W. Munsell (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6429) to correct the military record of George M. Barry (with accompanying papers); and

A bill (S. 6430) directing the reexamination of the accounts of the late Peter G. S. Ten Broeck (with accompanying papers); to the Committee on Military Affairs.

By Mr. LEE of Maryland:

A bill (S. 6431) to provide aid for the dependents of enlisted men of the National Guard mustered into or serving in the service of the United States; to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 6432) for the relief of Pearl Street Perpetual Savings and Building Association, No. 2, of Baltimore, Md.; and

A bill (S. 6433) for the relief of The Pearl Street Perpetual Savings and Building Association of Baltimore City, Baltimore, Md.; to the Committee on Claims.

By Mr. REED:

A bill (S. 6434) granting a pension to Emma Runyan (with accompanying papers);

A bill (S. 6435) granting a pension to Louisa Henrietta Kleemeier (with accompanying papers);

A bill (S. 6436) granting an increase of pension to Jonathan J. Ragner (with accompanying papers); and

A bill (S. 6437) granting an increase of pension to Nancy J. Tanner (with accompanying papers); to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 6438) granting an increase of pension to Charles Ainsworth (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 6439) to regulate the admission into the United States of agricultural products raised on Daigle Island in the St. John River free of duty; to the Committee on Finance.

A bill (S. 6440) granting a pension to Wilmont L. Farnsworth (with accompanying papers); and

A bill (S. 6441) granting a pension to Laura J. Grant (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PHELAN submitted an amendment proposing to appropriate \$700,000 to construct and equip two steam Coast Guard cutters for service on the Pacific coast and the Alaskan waters, etc., intended to be proposed by him to the naval appropriation bill (H. R. 15947), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate \$60,000 for the payment of transportation of teams authorized by the Secretary of War to participate in the national matches, etc., intended to be proposed by him to the Army appropriation bill (H. R. 16460), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$300,000 to establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms, etc., intended to be proposed by him to the Army appropriation bill (H. R. 16460), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SHEPPARD submitted an amendment authorizing the Secretary of War to cause to be made a survey to determine the causes of erosions taking place on the southern side of Galveston Island, Tex., etc., intended to be proposed by him to the fortifications appropriation bill (H. R. 14303), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SAULSBURY submitted an amendment proposing to appropriate \$2,500 out of the appropriation for the eradication of the foot-and-mouth and other contagious diseases of animals so as to enable the Secretary of Agriculture to ascertain and pay the loss caused George P. Frederick, of Newport, Del., resulting from disinfecting his premises by Government inspectors during the outbreak of the foot-and-mouth disease during the fall of 1914, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

Mr. SMOOT submitted an amendment proposing to appropriate \$18,000 for the salaries of nine stenographic clerks for the Chief Justice and Associate Justices of the Supreme Court, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. JONES. I submit an amendment intended to be proposed by me to Senate resolution 195, to amend the standing rules of the Senate relative to closing debate in the Senate. I ask that the amendment lie on the table and be printed, and that it also be printed in the RECORD.

There being no objection, the amendment was ordered to lie on the table and be printed, and also to be printed in the RECORD, as follows:

On page 1, line 4, strike out all after the words "Provided, however" and insert the following:

"That if 16 Senators, after a measure has continued the unfinished business of the Senate during one calendar week, present to the Senate a signed motion to bring to a close the debate upon such measure, the presiding officer shall at once state the motion to the Senate, and at the close of the morning hour on the following calendar day lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Chair shall, without debate, submit to the Senate by an aye-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

"And if that question shall be decided in the affirmative by a two-thirds vote of those present as determined by the vote and announcement of pairs, then said measure shall be in order to the exclusion of all other business, except what may be taken up by unanimous consent, and except a motion to recess or adjourn.

"Thereafter no Senator, except by unanimous consent, shall be entitled to speak more than one hour on the bill, nor more than 10

minutes on any amendment thereto or motion affecting the same, and it shall be the duty of the Chair to keep the time of each Senator who speaks. All points of order and appeals from the decisions of the Chair shall be decided without debate."

WAGES OF RAILROAD EMPLOYEES.

Mr. NEWLANDS. I introduce a joint resolution and ask that it be read.

The joint resolution (S. J. Res. 145) to investigate wage conditions on railroads, was read the first time by its title and the second time at length, as follows:

Whereas the controversy that has arisen between the railroads and certain of their employees relating to a shortening of the hours of labor without corresponding decrease in pay, and for increased compensation for any service performed in excess of the daily period prescribed, may lead to a serious interruption of the railroad service, with disastrous effect upon the public welfare and upon the commerce of the Nation: Now, therefore be it

Resolved, etc., That the Interstate Commerce Commission be, and it is hereby, directed immediately to investigate and to report to the Congress as soon as practicable the minimum, maximum, and average wage paid, with hours of service, to each class of railroad employees in the United States, and, so far as they are comparable, the minimum, maximum, and average wage, with hours of service, paid in other industries where similar skill and risk are involved, the relation of wages to railroad revenues, the question of whether railroad revenues based on existing rates for transportation will admit of equally favorable terms to all classes of railroad employees, and any other matter in this connection that the commission may deem relevant; and be it further

Resolved, That it is the sense of the Congress that the railway companies, their officers and employees, should give their hearty support and cooperation to the Interstate Commerce Commission in its investigation, deferring pending controversies over questions at issue until that commission may be able to complete its investigations and make its report to the Congress.

Mr. NEWLANDS. Mr. President, I desire to make a brief statement.

The joint resolution which I have offered provides in brief that the Interstate Commerce Commission shall proceed immediately to investigate and report to Congress upon the minimum, maximum, and average wage paid, with hours of service, to each class of railroad employees in the United States, and, so far as they are comparable, the minimum, maximum, and average wage, with hours of service, paid in other industries where similar skill and risk are involved, the relation of wages to railroad revenues, the question whether railroad revenues, based on existing rates for transportation, will admit of equally favorable terms to all classes of railroad employees, and any other matter that the commission may deem relevant.

In form it originates with a committee of the Chamber of Commerce of the United States, composed of 12 members, which has been making a study of the railroad situation, under instructions received from the annual meeting of the national chamber last February. The resolution in this form has been submitted to a referendum vote of all the commercial bodies in the United States affiliated with the national chamber. It has been indorsed by the largest vote that has been cast on any referendum. Three hundred and sixty-six organizations, situated in 43 States, the District of Columbia, and Hawaii, filed ballots. At the end of the forty-fifth day allowed for consideration the result was 987½ votes in favor and 29½ votes against, each organization being allowed from 1 to 10 votes, according to the number of its members.

I ask leave to insert in the RECORD the referendum pamphlet containing the report of the committee, the arguments for and against the resolution, and the ballot, which were sent to each organization to vote upon, and also a bulletin, dated June 16, giving the result of the vote and the actual vote of every organization that took part in the balloting, arranged by States and cities.

On March 29, 1916, the four brotherhoods, comprising all the men employed on moving trains, presented their demands for an eight-hour day and pay at the rate of time and a half for overtime. Before the usual 30 days had expired, the brotherhoods requested a conference with the railroad managers, which took place in New York beginning June 1. One week ago the conference came to an abrupt close when the railroad operators, in reply to a question of the brotherhoods as to whether they would accede to the demands, refused to do so. The brotherhoods are now engaged in taking a strike vote, which, when accomplished, within a period of four to six weeks, if favorable, will grant to the four leaders the power, in their discretion, to call a strike.

The resolution is drawn from the point of view of the public as an interested party in the controversy. It would be difficult to exaggerate the calamity that would result from a tie-up of freight of all the railroads of the United States in one week. No legislation exists on the statute books for preventing such a calamity should either party refuse to submit to arbitration. Neither can maintain its position, if, when the facts are presented, public opinion based on these facts is against it. It is

with a view to ascertaining a just conclusion through a non-partisan quasi judicial body which has the necessary facilities for doing the work expeditiously that this resolution is introduced.

I ask that the matter referred to be inserted in the Record. The VICE PRESIDENT. Is there any objection?

Mr. REED. Mr. President, I have tried very hard to hear all that the Senator said, but was unable to do so on account of the confusion. What is the matter which the chamber of commerce voted on?

Mr. NEWLANDS. The matter that the chamber of commerce voted on was whether Congress should be called upon to act upon a certain resolution presented to the various chambers of commerce and boards of trade throughout the United States, which resolution I have just offered. That resolution provides for an inquiry. Does the Senator wish me to state the resolution itself, or did he hear it?

Mr. REED. No; I did not hear it. The substance of it is all I want.

Mr. NEWLANDS. Well, the substance of the resolution is that the Interstate Commerce Commission be directed immediately to investigate and report to Congress as soon as practicable the minimum, maximum, and average wage paid, with hours of service, to each class of railroad employees in the United States, and, so far as they are comparable, the minimum, maximum, and average wage, with hours of service, paid in other industries where similar skill and risk are involved; the relation of wages to railroad revenues; the question of whether railroad revenues based on existing rates for transportation will admit of equally favorable terms to all classes of railroad employees; and any other matter in this connection that the commission may deem relevant.

Mr. REED. Mr. President, I have no objection to the Interstate Commerce Commission making that kind of a report, but I understand the Senator wants to introduce into the Record the entire proceedings of the New York Chamber of Commerce—

Mr. NEWLANDS. Not the New York Chamber of Commerce. This is the National Chamber of Commerce of the United States of America.

Mr. REED. Together with the literature which they sent out and the votes of each of the subsidiary organizations. Is that the document the Senator has in his hand?

Mr. NEWLANDS. Yes; it is the document.

Mr. REED. It is about as large as a copy of the daily CONGRESSIONAL RECORD in itself, is it not?

Mr. NEWLANDS. Oh, no; it is a document of about 10 pages only and in very large print. It will not take much space, and I think it is simply a fair statement, so far as I have read it, of both sides of the controversy, without any attempt to take sides regarding it.

Mr. REED. A fair statement of both sides of the controversy made by the chamber of commerce?

Mr. NEWLANDS. Yes; made by the committee of twelve, which has been engaged in investigating the matter for some time.

Mr. REED. It seems to me that to put in the arguments sent out by a committee of that kind and to put in the votes in detail would be to cumber the RECORD unnecessarily. It would be on a par with putting into the RECORD something that the Federation of Labor might send out and then putting in the action of each labor organization, which would take a vast amount of space. The original action of either one of these bodies might be proper, but the detailed vote, it seems to me, is wholly unnecessary.

Mr. OVERMAN. I call for the regular order.

Mr. REED. I do not wish to object to the Senator's proposition, but it seems to me—

Mr. NEWLANDS. I can not imagine anything that is objectionable in this, and I state that I think it will be informative. So far as I am concerned, I should be very glad to see any action of the labor organizations themselves—

The VICE PRESIDENT. The regular order is the request of the Senator from Nevada to have the resolution submitted to the Senate now.

Mr. NEWLANDS. No; I do not ask that the resolution be submitted to the Senate now. I ask that it be referred to the Interstate Commerce Committee. All that I ask is that this memorandum may be inserted in the Record.

The VICE PRESIDENT. Is there objection to the insertion in the RECORD of the document referred to by the Senator from Nevada?

Mr. VARDAMAN. Mr. President, I should like to ask the Senator from Nevada what is the purpose of having it inserted in the RECORD?

Mr. OLIVER. I object, Mr. President.

Mr. OVERMAN. I call for the regular order.

The VICE PRESIDENT. There is an objection.

Mr. NEWLANDS. Then, Mr. President, I move that this matter be printed in the RECORD. It is some 10 pages in length.

Mr. VARDAMAN. I should like to have the Senator from Nevada answer my question.

Mr. NEWLANDS. I will do so. I will state what this pamphlet consists of.

Mr. LODGE. Mr. President, is not this debate out of order?

The VICE PRESIDENT. It is clearly out of order.

Mr. LODGE. I make the point of order, then, that it is out of order.

The VICE PRESIDENT. But there is no way in which the Chair can stop it when Senators will not stop speaking at the request of the Chair.

Mr. NEWLANDS. Is it out of order for me to reply to the inquiry of the Senator from Mississippi?

The VICE PRESIDENT. The whole debate, after there was an objection, has been out of order.

Mr. NEWLANDS. Would it be in order for me to move that this matter be inserted in the RECORD?

The VICE PRESIDENT. The Chair rules that there is no way to move to put anything into the RECORD. It either goes in by unanimous consent, or, at an appropriate time, the Senator must read it into the RECORD.

Mr. REED. Mr. President, in the interest of getting this matter cleared up, does the Chair understand that I made an objection?

The VICE PRESIDENT. No. The objection was to the further continuance of the discussion and a demand for the regular order.

Mr. VARDAMAN. The Senator from Pennsylvania [Mr. OLIVER] objected.

PRICE OF ANTHRACITE COAL.

Mr. HITCHCOCK. I submit a resolution and ask that it be read.

The resolution (S. Res. 217) was read, as follows:

Resolved, That the Federal Trade Commission be, and it is hereby, requested to make an immediate investigation into the operations and accounts of the leading companies producing anthracite coal, for the purpose of ascertaining the facts concerning the recent increase in the price of anthracite coal, and report the same to the Senate during the present session of Congress, if possible.

Resolved, That the commission be requested to include in its report a showing of the relation between the cost of labor and the price of anthracite coal prior to said increase and at the present time.

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

The resolution was considered by unanimous consent and agreed to.

Mr. HITCHCOCK subsequently said: Mr. President, this morning the Senate, on my motion, adopted a resolution requesting the Federal Trade Commission to make a certain investigation of the prices of anthracite coal. I ask unanimous consent to have printed in the RECORD, immediately following the resolution, certain correspondence between the Federal Trade Commission and the Attorney General and the report of a telephone conversation following the last letter.

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

The matter referred to is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., May 6, 1916.

The FEDERAL TRADE COMMISSION,
Washington, D. C.

GENTLEMEN: It has been stated in the public press, with apparent authority, that having agreed to an advance in wages the railroad coal companies will now use that as an excuse for materially increasing the price of anthracite coal to consumers.

It has been brought out in the various legal proceedings against the anthracite railroads that on similar occasions in the past when wages have been advanced the railroad coal companies, on the pretext of increasing prices for the purpose of meeting the increased cost of production resulting from the higher wages, have made much greater increases than were necessary for that purpose.

Since January 1, 1900, there have been three general advances in the wages of mine workers in the anthracite regions, exclusive of the present advance.

In October, 1900, wages were advanced approximately 10 per cent. In the fiscal year immediately preceding this advance (July 1, 1899–June 30, 1900) the cost of production of the Philadelphia & Reading Coal & Iron Co., whose mines are amongst the most expensive to operate, was \$1.67 per ton. In the fiscal year immediately following (July 1, 1900–June 30, 1901) its cost of production was \$1.826 per ton, an increase of \$0.156 per ton, which includes not only the increase due to the advance in wages but the increase due to all other factors. On the other hand, the same company (the others following suit) increased prices by \$0.232 per ton on all sizes, making the excess of price increase over cost increase \$0.076 per ton.

On November 1, 1902, there was another general advance in wages of approximately 14 per cent. In the fiscal year immediately preceding this advance (July 1, 1901–June 30, 1902) the cost of production of the Philadelphia & Reading Coal & Iron Co. was \$2.066 per ton. In the fiscal year immediately following (July 1, 1902–June 30, 1903) its cost

of production was \$2.199 per ton, an increase of \$0.133 per ton, which includes not only the increase due to the advance in wages but the increase due to all other factors. On the other hand, the same company (the others following) increased prices by \$0.494 per ton on all sizes, making the excess of price increase over cost increase \$0.363 per ton.

Undoubtedly the prices immediately following the wage increase in 1902 were abnormally high, due to the scarcity of coal in consequence of the long strike. It will be fairer, therefore, to take the prices prevailing in the fiscal year ended June 30, 1904, as the basis for comparison. This would show an excess of price increase over cost increase of \$0.245 per ton.

In 1912 another advance in wages took place, amounting to about 5.6 per cent net. Again prices were increased on the pretext of meeting the resulting increase in the cost of production. On this occasion the House of Representatives directed the Bureau of Labor to make an investigation. The bureau found that whereas the advanced wages increased the cost of production only \$0.09 per ton, prices were increased \$0.25 per ton, making the disparity between price increase and cost increase \$0.16 per ton.

The report of the Bureau of Labor states:

"Following the agreement of May 20, 1912, the wholesale price of anthracite coal was advanced by the mining companies about 25 cents per ton when all sizes are taken into consideration. The advance in miners' wages under the above agreement and the increase in wages granted to men not specifically covered by the agreement was equivalent to an increase of between 8 and 10 cents per ton in the cost of labor, or an average increase of about 9 cents per ton for the anthracite region as a whole. Deducing this increase in labor cost from the increase in the selling price per ton, it will be seen that the prices realized by the coal-mining companies were increased about 16 cents per ton more than was required by the new scale of wages alone." (H. Doc. No. 1442, p. 33.)

As the total consumption for some years past has been in the neighborhood of 75,000,000 tons, this excess of price increase over cost increase following the advance in wages in 1912 meant a surtax upon consumers of about \$12,000,000 annually.

In view of these facts, I take the liberty of suggesting that if the advance in wages just agreed upon shall be followed, as in the past, by an increase in the price of coal to consumers the Federal Trade Commission, under the authority of section 6 of the act creating it, institute a searching investigation into the operations and accounts of the great producing companies for the purpose of ascertaining all the facts upon which such increase in price may be based, including the relation between any increase in the cost of production due to advance of wages and the increase of profits caused by the increase in price.

Very truly, yours,

T. W. GREGORY,
Attorney General.

MAY 9, 1916.

HON. THOMAS W. GREGORY,
Attorney General, Washington, D. C.

SIR: The commission has given careful consideration to your letter of May 6 pertaining to the anthracite-coal industry.

If the situation should develop as you suggest, the commission will be glad to take the matter up with you further, with a view to making such investigation as the public interest may require.

By direction of the commission.

Very respectfully,

BRACKEN, Secretary.

An inquiry at the office of the Federal Trade Commission is answered by the information that since the above correspondence, about June 1, wages were increased about 12 cents per ton and the wholesale price of coal about 30 cents per ton.

AFFAIRS IN MEXICO.

Mr. WORKS. Mr. President, on the 14th of January last I introduced a joint resolution (S. J. Res. 78) authorizing intervention in the Republic of Mexico. That has been now something over five months ago. The joint resolution was referred to the Committee on Foreign Relations. In view of the inquiry which I desire to make in respect to it, and in order to refresh the memory of the Senate, I should like to have the joint resolution read.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The joint resolution (S. J. Res. 78) authorizing intervention in the Republic of Mexico was read as follows:

Whereas the Republic of Mexico is and has been for a long time without a government, and as a consequence her territory has been devastated, her laws set at defiance, her people robbed, murdered, and driven from their homes and their property destroyed; and Whereas American citizens residing and sojourning in Mexico have been murdered and robbed, their wives and daughters outraged, and their property confiscated and destroyed; and Whereas our people have no protection from any power or authority in Mexico and none from their own country; and Whereas it is the duty of this Government to protect its citizens in their lives, their liberty, and their property at home and abroad: Now therefore be it

Resolved, etc., That the President of the United States is hereby authorized and directed to intervene in the Republic of Mexico for the protection of the lives and property of American citizens residing and sojourning therein and for the establishment and maintenance, as long as it may be necessary, of a stable government in Mexico, adequate for the protection of the lives, the liberty, the independence, and the property of its people.

Second. That the President, as Commander in Chief of the Army and Navy, be, and he is hereby, authorized and directed to use the Army and Navy forces, or so much thereof as may be necessary, to carry out the objects and purposes above set forth.

Third. That when a stable and efficient government is firmly established in Mexico, adequate for the protection of its people in their rights, and of citizens and subjects of foreign nations therein, it shall be the duty of the President and of Congress to withdraw and surrender such government to the people of Mexico upon such conditions and under such guaranties of continued protection to American citizens and citizens and subjects of other nations residing or sojourning therein as are just and reasonable.

Mr. WORKS. Mr. President, I have been content up to this time to allow this joint resolution to remain in the Committee on Foreign Relations without action. It seems to me, however, that the time has now come when this matter should not be left to action by the Executive Department of the Government, but that some action should be taken by Congress. I think it is exceedingly important, if we are forced to enter Mexico, that we should do it under a declaration of Congress as to what the purpose of going into that country is, and what our intentions are; so that not only the people of our own country, but the people of other nations may know and understand what the purpose and the object of the United States are in taking this very important step.

My purpose in bringing the matter before the Senate this morning is to inquire of the chairman of the Committee on Foreign Relations [Mr. STONE] as to what action has been taken by the committee upon the joint resolution, and what may be expected in the near future?

Mr. STONE. Mr. President, the Committee on Foreign Relations have not taken any action on the joint resolution. It is still before the committee. It has not been reached in the course of its business in a way that the committee felt that any affirmative action should be taken; at least none has been taken. What the committee may do with the joint resolution I am not prepared to say.

Mr. WORKS. Mr. President, I did not call up this matter this morning with any intention of precipitating debate about it. It seemed to me, however, that we have reached a point in our relations with Mexico when something should be done by Congress.

It was intimated—I do not know whether or not it is true—that the President intended to address Congress on the subject. I have no official notification of that fact. I had determined to present the matter in this way before having that intimation. It may be that the President will come before Congress, and then we may act more intelligently respecting the matter.

I myself feel very strongly that the conditions in Mexico are such that we can not justly delay this matter longer. I want now, in connection with my remarks, to submit what I said at the time I introduced this resolution, which was very brief, explaining my views on the subject. I did not want to take up time in repeating what I then said.

The VICE PRESIDENT. Without objection, permission to do so will be granted.

The matter referred to is as follows:

"Mr. WORKS. Mr. President, I do not desire to discuss the merits of the resolution I have offered at this time. I only want to say that up to this time the whole responsibility of dealing with the Mexican situation has been allowed to rest upon the President. It is a grave responsibility. He has been severely criticized for his policy of watchful waiting. I think we have all sympathized with the President in his hope that conditions in Mexico would right themselves without forcible interference on our part. I very much fear that that hope no longer has any foundation to rest upon.

"Congress alone has power to declare war, and that is what intervention in Mexico means. Therefore Congress should courageously assume responsibility for whatever is to be done in that unfortunate country, and not leave it to rest upon the Executive Department of the Government.

"I have offered the resolution in such form as to present the direct issue involved. There is no reason why we should seek to divide the responsibility with any other country or impose it upon the President. It is our responsibility, and we should meet it calmly and courageously, and that without delay.

* * * * *

"Mr. President, I assume entire responsibility for the resolution that I have offered. The Republican Party is not responsible for it. Not a single Senator on this side of the Chamber except myself is responsible, directly or indirectly, for the resolution that has been offered. I join in the hope expressed by the Senator from Missouri that this question may not be made a political one.

"The resolution was not offered with any idea or intention of criticizing the conduct of the President in dealing with this grave and important question. I think it is unfair to the President that Congress should sit idly by and do nothing more than to criticize the course of the President, because I think the responsibility rests upon us and not upon the President of the United States.

"Something should be done in this emergency by somebody to relieve the situation as it exists to-day. American citizens are losing their lives in Mexico day after day as the result of the

conditions that prevail there. If Congress comes to the conclusion that we should leave matters as they are without affording protection of any kind to our citizens in that country, well and good. If, on the other hand, it should be believed by Congress that steps should be taken, even to the extent of intervention, to protect our citizens in Mexico, then I think it is a matter that Congress should deal with and not the President.

"I have been one of those who have been exceedingly reluctant to take strong measures in dealing with affairs in Mexico. I have sympathized very much with the view of the President that we should resort to all proper means in advance to prevent intervention or war, but I must confess that I see no hope ahead of us at this time except through that means. If other Senators, if Congress, can find some better means of protecting our citizens in Mexico than that of resorting to force, and that shall be successful, nobody will be more gratified than myself; but my position about it is this: We have been talking about this question and agitating it day after day since Congress met in this session. We are accomplishing nothing by that means. Senators on the other side are contending that it is an attack upon the President of the United States, and are defending it upon that theory alone. But, Senators, that is not the question to be determined. It is not a question whether the President is right or wrong. The question is—and we should assume the responsibility of it—What shall be done by the American Government in order to protect its citizens in Mexico? We have no right to shift that responsibility upon the executive department or upon any other country. It is a question that we should deal with frankly and courageously and determine what the country ought to do under these circumstances.

"I have submitted this resolution for the purpose of making that direct and positive issue for Congress to determine whether we shall do the one thing or the other, and I am quite content to leave it in the first instance to the Committee on Foreign Relations and finally to the Congress of the United States."

Mr. WORKS. Mr. President, I wish to say to the chairman of the Committee on Foreign Relations that I hope this joint resolution will receive consideration; and if it does not within a reasonable time, I may feel called upon to move to discharge the committee from its consideration in order to bring it before the Senate. Of course I am not disposed to do this until the committee has had full opportunity to consider the joint resolution.

SOURCES OF NITROGEN COMPOUNDS (S. DOC. NO. 471).

Mr. LODGE. Mr. President, I ask leave to have printed as a public document a paper by Chester G. Gilbert, of the Smithsonian Institution, on the sources of nitrogen compounds in the United States. It is a short and a very valuable paper.

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

REFORM OF JUDICIAL PROCEDURE.

Mr. JONES. I have an article in the Southwestern Law Review relating to the reform of judicial procedure. It seems that there is a bill on the calendar dealing with that subject. It is an article by Hon. Lewis R. Works, judge of the superior court of Los Angeles County, Cal. It is not very long. I think it is a very clear and concise article with reference to this important subject, and I ask that it may be printed in the Record.

Mr. SMOOT. What is the subject?

Mr. JONES. It is on the reform of judicial procedure. We have a bill on the calendar relating to the subject, one that has already passed the House. I think it is a very valuable contribution to that proposition.

Mr. SMOOT. Why not have it printed as a public document?

Mr. JONES. I want to have it in the Record. Then I will know where to get it.

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

The article referred to is as follows:

THE REFORM OF JUDICIAL PROCEDURE.

[By Hon. Lewis R. Works, judge of the superior court of Los Angeles County, Cal.]

The courts of the United States, whether State or Federal, enjoy in some respects the confidence, while in others they rest under the severe displeasure of the people of the country. Our court system, headed as it is by the Supreme Court of the United States, the greatest judicial tribunal of earth, is justly considered to be an excellent one, if we ask only whether its pronouncements are righteous and just. By this it is not meant to be asserted that the courts have reached perfection in the subject matter of their decrees; but only that in that regard they exhibit as high a degree of efficiency as properly may be expected in a human institution of such a character. But when we come to consider the methods employed and, more especially, the time wasted in the courts, on the way to decree or judgment, the situation is entirely different. The people justly complain of the wearying grind and circumlocution of judicial procedure. And this complaint is, after all and in practical effect, a complaint which goes to the sum total of the effectiveness of the courts in their work, for it boots but little that controversies are in the abstract justly decided if they are so long

in being decided that the end does not do entire, or at least substantial, justice for the victor and against the loser. If the mills of the courts do "grind exceedingly small," they often grind so slowly that it were better, in particular cases, if they had not been called upon to grind at all, and many a "successful" litigant finds himself at the end of a course of years much in the position of an actual loser, because of the great time expended on his cause, together with the worry incident to such an expenditure.

ENCROACHMENTS UPON THE FUNCTIONS OF THE COURTS.

The feeling that the courts move at a snail's pace, long ago perceived, has lessened gradually and is lessening daily the respect of the public, not only for the courts themselves, but for the administration of justice generally. And in more recent years the feeling has inspired a course of legislation throughout the country the effect of which is to deprive the courts of considerable portions of their time-honored jurisdiction. The Congress and the legislatures of the different States have passed laws confiding to various boards and commissions the solution of large classes of controversies originally cognizable by the courts. It is to be remarked that the central and naturally the attractive attribute of these boards and commissions in the exercise of their functions is that of speed, and speed is secured through the operation of systems of procedure which in a large measure are unclogged and untrammelled by forms, and which are direct and positive in their movements. In short, the machinery of these boards and commissions has been made particularly strong in the respects in which the machinery of the courts has been shown to be particularly weak.

These encroachments upon the functions of courts are likely to increase unless court procedure is greatly simplified until the ordinary judicial tribunals are left with little to do. In an address delivered at Portland, Oreg., in August, 1915, Herbert Harley, secretary of the American Judicature Society, after urging and predicting an effective reform of judicial procedure, said of what may be termed the "board and commission" movement:

"If we looked only upon this swiftly growing movement we might easily forecast a day not far distant when our courts, still dignified and ritualistic, would be holding an empty bag, good for nothing but spanking delinquent juveniles, keeping books for dead men, sorting out crazy folk, marrying spoozy couples, and collecting bills for the grocer and the butcher. But we may defer despondency until we shall have tried further the development of the business management principle."

There is at present a stimulated movement throughout the country for the reform of judicial procedure, but it is somewhat sad to assert that the movement is not altogether uninfluenced by the fear of the legal profession that the "board and commission" movement is destined to shear the courts of much of their powers and thus curtail the activities, not to say the incomes, of lawyers unless they proceed, both speedily and vigorously, to "clean house."

THE HISTORY OF REFORM IN JUDICIAL PROCEDURE.

We must not be led, however, into the belief that this country is the only place nor the present the only time in which a reform of judicial procedure has been found necessary. The need for such a reform has existed in every country and in every age. In his admirable "History of the Reign of Ferdinand and Isabella," Prescott says, after referring to various reforms inaugurated by the young sovereigns, after their accession:

"Whatever reforms might have been introduced into the Castilian judicatures, they would have been of little avail without a corresponding improvement in the system of jurisprudence by which their decisions were to be regulated. This was made up of the Visi-Gothic code, as the basis, the fueros of the Castilian prince, as far back as the eleventh century, and the 'Siete Partidas,' the famous compilation of Alfonso the Tenth, digested chiefly from maxims of the civil law. The deficiencies of these ancient codes had been gradually supplied by such an accumulation of statutes and ordinances as rendered the legislation of Castile in the highest degree complex, and often contradictory. The embarrassment resulting from this occasioned, as may be imagined, much tardiness, as well as uncertainty, in the decisions of the courts who, despairing of reconciling the discrepancies in their own law, governed themselves almost exclusively by the Roman."

The promulgation of the codes, pandects, and institutes of Justinian, of the Code Napoleon, the passage of the English judicature act of 1873, the inauguration by David Dudley Field in New York, in the middle of the last century, of the movement for the codification of the law in the various States of the Union, while in some instances covering reforms of substantive as well as of adjective law, are but instances, most of them exceedingly tardy and long delayed, in which attempts have been made to relieve against the pressure of constant but little varying need for reform in judicial procedure.

THE FORMAL REQUIREMENTS OF PROCEDURE.

The reason for such a state of affairs is not far to seek. The courts can discharge their functions only subject to the limitations and restrictions imposed by regulations purely formal, purely "adjective," in their character and necessarily more or less complex. Jones says at the first and second pages of his work on the Law of Evidence:

"However desirable it might be in legal controversies involving the rights of property or the liberty of the citizen, if every fact which might have the slightest bearing on the issue could be adduced, it is manifest that the limitations which surround judicial tribunals render this impossible. Courts are so organized that there must be some limit to the facts which may be given in evidence, as there must be an end of litigation. * * * It is true the reformers have zealously attacked and broken down many of the artificial barriers which formerly prevented suitors from bringing the facts on which they relied to the ear of the court or jury; but it is hardly possible that the courts of civilized countries will ever seek to administer justice without the use of fixed, and to some extent arbitrary rules of evidence."

The principles requiring the existence of rules of evidence equally demand some formal limitations upon the manner of commencing actions, the number and character of persons who may sue or be sued, either singly or together, the manner of stating causes of action or defenses, the manner or propriety of joining different causes of action or different defenses in the same pleading, upon the forms and kinds of motions and demurrers, and upon the many other steps incident to the prosecution and defense of actions from complaint in a trial court to remittitur from an appellate court. In short, the work of the courts is to a great extent necessarily built upon form, form, form.

The existence of so prominent a percentage of formal procedural requirements in the law unavoidably renders the vigorous reform of procedure a perennial need. The practice of the law differs from the practice of all other professions in a most remarkable respect. In every endeavor of the lawyer in the judicial forum he is pitted against

an active adversary of his own kind. What the first wants and earnestly strives for, the second as earnestly opposes. If we take the other great learned professions for purposes of comparison, we at once realize that no such contests occur in the practice of medicine. In his individual cases no physician is opposed by another physician who strives mightily to nullify and reverse the efforts of the first. In such a profession there is no attempt to "win" upon the part of one as against another who is equally determined to win. In the law the very essence of its practice lies in the query, "Who shall win?" To the lay mind, at least, and in the minds of many lawyers, the able and successful attorney is the attorney who wins a high percentage of his contests. Verily, with the lawyer, to the victor belongs the spoils: Emolument, reputation, honor. On this account and also because of the very nature of the feelings engendered in the human mind by the spirit of present contest, even the lawyer of high ideals is under constant temptation, against which he has as constantly to fight, to regard a lawsuit as a game of skill, the blood-stirring end of which is a verdict or decision favorable to him. Here, indeed, there appears a similarity between the practice of the law and of medicine. The physician, and perhaps more especially the surgeon, is in danger of regarding the human body as an insensate mechanism upon which he may tinker; the lawyer, of seeing in his client but a pawn in a fascinating game.

If this pitfall may be seen in the way of the high-minded lawyer, what may be said of that considerable percentage in the profession who know naught of the courts in their true relation to the problems of mankind, as tribunals for the parceling out of justice, and not for the registration of victories. To these men it is everything to win. What golden opportunities are afforded them in a maze of procedural rules. They may resort to forms to embarrass their adversaries, they may hide behind forms to protect and screen themselves. Under such practices forms are added to forms; and conflicting constructions of forms, and ever-ramifying rules adding to or explaining them, constantly spring into being and ever-increasing confusion results. Forms erected by one generation in aid of the administration of justice become, ere a new generation has appeared upon the scene, grossly glaring instruments of injustice and of delay.

THE NATIONAL DEMAND FOR REVISION.

If it be true that all other times and all other countries have known the need of a reform of judicial procedure, it can not be gainsaid that this time and Nation do know such a need. California, together with most of the other States in the Union, is actually suffering under the demand. Our Code of Civil Procedure, which went into effect in 1873, 43 years ago, has never had a systematic revision. It has been amended in various of its sections many times, however, during the intervening years, but the work has been partial, unsystematic, and unscientific. The code is to-day both obsolete and an alarming piece of patchwork.

At the 1915 convention of the California State Bar Association a motion was adopted for the naming of a committee, to report at the session of 1916 "upon the advisability of changing the practice act so that purely procedural matters may be prescribed by rule of the supreme court rather than by legislative enactment." The committee consists of R. S. Gray, Garrett W. McEnerney, Percy V. Long, and Walter Perry Johnson, of San Francisco, and Joseph P. Loeb and Lewis R. Works, of Los Angeles, although William J. Hunsaker, of the latter place, was but recently also a member, having been forced to resign because of the press of his practice. It will be noted that this committee, under its strict powers, can only report upon the advisability of delegating to the supreme court of the State the power to govern and regulate procedure by rules of court. Nevertheless, it is quite possible that the body will present a list of advisable procedural reforms, either as a part of its report or as an appendix to it. The committee has such a plan under actual consideration.

It hardly seems worth while to present an epitome of the respects in which judicial procedure requires reforming, as the changes which might be wrought are exceedingly numerous, and range from matters of great moment and of wide scope to things of the smallest import, although no rule or point of procedure is so unimportant as not to deserve being made exactly right, if it can be so made. Nevertheless, there may be pointed out, with profit, a few of the salient reforms now being urged by the modern thought upon the subject.

THE SIMPLIFICATION OF PLEADINGS.

It may truly be said that every lawsuit in California is unduly delayed by the rules regarding pleading. The system we use, and which is used in nearly all the other States, is archaic and should not much longer be borne. As far back as 1873 the courts of England were put under a system of pleading much in advance of the complex one under which we now labor; and the celebrated municipal court of Chicago, a wonderfully efficient and businesslike tribunal, was a few years ago erected upon a foundation, so far as pleading is concerned, equally as simple and direct. Speaking of that court, Herbert Harley said, in the address already mentioned:

"Judge Stephen Foster was sent to London to learn of the modern English practice, and upon his return a few simple rules, 34 in number, were drafted. They have not been changed since, and under them the miracle of freeing pleading from deadly formality has been fully accomplished. The essence of the rules lies in plain common sense. The plaintiff must at the beginning set forth the substantial facts upon which he bases his claim in an informal and brief statement, supported by affidavit in all cases of liquidated damages. The defendant, then, in order to get a footing in court, must show under oath that he has meritorious defense. Every year thousands of causes are determined by entering judgment on default because the defendant dare not file the affidavit of merits. In other Illinois courts these actions would clog the calendars for months or years.

"While the simple pleadings have tremendously reduced the amount of time wasted in trying incidental issues, it has not been possible to change the rules of evidence, so that simple trials may take an entire day and more involved ones a week or more, in this court as in others."

PROPOSED ABOLITION OF THE DEMURRER.

Another great reform in the field of pleading lies in the impending extirpation of the demurrer, the handmaiden of delay and the enemy of justice. It is no uncommon thing to hear it asserted that the special demurrer should be abolished, and that relic of the past doubtless will soon be no more, in most jurisdictions at least; and it is now occasionally, and with great reason, demanded that the general demurrer should likewise be laid to rest.

THE JURY SYSTEM.

The time-honored "bulwark of liberty," the jury system, is the target of many of those who demand less of form and less of delay in

the procedure of the courts. Various plans are proposed as conducive to the speedier selection of juries and the proponents of jury reform measures range from those who suggest plans of the character just mentioned to those who inveigh against the continuance of the jury system in any form whatever, at least in civil cases; and the names of the latter, if they are not legion, make a most respectable list.

In a report to the National Economic League, made by a committee consisting of Charles W. Elliot, Louis D. Brandeis, Moorfield Story, Adolph J. Rodenbeck, and Roscoe Pound, it is said:

"It is probable that we make too much use of the jury as a tribunal for ordinary civil causes. The delay and expense involved in jury trials are very great, and wherever the volume of litigation is large and courts are in session continually, service upon juries has become a grave burden upon the citizen. It is worthy of consideration whether there are advantages in jury trial of ordinary causes upon debt or contract and commercial cases to compensate for the expenditure of time and money which such trial requires. Even in actions upon tort, now that workmen's compensation acts are removing from the forum cases in which plaintiffs looked to juries to mitigate the law, it may be doubted whether jury trial should be used so widely."

THE NEED FOR EFFICIENCY IN THE CONDUCT OF COURTS.

With the mention of these two or three points which have been selected from the myriad suggestions of needed reforms, within the strict realm of procedure, properly so-called, we may turn to one or two proposals affecting the interior conduct and management of the courts themselves. The demand for expert business management, startling as it may seem, has been made and is being made upon the tribunals of justice, and if there be places in which expert business management should not be the order of the day, it is certainly not in the courts, it being understood that the term is applied to the true business or administrative side of courts and to no such part of their activities as would interfere with due and proper deliberation, without delay, in arriving at decisions.

In the first place, every trial court consisting of more than one judge should specialize in its work to as high a degree as the various kinds of causes submitted for its decision will permit. Where each judge on such a bench is working upon a particular line of litigation and bending his energies to the mastering of the problems continually involved in that line, a high degree of contribution to the efficiency of the court must necessarily result. In most courts composed of a number of judges, there are usually criminal branches, probate branches, and the juvenile court, and sometimes other specializations, but there are probably no courts in this country, with the exception of the municipal court of Chicago, in which a proper degree of specialization has been attained. Of that court Herbert Harley says:

"At the beginning the Chicago court had the same measure of specialization that was common in other cities. Certain judges sat in police court and others took their quota of civil causes. It soon became evident that certain classes of causes could be segregated upon special calendars and handled separately to advantage. One judge, for instance, could take care of all the replevin, attachment, and garnishment causes, and become so expert that no lawyer could excel him in knowledge of the statute law and decisions. To another judge was assigned all the actions for the recovery of possession of real estate. The quasi-criminal actions brought under city ordinance by summons were also segregated. The court was becoming organic. Judges were becoming specialists. Increased output of a higher quality was observable. For the first time the conspicuous need for specialist judges in a unified court, as against specialized tribunals with hit-or-miss judges, was met."

In the second place, and notwithstanding the fact that each judge of a trial court must sit by himself and must be responsible for the handling of the causes distributed to him, there should rest in a presiding judge, or in the majority of the court, the authority to remove individual judges from the performance of work for which they are not fitted; and that authority should not merely rest, it should be vigorously and fearlessly exercised. Authority to handle all other business or administrative affairs of the court, not having to do with the duty of each judge as to his individual causes, should be similarly vested and exercised. Upon these questions the act creating the municipal court of Chicago provides as follows:

"The chief justice, in addition to the exercise of all the other powers of a judge of said court, shall have the general superintendence of the business of said court; he shall preside at all meetings of the judges, and he shall assign the associate judges to duty in the branch courts from time to time, as he may deem necessary for the prompt disposition of the business thereof, and it shall be the duty of each associate judge to attend and serve at any branch court to which he may be so assigned. * * * The chief justice shall also superintend the preparation of the calendars of cases for trial in said court and shall make such classification and distribution of the same upon different calendars as he shall deem proper and expedient. * * * It shall be the duty of the chief justice and the associate judges to meet together at least once in each month * * * and at such other times as may be required by the chief justice, for the consideration of such matters pertaining to the administration of justice in such court as may be brought before them. At such meetings they shall receive and investigate or cause to be investigated, all complaints presented to them pertaining to the said court, and to the officers thereof, and shall take such steps as they may deem necessary or proper with respect thereto."

This act, in this and in other provisions which might be quoted, vests the chief justice of the court with most unusual powers, it must be confessed; and it may be questioned whether the great and acknowledged success of these and other provisions of the act in the conduct of the business of the court may not be due to the dominating and, at the same time, persuasive character of the justly celebrated Harry Olson, who has been the presiding justice of the tribunal since its organization; and whether it may not be doubted to be safe or advisable to vest such powers in one judicial officer designed to work hand in hand with a number of associates.

In passing, it may be remarked that the judges of the superior court of the State of California in and for the county of Los Angeles, now 18 in number, have long held regular monthly meetings, and hold frequent special meetings to consider the business of the court, and that a majority of them frequently exercise most of the powers vested by the language above quoted in the chief justice of the Chicago court.

THE UNIFICATION OF THE JUDICIAL SYSTEM.

There is another proposed reform in the constitution of courts, not relating to their interior management nor subject to their internal control which may be mentioned. It is the movement for "unified

courts," so called, and the principle behind it may be stated in the language of Prof. Roscoe Pound, dean of the Harvard University Law School, as follows:

"The whole judicial power of each State * * * should be vested in one great court, of which all tribunals should be branches, departments, or divisions. The business as well as the judicial administration of this court should be thoroughly organized so as to prevent not merely waste of judicial power but all needless clerical work, duplication of papers, records, and the like, thus obviating expenses to litigants and cost to the public."

The idea of a high degree of specialization in the work of judges, already mentioned in this paper, is at the base of the movement for unified courts. In the report of the National Economic League, above referred to, Prof. Pound and his associates said:

"Effective administration of justice in the urban communities of to-day requires a unification of the judicial system whereby the whole judicial power of the State shall be vested in one organization, of which all tribunals shall be branches or departments or divisions. In organizing the personnel of this unified judicial department, the cardinal idea should be to permit the entire judicial force of the Commonwealth to be employed in the most effective manner possible upon the whole judicial business of the Commonwealth, aiming to have specialist judges rather than specialized courts. Multiplication of tribunals is the first attempt of the law to meet the demand for specialization and division of labor. Yet it is at best a crude device. The need is for judges who are specialists in the class of causes with which they have to deal. This need may be met by specialized courts with specialized jurisdiction. But it may be met also by a unified court with specialist judges, to whom special classes of litigation are assigned."

It needs but another quotation from Prof. Pound to complete a very general view of the character of the movement now under mention:

"To achieve the end of specialist judges rather than specialized courts, the entire judicial power should be committed to one court. This court should be constituted in three chief branches: (1) County courts or municipal courts; (2) a superior court of first instance; and (3) a single ultimate court of appeal."

The unified court plan was put into operation in Great Britain under the Judicature acts of 1873 and 1875 and the American Judicature Society, a strong organization with headquarters at Chicago, is devoted to the work of procuring its adoption throughout the United States and has prepared a carefully formulated judicature act to be used generally in prosecuting the work.

HIGHER STANDARDS OF LEGAL EDUCATION DESIRABLE.

It is time to curtail mention of further phases of the movement for the reform of procedure and of the business of the courts, a movement which is receiving such careful attention throughout the land; but it yet remains to note a few general features basic to the need for such reforms. The principal reasons for the existence of so many courts, with so many judges, and for the heavy volume of business in their hands, lie in the frailties of human nature. A vast percentage of the causes which reach the courts should never find place there. Compromise of difficulties, instead of litigation, should be the rule; but we probably may not justly expect warfare in the courts to end until long after the world shall have become satiated with the more sanguinary kind of war. Nevertheless, there are certain questions having to do with the alarming mass of causes in our courts which, in justice to humanity, we may not overlook.

Much ill-advised litigation is launched through the sheer incompetency of lawyers, and the statement is not surprising, for it requires considerable ability to determine, in many instances, whether a would-be plaintiff has a meritorious cause, and the best of lawyers will frequently commence actions which are without merit. Therefore, to the end that our courts may not be clogged with foolish litigation and that the number of our judges may increase in a lessening ratio to the increase in our population, as well as to the end that the poor layman may not unduly suffer from "the slings and arrows of outrageous" advice, let us dedicate ourselves to the idea that the standards of legal education and the requirements for admission to the bar be maintained at a high mark.

But it is not merely from the incompetent lawyer that we suffer in the matter of foolish litigation. We have with us his wiser but less praiseworthy brother, the man who commences the unmeritorious action, knowing that it is not meritorious, or at least doubting its merit, in order to secure the fee involved. He is the man who knows naught of the administration of justice, but who sees in every court room but another Monte Carlo in which he may conduct his games of chance. To protect ourselves from these gentry we should see to it that the profession is kept pure and that its standards are ever kept on high.

It would not be amiss for every lawyer to keep constantly before him the thought, too often utterly forgotten, that he is an "officer of the court," that the court is a place in which justice, with all the sacred meaning of the word, is to be administered. He might also well remember that, upon his admission to practice the law, he took an oath to support the Constitution and laws of the land, and that his oath, as well as the traditions of his calling, imposes upon him a serious, almost holy, moral obligation.

SPEECH OF REAR ADMIRAL BENSON.

Mr. THOMAS. Mr. President, I have a copy of the speech delivered by Rear Admiral William S. Benson, United States Navy, Chief of Naval Operations, in response to the toast "The Navy" at a dinner to the alumni given by the Naval Academy Graduates' Association on Thursday evening the 1st instant. I ask unanimous consent that it may be inserted in the Record.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The speech referred to is as follows:

SPEECH OF REAR ADMIRAL WILLIAM S. BENSON, UNITED STATES NAVY, CHIEF OF NAVAL OPERATIONS, IN RESPONSE TO THE TOAST "THE NAVY," AT A DINNER TO THE ALUMNI GIVEN BY THE NAVAL ACADEMY GRADUATES' ASSOCIATION, ON THURSDAY EVENING, JUNE 1, 1916.

Mr. Toastmaster, fellow graduates, and guests, in calling upon me to answer to the toast "The Navy," the object of the graduates' association is, I take it, to satisfy, perhaps, the expectation of the service that I give an account of my stewardship as Chief of Naval Operations.

I may preface my remarks by saying that, as time has gone on and the work of the office has developed, more distinctly outlining some of the vast problems involved, I have become more and more fully con-

vinced that those who conceived the idea of creating by law a Chief of Naval Operations have, in the establishment of this office "built better than they knew." In speaking on this subject, I do so without any intention of making odious comparisons and without any desire to attempt to enlarge upon the importance of the work or to magnify what has been already accomplished; and yet, in order to be quite sincere and candid I must say that upon taking up this work a little over one year ago I started practically from the ground. There were then certain elements of routine being carried out which might in a way be called the fragments of organization, but certainly nothing more. There was no data from which the chief of the office could obtain information at short notice. Only a few hours after assuming office it was necessary that a vessel of a certain class be sent from Hampton Roads to New York, and it took hours to find out just what vessels were available in that vicinity, and particularly what ones were suitable for the duty to be performed. There was no definite data at hand relating to matériel or personnel. In order to find out about matériel it was necessary to send to some other office and get information piecemeal. Information as to personnel and as to the relation between personnel and matériel could only be obtained by consulting the several bureaus' files. In fact no information except what was given in certain regular publications was available to show the relative strength of the various nations of the world. So it was necessary literally to begin at the bottom. It is true there were some efforts at organization which had been carried forward nearly to completion. A board for the organization of the radio service had made its report and recommended an organization for adoption, but this report had not been approved, and the older unformed system in the radio service was still in vogue. Messages for radio transmission were sent out by telephone to Arlington, if received during ordinary office hours, and were given attention by the Arlington operators at their convenience. Messages received at night from Arlington or elsewhere had to await the opening of the office the next morning before being decoded and delivered.

Such facts as these serve to indicate the conditions formerly existing and are recounted simply that the service may know what has been done since the establishment of this office and what is being done now, and I want especially to emphasize them in order that the service may have a true estimate of the situation and not be led astray or unduly influenced by what seems to have been a persistent effort during the past year or so on the part of certain persons and in certain elements of the press to try to create the impression, not only in the mind of the public but even in the minds of naval officers themselves, that nothing has been done in the department to improve conditions. And let me state here that the conditions which I have found to exist could not in any degree be laid at the door of the Secretary. He has at all times shown the most earnest interest and the most cordial sympathy in all the various features recommended for the development of this office, and he has given particular attention to every measure tending to increase its efficiency and the efficiency of the service in general.

The report of the board on the organization of communications, which I have already mentioned, has since been approved and is now in operation, and I do not hesitate to express the firm belief that it is the most thorough and efficient organization of its kind to be found either in the service or out of it. The office space occupied by the Chief of Naval Operations and his staff has been expanded from its formerly overcrowded condition to include nine rooms. These rooms have been cleaned, renovated, and equipped, and they are now kept in a condition that leaves little more to be desired. One of these rooms has been fitted up especially to meet the needs of the communication service. A soundproof compartment has been constructed in which the radio operators are on constant watch day and night, and a space adjoining this compartment has been fitted for the telegraph and telephone operators. A commissioned officer day and night keeps watch to code and decode and to receive and send messages of every character without delay.

The subject of extending communications throughout the world has been given careful attention and, under the direction of Capt. Bullard, the superintendent of the naval radio service, phenomenal progress has been made toward the establishment of a system by which communication within our own country may be developed and improved and, in cooperation with the systems in Pan American countries, expanded throughout the Western Continent. The subject of radio telephony has, through the cooperation of Capt. Bullard and his men with the telephone companies, reached a development little short of marvelous. At the instance of the superintendent of radio, the various companies interested in this question agreed to mobilize their utilities and hold a demonstration which would show to what extent their systems of communications could be used. Some two weeks ago, when this demonstration took place, I sat in my office and within the short space of time of less than two hours I transacted business by land wire and radio telephone with the commandant at the Puget Sound Navy Yard, the commanding officer at Yerba Buena, San Francisco, the commandant at the Mare Island yard, the naval station at New Orleans, the aeronautic station at Pensacola, the commandant of the Charleston Navy Yard, the commanding officer of the *New Hampshire*, then at sea off the Capes of Virginia, the commandant of the Philadelphia yard, the president of the war college at Newport, and the commandant of the Boston yard. Communication was most satisfactory and conversation between myself and the officers with whom I talked was taken down by a stenographer in my office, so that a complete record of all business transacted was available at once.

Soon after the appointment of the Chief of Naval Operations the duties of the aid for material were transferred by the order of the Secretary of the Navy to the cognizance of the Chief of Naval Operations and were placed immediately in the hands of one of his assistants. This change has served to provide positive means for the Chief of Naval Operations constantly to keep in touch with the material condition of the fleet and with the preparedness of individual vessels for active service. Work of the material bureaus is quickly coordinated under the immediate knowledge and assistance of the office of operations.

A plan of organization of the fleet on a large scale has been worked out and is now in operation. This plan is so arranged as to provide an organization for the entire naval force of the United States, or for any portion of it in any part of the world. The various elements of the fleet have been given definite organization and flag officers have been detailed to the command of each, so that it may be justly said that the fleet is for the first time completely and thoroughly organized. One of the first steps taken for the improvement of the organization of the fleet was with a view to the betterment of the submarine service, and to this end an officer of high rank has been detailed to command the submarine flotilla.

The subject of aviation also has been given especial attention and every effort has been directed toward concentrating the development of

aircraft toward a definite service. Aircraft have been placed in the same category as other craft, and the various bureaus have been assigned specific duties bearing upon their construction and development and have assumed the responsibility for the work coming within the cognizance of each.

A thoroughly digested and well-developed plan of mobilization for the entire fleet in the event of war has been submitted to the department and approved. Each bureau and office in the department has been assigned its particular duties in connection with this plan and reports quarterly to the department giving in detail the progress of each toward preparedness to accomplish its task in mobilization.

The General Board has deliberated on the list of available merchant vessels useful for naval purposes in case of war and has determined the characteristics required for the special assignment of each. Guided by these requirements, the board of inspection and survey is now engaged in making a careful inspection of these merchant vessels, reporting for each the necessary alterations and equipment to fulfill the duty to which they have been assigned in the naval auxiliary service. Each merchant vessel inspected is assigned to a certain yard, where, in the event of need, it would be altered and equipped for naval service and where it would be supplied and repaired. The necessary equipment and supplies for such vessels are being sent as rapidly as possible to the yards at which these ships would be outfitted, so that in the case of emergency or war this work will be accomplished in the least possible time. Records are being kept at the department in such condition that complete data are immediately available showing just what vessels could be used, what alterations would be necessary, and in preparation for the event all details, even to the drawing up of contracts, are being perfected in advance.

In past years the organization of naval districts has been merely a nominal one. The plan for the organization of naval districts has within the year been taken in hand and has been worked out in every detail. Each naval district will be organized according to a common scheme, and the general plan, together with a sample organization for one district, will be furnished to each naval district for filling in all data as to number and class of vessels, the organization and duty of personnel, etc. The question of mine localities within our ports and along our shores has been studied, and the number of mines for each district and for our outlying defenses has been determined. Officers have been assigned to the various duties in the district for war service, and the distribution of vessels for the district defenses has been made, each vessel being assigned to its well-defined function in the defense.

Plans have been completed for the mobilization of the Naval Militia, and detailed instructions have been prepared providing that each step in the mobilization shall proceed without interruption and with the utmost expedition. In addition, special attention has been directed to peace-time training of the Naval Militia, and arrangements have been made for sending the Naval Militia to sea this summer on board nine of the older battleships not attached to the active fleet. Arrangements have also been made for a cruise with citizen volunteers for training on the general principle of the Plattsburg encampments conducted by the Army, and during four weeks in the latter part of August and the first half of September these volunteers will cruise at sea and will exercise during the last week with motor boats in conjunction with the battleships, destroyers, and submarines, working out such problems as would arise in time of war.

The organization of the ships in reserve has been given special attention. Not only have the complements been increased, but special attention has been paid to the ratings of the men on board, so that the important stations will at all times have a sufficient number of well-trained men properly to break in the additional personnel that would be required to fill the complements. The ships are kept in material readiness, so that it will be necessary only to fill the complements in order that they may be ready to join the active fleet. A system of periodical inspection of every ship belonging to the Navy has been established, and its good results are already apparent.

Regulations have been drawn up by a joint board for the proper control of the Coast Guard, which automatically comes under the Navy in time of war.

In response to the request of the department, the General Board has been indefatigable in making out the plans and selecting the locations for advanced bases and in determining the location of submarine bases and working out the detailed plans for their development.

The annual period of overhaul for vessels has been discontinued. The old system, under which for 3 months (and often for a longer period) in every 15 vessels of the fleet lay at a navy yard unready in material respects and demoralized in personnel. These demoralizing influences, due to stagnation at navy yards, were well known to every officer, and it will be appreciated that they must have had a very bad effect upon the Navy. It was only natural under the old system of lengthy overhauls that spare parts would be used up and important work postponed that could have and should have been done at once in order to keep the ships in first-class condition. Such prolonged periods of inactivity at a repair yard during which the unavoidable disorder incident to the pressure of large numbers of workmen on board, and sometimes with the added discomfort of climate, could not help but have a very serious and detrimental influence upon the ships' personnel, besides immensely increasing the expense of maintaining the fleet.

At the present time practically every vessel of the fleet is ready to perform its designed duty, except possibly the *Georgia*, which is to have new boilers installed, and the *Connecticut*, which is having extended boiler work done, one or two of the earlier submarines now being utilized for experimental purposes and some of the later destroyers.

The equipment of my office has been greatly improved and added to. Data on all essential subjects have been collected and kept near at hand, and are constantly being added to. Because of this improvement, I was able, when called before the House Naval Committee during the present session, to give full and exact information of our own and the other principal navies of the world, and was able to show not only in figures but graphically to the eye the number and type of ships of each of the principal navies of the world. Photographic silhouettes of the ships of the several navies were made and pinned upon sheets in groups according to type, so that a clear idea of the relative strength of the various fleets could be obtained at a glance. These sheets will eventually be placed upon the walls of one of the offices.

An annual program of operations of the fleet has been worked out and adopted, and has so far been followed without difficulty. There is no reason to believe that it can not be successfully followed as a standard yearly program. In my office there are kept data and records from which, at a moment's notice, one can determine the whereabouts of every vessel of the service, and within a very few minutes the position of any merchant vessel can be located. On the walls of the office general

charts and charts of places of special interest throughout the world are kept on chart rolls in the most convenient manner for easy reference. In another office there is a roll on which are maps showing the interior subdivisions of various countries and giving almost every kind of desirable information connected with the naval service.

Cooperation between the various bureaus and offices of the department with the office of the Chief of Naval Operations has been most cordial and complete, and the practical result has been all that could be desired. One day in each week the Secretary holds in his office a council composed of the chiefs of bureaus, heads of the various offices, the Assistant Secretary of the Navy, and the Chief of Naval Operations. At these meetings various questions of importance affecting the whole service are considered, the progress of work on ships discussed, new enterprises gone into, and a decision arrived at under the most favorable circumstances for wise action. Through these councils all are kept informed of important work and a hearty cooperation followed by satisfactory execution of the Secretary's decisions is the result. In addition to this weekly council, the Secretary of the Navy, through his own efforts, has organized a naval advisory council, known as the Naval Consulting Board, which, with his approval and sympathy, is collecting vast stores of information regarding the industrial resources of the country and is perfecting a plan for the utilization of these industries for the support and assistance of the Army and Navy for the defense of the country in time of need.

A thoughtful consideration of the work that has been accomplished will show that all is being done now that could reasonably be expected from a so-called General Staff. In my opinion, the organization that exists in the department and that is now in successful operation is accomplishing in a purely American and businesslike manner all that could possibly be expected from the creation of a general staff, and is, I believe, doing this in a much more satisfactory way. It is folly to talk of or to advocate clothing a Chief of Staff or a Chief of Naval Operations with authority independent of the head of the Navy. Such independent authority would lead only to confusion and would do great harm. The fact that the bureaus as now constituted represent the different sections of the General Staff, that they have their special appropriations, and are responsible for the proper expenditure of moneys under their control and of the proper development and operation of the various parts of the Naval Establishment under their cognizance, gives, in my opinion, to the organization of the Navy Department a distinctive strength and an added efficiency not possible under a so-called General Staff organization. The present organization should be made stable and permanent, and if legislation is necessary to make this absolutely sure, then there can be no doubt that such legislation should be enacted, but in considering any legislation care should be taken that too great restriction is not imposed upon the freedom of action of the head of the Navy.

I desire to add that all the results I have related have been accomplished with the Secretary's assistance. No new legislation has been necessary, and all that has been required of me has been to present the need and desirability of changes and improvements in order to receive the Secretary's sympathetic attention. He does not blindly yield to suggestions, but gives them the most earnest and thoughtful consideration. As the Secretary has often reiterated, his only requirement is that the proposed change shall add to the efficiency of the Navy, in order that both the Navy's personnel and matériel may be capable of rendering and may be made to render 100 per cent efficiency. This policy of 100 per cent efficient service has been the basic creed of the Office of Operations, and when we shall have fulfilled that policy every unit of the fleet will at all times be ready to perform its functions, whatever the occasion that may require its service.

WATER-POWER DEVELOPMENT.

Mr. WEEKS. Mr. President, I ask unanimous consent that an extract from an address delivered by Daniel W. Mead, professor of hydraulic and sanitary engineering, University of Wisconsin, Madison, Wis., on "The practical side of water-power development," be printed as a public document.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

Mr. FLETCHER. Mr. President, I think that article ought to go to the Committee on Printing for action. That is the usual course.

The VICE PRESIDENT. Is there an objection? Does the Senator from Florida object?

Mr. FLETCHER. I ask to have it go to the committee.

The VICE PRESIDENT. It will go to the Committee on Printing.

THE FUTURE OF CULEBRA.

Mr. WARREN. Mr. President, I have here an article from the New York Sun of June 18, 1916, entitled "Are subterranean gases cause of Panama Canal slides," written by Hon. Thomas Kearns, of Utah, formerly a member of this body, which, with the editorial comment upon it by the Sun, I should like to have printed as a public document, omitting the pictures but including two diagrams. I regard the article an interesting and valuable contribution to the subject on which it treats.

Mr. FLETCHER. I ask to have the article go to the Committee on Printing.

Mr. WARREN. I ask that none of the illustrations be inserted except a diagram.

The VICE PRESIDENT. There being an objection, the article will be referred to the Committee on Printing.

WIND RIVER RESERVATION, WYO.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 733) providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming, which was to strike out all after the enacting clause and insert:

That any person who, prior to the passage of this act, made homestead entry on the ceded portion of Wind River Reservation, in

Wyoming, who has not abandoned the same, whose entry is still existent and of record, and who has been unable to secure water for the irrigation of the land covered by his entry, may secure title to the same upon the submission of satisfactory proof that he has established and maintained actual bona fide residence upon his land for a period of not less than eight months, and upon payment of all sums remaining due on said land, as provided for by the act of March 3, 1905.

Mr. WARREN. The House has amended the Senate bill, and I move that the Senate concur in the amendment of the House. The motion was agreed to.

EVA M. BOWMAN.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 136) for the relief of Eva M. Bowman.

Mr. CLAPP. I move that the Senate disagree to the amendment and request a conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. ASHURST, Mr. LANE, and Mr. CLAPP conferees on the part of the Senate.

COURT OF PRIVATE LAND CLAIMS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1840) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909, which was, on page 2, line 7, to strike out "section."

Mr. GALLINGER. On behalf of the Senator from New Mexico [Mr. CATRON] and at his request I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On June 21, 1916:

S. 4401. An act to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predaceous fishes and aquatic animals.

On June 22, 1916:

S. 377. An act providing for the establishment of a term of the district court for the middle district of Tennessee, at Winchester, Tenn.;

S. 142. An act for the relief of Mrs. George A. Miller;

S. 1326. An act for the relief of Vilhelm Torkildsen;

S. 1793. An act granting to the State of Kansas title to certain lands in said State for use as a game preserve;

S. 3861. An act to amend an act entitled "An act to amend an act entitled 'An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses when mixed with suitable denaturing materials,'" approved March 2, 1907;

S. 4550. An act granting to the Portland, Vancouver & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation, at Vancouver, Wash.;

S. 4760. An act to authorize the change of name of the steamer *Normania* to *William F. Stifel*;

S. 5310. An act to authorize the county commissioners of Walla Walla and Franklin Counties, Wash., to construct a bridge across the Snake River between Pasco and Burbank; and

S. J. Res. 47. Joint resolution authorizing the Secretary of Commerce to sell skins taken from fur seals killed on the Pribilof Islands for food purposes.

On June 22, 1916:

S. 5805. An act permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River, in the State of Montana;

S. 5841. An act to authorize the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Lillian, Baldwin County, Ala., to Cummings Point, Escambia County, Fla.;

S. 5851. An act to extend the time for constructing a bridge across the Eastern Branch of the Elizabeth River, in Virginia; and

S. 6041. An act granting the consent of Congress to Jackson County, Miss., to construct a bridge across West Pascagoula River, at or near Pascagoula, Miss.

STATUE OF ZEBULON BAIRD VANCE.

Mr. OVERMAN. Mr. President, in accordance with a notice which is found upon the calendar, given some two weeks ago, and also in accordance with a resolution adopted by the Sen-

ate, I send forward a letter from his excellency the governor of North Carolina, and ask that it may be read.

The VICE PRESIDENT. In the absence of objection, the Secretary will read the letter.

The Secretary read as follows:

STATE OF NORTH CAROLINA,
EXECUTIVE DEPARTMENT,
Raleigh, June 20, 1916.

To the Senate and House of Representatives of the
United States, Washington, D. C.

GENTLEMEN: I have the honor to inform you that the General Assembly of North Carolina, by joint resolution, directed that the governor and council of state procure a statue of her illustrious citizen, Zebulon Baird Vance, governor, Member of the House of Representatives, and Senator, to be placed in Statuary Hall, the Capitol, Washington, D. C., pursuant to the act of Congress. By virtue of said resolution the governor, with the approval of the council of state, appointed William A. Hoke, Mrs. M. V. Moore, Miss Laura Lindsay Carter, Clement Manly, and John Henry Martin a commission to procure and have said statue erected.

I am informed by the commission that the statue, made by Gutzon Borglum, has been duly placed in position and is now ready to be presented to you. As governor of the State of North Carolina, it affords me pleasure to present to the people and Government of the United States the statue of Zebulon Baird Vance, distinguished soldier, citizen, and statesman.

Your obedient servant,

LOCKE CRAIG, Governor.

Mr. OVERMAN. Mr. President, I offer a concurrent resolution, and ask that it be read. Later I shall ask unanimous consent for its present consideration.

The resolution (S. Con. Res. 24) was read, as follows:

Resolved by the Senate (the House of Representatives concurring): That the statue of Zebulon Baird Vance, presented by the State of North Carolina to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State of North Carolina for the contribution of the statue of one of its most eminent citizens, illustrious for the high purpose of his life, and his distinguished services to the State and Nation.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of North Carolina.

Mr. OVERMAN. Mr. President, with the completion of the two wings added to the old Capitol, one now occupied by the House of Representatives and the other by the Senate, the old House of Representatives was left deserted and silent. The scenes enacted there in that old Chamber for 50 years were only a precious memory, and the echoes made by the noise of footsteps only recalled the eloquent voices which had once so stirred the Members who sat there to make laws for their country.

For the utilization of this deserted Chamber many plans were submitted. The late Senator Morrill, then a Member of the House, finally submitted the following plan, which was approved and became a law on the 2d day of July, 1869:

The President is authorized to invite all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration; and when so furnished the same shall be placed in the old Hall of the House of Representatives, in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as a national Statuary Hall for the purpose herein indicated.

His remarks in speaking to the passage of this bill are worthy to be quoted here, and were as follows:

Congress is the guardian of this fine old Hall, surpassing in beauty all the rooms of this vast pile, and should protect it from desecration. Its noble columns from a quarry exhausted and incapable of reproduction—

Nature formed but one,
And broke the die in molding.

Its democratic simplicity and grandeur of style and its wealth of association, with many earnest and eloquent chapters in the history of our country, deserve perpetuity at the hands of an American Congress. It was here that many of our most distinguished men, whose fame "the world will not willingly let die," began or ended their career.

It appears to me eminently proper, therefore, that this House should take the initiative in setting apart with reverent affection the Hall, so charged with precious memories, to some purpose of usefulness and dignity. To what end more useful or grand, and at the same time simple and inexpensive, can we devote it than to ordain that it shall be set apart for the reception of such statuary as each State shall elect to be deserving of this lasting commemoration? Will not all the States with generous emulation proudly respond, and thus furnish a new evidence that the Union will clasp and hold forever all its jewels—the glories of the past, civil, military, and judicial—in one hallowed spot where those who will be here to aid in carrying on the Government may daily receive fresh inspiration and new incentives?

"To scorn delights and live laborious days?" and where pilgrims from all parts of the Union, as well as from foreign lands, may come and behold a gallery filled with such American manhood as succeeding generations will delight to honor, and see also the actual form and mold of those who have inerascably fixed their names on the pages of history.

North Carolina, one of the old original thirteen States, now claims her right and the happy privilege to place in that gallery of renowned statesmen, heroes, soldiers, and patriots one of her foremost citizens, illustrious and distinguished for his services to his State and his country, both in peace and in war—a patriot and a leader among men, idolized by all his people.

For 50 years the State of North Carolina failed to avail herself of this generous offer of Congress. But when the time came to make selection of him to be so greatly honored and revered, among all the great and noble men of the State from its early history, distinguished Americans, patriots, statesmen, lawyers, judges, builders of the State and country, great Senators and governors, as they all passed in review the eyes of the people instinctively turned upon one man, and with one accord, without a dissenting voice, selected the great commoner, Zebulon Baird Vance.

As the beautiful mountains in which he first saw the light towers over the lovely valleys lying below, as Mount Mitchell, the highest peak east of the Rocky Mountains, towers over the other peaks of the Appalachian Range, out of which it lifts its lofty head, at the foot of which Senator Vance built his beautiful home, so in the hearts of his countrymen he towers over all the great array of men who had become distinguished in the State and our country's history. He had loved them, led them, and suffered with them in the dark days, in the days of distress and gloom, amid the storms, their distress, and defeat; and then after the storm was over, after the disaster, the suffering, the distress, and defeat he led them in sunshine and to triumphant victory.

He had faithfully represented them in the House of Representatives. He had led them and fought with them upon the bloody field of battle. He had served them in the executive chair so ably and conspicuously that he became far and wide renowned as the greatest of the war governors; and when the clouds had passed away and the evil days had gone, again as their governor upon its ruins had helped to rebuild the old State, and with great ability and eminent statesmanship for more than 12 years had served them in the Senate, and finally had died at his post of duty. He loved the people and the people loved him as few public men had ever been loved.

His heroic statue now stands in Statuary Hall with Washington and Lincoln, Lee and Grant, Webster, Clay, Calhoun, and with other renowned statesmen and patriots whose States have placed them there for our countrymen to admire and revere, and that they may derive "fresh inspiration and new incentives" to their country's honor and glory.

In this age of commercialism we are inclined to forget the men whose high ideals and devotion to duty have aided in the upbuilding of this great Government and the preservation of the immortal principles upon which it was founded. In the mad rush for place and position it is well to have just such object lessons as are found in that gallery of statesmen to remind us that our happiness and the blessings of liberty we enjoy are interwoven with the efforts, hardships, and the accomplishments of those who have lived before us. The history of those lives is the history of our country.

Senator Vance's ancestors were of Scotch-Irish descent. They settled in North Carolina before the Revolution, and both his paternal and maternal ancestors fought in that great struggle for independence—one at Valley Forge with Washington and the other at Ramseurs Mill and Kings Mountain. Both aided in the erection of this wonderful superstructure which guarantees political liberty and individual freedom. From them he inherited his great courage, his patriotism, and his rugged honesty. Senator Vance had combined in him the humor and known wit of the Irish, and the logic, the perseverance, the insight, and love of liberty of the Scotch. Upon the hustings, in the office, the social circle, in every company and on every occasion he enlivened it with his wit, brightened it with his humor, and charmed it with his jovial good nature.

He was born in the county of Buncombe, on the 13th day of May, 1830, in the Blue Ridge Mountains, near the French Broad River, whose waters dash, sing, and roar over the rugged rocks on through the great forests between the great mountains on to the sea.

He spent his early life upon the farm. He acquired a good education in the village school, and when prepared he attended Washington College, Tennessee, and then one year at the university of the State; read law and received his license to practice, and soon thereafter was elected county attorney.

At the age of 21 he was elected county attorney, at the age of 24 he was elected to the house of commons, at the age of 28 he was elected to Congress, and at the age of 30 was reelected to Congress for a second term. At the age of 31, in 1861, he volunteered for the war and was elected captain and then colonel of the famous fighting Twenty-sixth Regiment North Carolina State troops in the Confederate Army. At the age of 32 he was elected governor of the State of North Carolina, and at the age of 34 he was reelected governor for a second term. At the age of 40 he was elected United States Senator, but was denied admission upon the ground that his political disabilities had not

been removed. At the age of 46 he was again elected governor of his State. At the age of 49 he was again elected to the United States Senate and took his seat, and every six years thereafter was reelected to the Senate until his death in this city at the age of 64 years, having been elected four times to this great body. Thus step by step, from his early manhood, higher and higher his people heaped promotions and honors upon him and elevated him to positions of confidence and trust, in all of which positions he achieved distinction. He never betrayed his people. He served them in all these positions with fidelity and great ability and never a breath of scandal or criticism of his integrity and honesty was ever made against him by either friend or foe.

While at the front fighting with his regiment to one of his constituents who was urging him to give his consent for the people of his district to elect him to the Confederate Congress, he replied as follows:

You remember well the position I occupied upon the great question which so lately divided the people of the South. Ardent devotee to the old Union and the forms which the Federal fathers established, I clung to it so long as I thought there was a shadow of a hope of preserving, purifying, or reconstructing it. And you will also remember that in the last official communication I had the honor to make to my constituents as their Representative I pledged myself in case all our efforts for peace and justice at the hands of the North should fail, that their cause was mine, their destiny was my destiny, and that all I had and was should be spent in their service. Those hopes did fail, as you know, signally and miserably fail; civil war was thrust upon the country and the strong arm of northern despotism was stretched out to crush and subdue the southern people. I immediately volunteered for their defense, in obedience not only to this promise, but also, as I trust, to patriotic instincts; and I should hold this promise but poorly fulfilled should I now, after having acquired sufficient knowledge of military affairs to begin to be useful to my country, escape its obligations by seeking or even accepting a civil appointment.

He had been elected to Congress in 1854 as a State Rights American. At home and in Congress he was an outspoken Union man. He loved the flag his fathers had fought to establish, but he also believed, as he had been taught, that his first duty was to his State. When his State, which had voted in April, 1861, to stay in the Union, finally had to take her choice whether to fight with and for her neighbors or against them, on the 20th of May, a month following, unhesitatingly seceded from the Union, he, as was his duty to do, went with his people and at once volunteered to fight in their defense, and he went into the war with his whole heart and soul. He was making a speech at Asheville, in his district, for the preservation of the Union when Mr. Lincoln's proclamation arrived and was handed him. His hand came down and his voice raised for volunteers for the war.

Some time after this the people of the State began to hold meetings and in the press began to call upon him to consent to allow them to run him for governor. Time and again he was importuned to do so, and then from the battle front he wrote to a friend as follows:

Believing that the only hope of the South depended upon the prosecution of the war at all hazards and to the utmost extremity so long as the foot of an invader pressed Southern soil, I took the field at an early day, with the determination to remain there until our independence was achieved. My convictions in this regard remain unchanged. In accordance therewith I have steadily and sincerely declined all promotion save that which placed me at the head of the gallant men whom I now command. A true man should, however, be willing to serve wherever the public voice may assign him. If, therefore, my fellow citizens believe that I could serve the great cause better as governor than I am now doing, and should see proper to confer this great responsibility upon me, without solicitation on my part, I should not feel at liberty to decline it, however conscious of my own unworthiness.

In thus frankly avowing my willingness to labor in any position which may be thought best for the public good, I do not wish to be considered guilty of the affectation of indifference to the great honor which my fellow citizens thus propose to bestow upon me. On the contrary, I should consider it the crowning glory of my life to be placed in a position where I could most advance the interests and honor of North Carolina, and, if necessary, lead her gallant sons against her foes. But I shall be content with the people's will. Let them speak.

He was elected governor in 1862 and was reelected in 1864, and during this most stormy, trying, and saddest period of the State's history he served with the highest executive ability and exhibited a degree of wisdom, far-seeing sagacity, and ability for organization rarely ever seen in any man. He equipped and sent to the Confederate Army more troops than any other Southern State. Her soldiers were better clad and her people had more comfort at home.

All the ports of the South had been blockaded and soon after his inauguration he conceived the idea of "running the blockade," and organized a fleet of blockade runners from Wilmington, N. C., to European and South American ports, by means of which he was enabled to export cotton and receive in exchange shoes, cloth, cotton cords, and other necessities of life for the soldiers and people at home, which he successfully carried on during nearly the entire war. In every county he organized relief societies to save the poor from starvation, and did every-

thing possible that could be done to care for the women and children while his soldiers were away fighting in defense of the State. He upheld the rights of the courts and the individuals, and refused to suspend or allow to be suspended the great writ of habeas corpus.

At the close of the war he was arrested and confined in the old Capitol Prison, but when the records were shown of his kind treatment of the 10,000 starving Union soldiers confined at Salisbury, in his State, his appeal to his own people to share their scanty subsistence with them, and his appeal to the authorities of the North for an exchange of prisoners, he was granted an early discharge. He returned home, sad at heart, to share with his people their poverty and defeat. He began the practice of the law for a livelihood, but his people called upon him again to serve them and lead them.

In the great campaign of 1876, when the people of the State determined to rid themselves from carpetbag misrule and the rottenness and corruption that then obtained in high places, from the insult and oppression of the misguided negro—their former slaves—from the chaotic conditions that then prevailed in the State, they again called upon Gov. Vance to be their Moses to lead them out of the wilderness of their troubles and humiliation; and the Democratic Party, with which he had allied himself, selected him as their standard bearer and nominated him for governor. The Republicans had nominated one of the ablest debaters in that State, and then in joint canvass they began one of the ablest, bitterest, and most exciting campaigns ever known or ever will be known again in that State.

Mr. President, although quite a young man, I was with him occasionally in that campaign and with others followed him to his different appointments in the State. I saw the great multitude of men, women, and children who flocked to see him and hear him. I saw the great cavalcades that came cheering to welcome him and escort him on the highways to his appointments. Many of them would follow him about from appointment to appointment and never tire of hearing him. I have seen that great form rise to speak and then the wild cheering. I have heard him address the multitude, at times moving them to tears, at times moving them to uncontrollable laughter at his sallies of wit and humor; have heard those delightful anecdotes with which he clinched some of his strongest points, heard his unanswerable logic, his fierce invective, ridicule, and sarcasm, and his flow of eloquence, and altogether, like a mighty torrent, it would carry the crowd with him and would so warm their hearts that with mighty cheers—

They threw their hats
As they would hang them on the horns of the moon,
Shouting their exultation.

"They heard him with rapture and exultant joy." I have seen that magnificent presence of his rise when the masses, wrought up to great excitement, like the waves of the sea in a great storm wrought up to wildest fury, when it seemed they were almost ready to mob his opponent, lift his arm and wave his hand for order, and in a moment they were as quiet as the grave and were listening in respectful silence to the great speech of his opponent. He always had wonderful control of his audience. It was one triumphant march from the mountains to the sea. He was elected. Nothing could stop the great victory which came to him.

With his election came peace, race antagonism was in a measure allayed, and the old Commonwealth started on its onward march upward to happiness and prosperity. Red strings, Ku Klux, and secret political societies of all kinds were heard of no more. Frequent murders, arson, rape, riots, and rapine ceased. Justice was administered to all alike by the courts, good order was restored, and the people who builded this great Commonwealth came into their own again.

He began at once to plan for the settlement of the great debt that was burdening the people, to provide for the education of the white people and the black people alike, to provide for the care of the insane, the deaf, dumb, and blind, and relieve the people of the terrible burdens under which they were then suffering, all of which, in a measure, matured. He called a great meeting of the colored men of the State to meet at the capitol and addressed them in words of wisdom and tenderness, advising them that he was their governor; and the kindly advice he then gave had its effect to this day and accounts somewhat for the cordial relations which now exists between the races in that State.

He honored me with a position, with his confidence and his friendship. I was closely associated with him and knew him in the executive office and in the home circle. I loved him for his uniform kindness. I admired him for his genius, his great courage and patience under most trying circumstances. I en-

joyed his brilliant conversation and his rich, rare, and racy fund of anecdotes, his humor, and jovial disposition. While his soul was full of wit and humor, he was serious and often engaged in the deepest thought, and found time to write his celebrated lecture upon the "Scattered Nation."

Perhaps the only thing for which he was seriously criticized while governor was his too free use of the pardoning power. I have seen the little blind girl pleading for the pardon of her aged father, the wife pleading for her husband, and the mother for her boy bring him to tears. His great tender heart could not resist their appeals. Tenderness, sympathy, and mercy were part of his nature. He would often yield when he knew that his action was taken in the face of adverse opinion. Free from egotism, he was one of the most approachable of men, and the executive chamber was always open to all comers without regard to their standing in life. His majestic form, his resonant voice, his long flowing locks, the merry twinkle of the eye, and his simple manners, his open-heartedness, impressed everyone who came in his presence. They felt they stood in the presence of a great man, but were unafraid and at once felt at home.

His people would not permit him to remain long in the executive chair, and two years after he had been inaugurated governor he was elected to the Senate and was sworn in as a Member of this body on the 4th day of March, 1879. He at once took high rank in this body and was recognized as one of its greatest debaters. He was on some of the most important committees, but his greatest work was upon the Finance Committee. Perhaps his greatest speech here was upon the tariff question. He carefully attended to the wants of his constituents, was very industrious, and contributed by his wisdom to many important public measures.

His great reputation had preceded him here, and he suffered not by his close associations with his colleagues, in his service here, or by his activities in the Nation's counsels.

Imbued with the doctrine of State rights, loving the South, her people and her tradition with a fervor amounting to passion, he viewed with distrust and suspicion every measure which seemed to him to point to a centralization of power in the Federal Government.

Imbued with the spirit of chivalry, with high ideals of honor and a lover of the truth, he was ever on the side of right and justice, and the cause of the people found in him a bold and steadfast champion.

Among his colleagues in the Senate there were great men of great minds and great ability; statesmen of long and large experience, but with them he suffered not by comparison.

He was a great reader of the Bible and had an abiding faith in the truth of the Christian religion and the immortality of the soul. Not in years, but worn with cares, duties, honors, and responsibilities of a long life of arduous service to his people and his country, having completed his work, his great soul passed into eternity, and the people of his State without regard to party, race, sex, or creed bowed their heads in sorrow. Women wept and strong men shed tears as they walked along the streets.

Three times governor of a great State; twice elected to the House of Representatives; four times elected to the United States Senate. Can there be found in the annals of our history such a record?

To perpetuate his memory his native county has erected a great monument to him in the city of Asheville, his people a bronze statue of him in the beautiful capitol grounds, and his State now has placed in the abiding place of the Nation's immortals, in bronze, his chiseled form and features in memory of the deeds of the past and to be an inspiration to those who come after us to kindle the fires of patriotism and stir the hearts of the youth of the land to greater and nobler endeavor for the glory and honor of our great country.

Like a granite pillar chiseled from his own native quarries, his life rises above us, lofty and massive, and yet graceful. It rises above the clouds of troubles and hardships he endured, and, sun kissed; it stands in the light of heaven, a monument of a glory that is past and a guide to that which is to be.

The potentates on whom men gaze,
When once their rule has reached its goal,
Die into darkness with their days,
But monarchs of the mind and soul,
With light unfailing and unspent,
Illumine fame's firmament.

Mr. LODGE. Mr. President, when I entered the Senate, in March, 1893, Senator Vance was one of its ablest, best-known, and most popular Members. My acquaintance with him was necessarily brief, because within a year after my coming into the Senate Senator Vance died. It is no slight evidence, how-

ever, of the power of his personality and of his personal attraction that I felt that by his death I had lost a friend, for he had made me his friend in those few short months. I was a young man and on the other side, politically, but nevertheless he dwells with me now as one of the most vivid memories of my early days in the Senate and stands out a marked and gracious figure in my visions of the past.

Others far better qualified than I will trace here his distinguished career, both in war and in peace. All that I can hope to give is the impression made upon me during the brief year in which I knew him. He had a strong personality, as I have already said; but, unlike some strong personalities, his carried with it nothing but a sense of kindness and humor, for which delightful qualities indeed he was conspicuous. When he died the feeling that came uppermost, I think, in the minds of all who knew him in the Senate was not of the eminent public man or of his services in the field and in public life. It was that we had lost a friend, a man who had awakened in us the warm feelings of affection. But there was another side to Gov. Vance, far more important even than this, and which I see now more clearly than I did at the time. He was a fine example of a certain type of man who had fought on the Confederate side during the Civil War. There were many of these men in the Senate in those days; now, alas! there are very few. Then for the first time I was brought into personal contact with them. I had been bred in an atmosphere of intense hostility to the principles for which they had fought. I widely disagreed with most of their political views; but I was not long in the society of these men in the Senate—these men of whom Gov. Vance was such an admirable example—without learning keenly to appreciate their strong qualities. Their theories of political action which had guided them in the past, and which guided them then, were not mine and never could be; but they were men of principle and of conviction, and for their principles they had not only fought but they were ready to sacrifice themselves to them if need came in the less dangerous but more insidious trials of public life. They were men of traditions. They had the old American traditions strong within them, as did the men from the North, who fought against them. What I mean precisely by this it would take more time to explain than I have to give, but I think everyone who knows and loves our history will understand what I mean.

Above all, Gov. Vance and those who shared his principles and had fought with him in the Civil War, were men who believed profoundly that there were certain things for which the individual life ought to be sacrificed, and that there were higher ideals to be followed than living in comfort and safety with opportunity to accumulate money. They were to the fullest extent like those whom they met in arms upon the battle fields of the Civil War, of the race of men who fought the Revolution, and they resented dishonor or humiliation for their country as they would have resented it for themselves. Rather than have their Nation undergo humiliation or be dishonored, rather than sacrifice principles in which they believed, they were ready to fight, and if need be give their lives. They and the men who fought for the Union, however they differed, went to war in the same spirit, which has, I believe, at all times ever been the true American spirit. When it is extinguished, then the end of the Republic is not far off.

In Gov. Vance one saw first his wit and humor, his geniality and good comradeship, and everyone loved him for these most attractive qualities. But as one came to know him better one felt that he was a representative of those by whose toil and sacrifice and courage great nations are made. Nobody could doubt for a moment that Gov. Vance would die rather than be

One of a Nation, who, henceforth, must wear
Their fetters in their souls.

Therefore North Carolina does well to give his statue to the Nation, and we do well to honor and recall his memory here.

Mr. SMITH of Georgia. Mr. President, citizens of North Carolina have made records for patriotism, from the days of the Mecklenburg Declaration of Independence on down to the present time, unsurpassed in the annals of history. Her sons have rendered distinguished service as lawyers, as soldiers, and as statesmen.

The bench has never been occupied by greater jurists than Gaston, Iredell, Ruffin, and Pearson. To the brilliant galaxy of American soldiers North Carolina contributed, among others, Gens. Graham, McDowell, Hoke, and Hill. Her statesmen have given splendid service to the entire country, and from among their number may be mentioned Macon, Mangum, Graham, and Merriman.

When the question arose in North Carolina of selecting from her distinguished sons one whose statue should grace the Na-

tional Statuary Hall, the citizens of that State found many worthy of the place. It might well have been expected that difficulty of decision would develop, but there was no division of sentiment as to who should be chosen. With one voice North Carolinians named him, Zebulon B. Vance, and no one questions that the naming was justly made.

I knew him from my childhood to the hour of his death. He was devoted to the University of North Carolina and visited that institution frequently. There he was always a guest of my father, who was a professor of the university. I was at his bedside through the long, long night when he died. It is a privilege to join with North Carolinians and pay tribute to his memory.

He was a great executive officer. He was governor of North Carolina during the Civil War, and as a result of his calm, forceful, determined administration of the affairs of the State, North Carolina's troops were the best clad and the best fed of any of the troops of the Southern States.

Of him it can justly be said he was the most successful and valued governor of a Southern State during the Civil War. But I do not believe North Carolinians for this reason selected his statue for the Hall of Fame.

He was a great legislator, wise, thoughtful, tireless, progressive, practical. If his public services had been limited to his legislative career he would rank among the first, but I do not believe North Carolinians for this reason selected his statue for the Hall of Fame.

He was a wonderful orator. With powerful logic he could array facts in simple language, clear and convincing. With a humor and a wit never equaled, he could delight his audience, while he charmed them with his pathos and won them with his logic. But I do not believe North Carolinians for this reason selected his statue for the Hall of Fame.

If I may name what I believe placed Zebulon B. Vance above all others with his constituents, I would say it was his intense, all-controlling, all-sustaining love for his State and his people. He loved them with a great, unflinching love. It was a love which unselfishly led him in his every thought and act, which dominated his life, which was his very life. There never was a moment when that love failed to control and inspire him in their service or when he would not willingly have died for his people and his State.

North Carolinians knew how he loved them, and they almost worshipped him in return. Great deeds make great men, but a great, unselfish love for his people made every act of the life of this wonderful man an act of loyal, joyous service to the people of North Carolina and to his fellow men.

He had faith in the power of love and rejoiced in the service which it produced; and if he were here to speak to-day, and were permitted to select from his marvelous record a tribute to his memory to account for the honor which his constituents have given him, I believe he would have us say, "His whole life was given to the service of his people, he loved them so; he loved his fellow men."

The beautiful lines of Leigh Hunt suggest, but do not adequately present, the love of this son of the old North State:

ABOUT BEN ADHEM AND THE ANGEL.

About Ben Adhem (may his tribe increase!)
Awoke one night from a deep dream of peace,
And saw, within the twilight in the room,
Making it rich, like a lily in bloom,
An angel writing in a book of gold.
Exceeding peace had made Ben Adhem bold,
And to the presence in the room he said,
"What writest thou?" The vision raised its head,
And with a look made of all sweet raised
Answer'd, "The names of those who love the Lord."
"And is mine one?" said Abou. "Nay, not so,"
Replied the angel. Abou spoke more low,
But cheerily still, and said, "I pray thee, then,
Write me as one who loves his fellow men."
The angel wrote and vanish'd. The next night
It came again with a great wakening light,
And show'd the names whom love of God had blest;
And lo! Ben Adhem's name led all the rest!

Mr. OVERMAN. Mr. President, I ask for the adoption of the concurrent resolution which I have heretofore submitted and which has been read.

The concurrent resolution was unanimously agreed to.

Mr. OVERMAN. Mr. President, I now offer the concurrent resolution which I send to the desk.

The VICE PRESIDENT. The Secretary will read the concurrent resolution submitted by the Senator from North Carolina.

The concurrent resolution (S. Con. Res. 25) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, under the direction of the Joint Committee on Printing, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Zebulon Baird Vance presented by the State of North Carolina, 10,500 copies, with suitable illustration, of which

5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of North Carolina.

SENATORS IN NATIONAL CONVENTIONS.

Mr. MYERS. Mr. President, I move that the Senate proceed to the consideration of the calendar under Rule VIII.

Mr. MARTINE of New Jersey. If the Senator will pardon me, with his permission, I ask unanimous consent to make a few observations, utterly nonpartisan in character, with reference to the activities of the members of the great parties of the United States in the recent political conventions.

The VICE PRESIDENT. The Chair hears no objection.

Mr. MARTINE of New Jersey. Mr. President, we have but just returned from the great nominating conventions held by the two great political parties. What a superb demonstration their action presented of how we, in free democratic America, change our rulers! Be it said to the everlasting credit and honor of our country, these conventions have placed before the people four honorable and patriotic citizens as nominees for President and Vice President.

Mr. President, we have been quite accustomed to hear that the United States Senate, as a body, has outlived its usefulness; that its Members cut no figure at home and have little or no influence abroad. In order to dispel such an impression and to discount, to some degree at least, the somewhat prevalent but unjust estimate that the Senate of the United States is a useless and antiquated institution, without much influence at home and of slight regard abroad, I think it will be of some interest to recount the part taken by the Members of the Senate in the recent conventions of the great political parties. This hastily prepared recital may seem inadequate and possibly invidious, and yet no possible slight is intended for any of my colleagues who figured to any extent in the proceedings of these great national gatherings.

In the first place, the presiding officer of the Senate, the Hon. THOMAS R. MARSHALL, was renominated for Vice President of the United States by the Democratic national convention. He was presented in a ringing speech by the honored Senator from Indiana [Mr. KERN]. Four distinguished Members of the Senate—Messrs. WEEKS, SHERMAN, CUMMINS, and LA FOLLETTE—were active candidates for the presidential nomination in the Republican convention. The claims of each for the honor were duly set out in splendid nominating speeches, and each received a respectable number of votes from loyal supporters.

A Member of the Senate, Mr. HARDING, of Ohio, was both the temporary and permanent presiding officer of the Republican convention, and had the honor of sounding his party's so-called "keynote" for the campaign.

Another Member of the Senate—Mr. JAMES, of Kentucky, was the permanent presiding officer of the St. Louis convention, and covered himself with glory and reflected honor upon his party while serving in that most responsible position.

Senator LODGE, of Massachusetts, was chairman of the committee on platform, and had much to do with the drawing of that important pronouncement in the Republican convention. He had associated with him upon the subcommittee of that committee Senators SUTHERLAND, of Utah; BORAH, of Idaho; OLIVER, of Pennsylvania; WADSWORTH, of New York; and FALL, of New Mexico. Thus the Senate Members comprised two-thirds of the membership of the subcommittee, and thereby absolutely framed and formulated the chart of party faith.

Senator STONE, of Missouri, was chairman and master spirit of the committee on platform in the St. Louis convention. He chose four of his colleagues upon this floor as members of the subcommittee, as follows: Mr. WALSH, of Montana; Mr. HOLLIS, of New Hampshire; Mr. MARTIN, of Virginia; and Mr. POMERENE, of Ohio. Upon the committee proper there were also Senators THOMPSON, of Kansas; RANDELL, of Louisiana; JOHNSON, of Maine; WILLIAMS, of Mississippi; and PITTMAN, of Nevada. Also the keen and active service of the junior Senator from Indiana [Mr. TAGGART] was everywhere apparent.

Upon the important committee on credentials, and at its head, always controlling its decisions and directing its counsels, in the Republican convention, was Senator SMOOT, of Utah. This service by no means measures the activities of that Senator in the great gathering, for he was chairman of the special conference committee appointed by the convention to confer with a like committee from the Progressive convention that sought to formulate a basis for a harmonious reunion of the divergent bodies, at one time so wide apart. He had with him upon this delicate mission Senator BORAH, of Idaho. There is no question that these gentlemen had a most potent influence in bringing about a much better understanding between the once belligerent factions of Republicanism. There is little question that they

drew the diplomatic report of the all-night harmony conference that Senator SMOOT later on read in the Republican convention.

In this connection it may be well to note the friendly visit of Senator BORAH to the Progressive convention, which he was invited to address. If ever a better speech was delivered upon a like occasion, or one better calculated to bring about a friendly feeling and disposition for harmony, I have not read it.

In the St. Louis convention, appearing before the subcommittee on platform in argument for or against certain planks, and everywhere casting rays of sunshine and inspiration, were Senators JOHN SHARP WILLIAMS, of Mississippi, and FRANCIS G. NEWLANDS, of Nevada.

In the conferences, manipulations, harmony proceedings, and real nominee-making circles of the Chicago Republican gathering there were prominent always Senators PENROSE, of Pennsylvania; WADSWORTH, of New York; SUTHERLAND, of Utah; BRANDEGEE, of Connecticut; LIPPITT, of Rhode Island; SMITH, of Michigan, and, unquestionably, others whose names do not now occur to me as marking the ante and extra convention proceedings.

In the suffrage debate at St. Louis the eloquent voices of Senators WALSH, of Montana, and PITTMAN, of Nevada, rose triumphantly above the din, and these splendid advocates were rewarded by the adoption of that plank in the platform.

Senator REED, of Missouri, was one of the eloquent gentlemen who addressed the great St. Louis love feast upon a universal demand for his appearance on the platform.

Senators SAULSBURY, of Delaware, and TILLMAN, of South Carolina, were also there.

Mr. President, let me refer to a number of ex-Senators who played an important part in the Republican convention, namely, Senator Fairbanks, Senator W. Murray Crane, Senator Chauncey Depew, Senator Elihu Root, Senator Theodore E. Burton, Senator William P. Jackson, and also Senators CATRON, PENROSE, and SMOOT.

At the Democratic convention it was Senator HUSTING who introduced a resolution on Americanism. Then, too, it was Senator OWEN who was mentioned as a candidate for the Vice Presidency, but he most graciously withdrew in favor of our honored and efficient Vice President, Hon. THOMAS R. MARSHALL.

It was Senator THOMPSON who moved to suspend the rules in order that Hon. William J. Bryan might address the convention.

Senator JOHN SHARP WILLIAMS for a time presided as chairman of that great convention.

Several Senators are named upon the committees of both conventions that are to formally advise the nominees of the actions of the respective bodies.

Who, in the face of this array of facts, will ever hereafter proclaim that the United States Senate is a lifeless and unimportant body and that it cuts no figure in national politics? This record is fairly astounding. History has heretofore recorded nothing like it.

Let us gird up our loins, hold up our proud heads, and march onward to yet greater accomplishments.

ORDER OF BUSINESS.

Mr. MYERS. Mr. President, I renew my motion, made before I yielded to several Senators, that the Senate proceed with the calendar under Rule VIII.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CLAPP in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

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

Ashurst	Hitchcock	Page	Smoot
Bankhead	Husting	Phelan	Sterling
Beckham	James	Pittman	Swanson
Brady	Johnson, Me.	Poindexter	Thomas
Bryan	Johnson, S. Dak.	Pomerene	Thompson
Chamberlain	Jones	Randell	Townsend
Clapp	Lane	Reed	Underwood
Clark, Wyo.	Lewis	Saulsbury	Vardaman
Culberson	McLean	Shafroth	Walsh
Cummins	Martin, Va.	Sheppard	Warren
Curtis	Martine, N. J.	Sherman	Williams
Dillingham	Myers	Shields	Works
Fletcher	Newlands	Simmons	
Gallinger	Norris	Smith, Ga.	
Harding	O'Gorman	Smith, Md.	

Mr. MARTINE of New Jersey. I beg to announce the absence of the senior Senator from West Virginia [Mr. CHILTON] on important public business.

Mr. ASHURST. I wish to announce that my colleague [Mr. SMITH of Arizona] is absent from the Senate by reason of illness in his family.

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum is present.

Mr. CUMMINS. Mr. President—

Mr. MYERS. Mr. President, I ask that my motion be put.

Mr. CUMMINS. I rose to suggest an amendment to the amendment that is now pending, which is the pending question.

Mr. MYERS. I must make a point of order that the question which is before the Senate should be put.

Mr. BANKHEAD. I will say to the Senator from Iowa that the Post Office bill is not yet before the Senate.

The PRESIDING OFFICER. The Chair will state to the Senator from Iowa that the Senator from Montana has the floor.

Mr. CUMMINS. The Senator from Iowa stands corrected. I assumed that it was after 2 o'clock.

Mr. MYERS. I renew my motion.

The PRESIDING OFFICER. It has been moved that the Senate proceed to the consideration of the calendar under Rule VIII.

Mr. SMOOT. Mr. President, it is 10 minutes to 2 o'clock, and we could do nothing with the calendar in that time; so what is the use of wasting that 10 minutes?

Mr. SMITH of Georgia. Mr. President, possibly that may be true for the day; but there are a number of us who think that the process of recessing has involved a waste of time. The unfinished business does not hold the Senate until 6 o'clock. The Senators in charge of it on the floor of the Senate get tired before proper adjourning time, and we quit an hour before proper adjourning time. We have taken an hour, then, out of the morning hour—

Mr. POINDEXTER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Washington raises a point of order, which he will state.

Mr. POINDEXTER. I demand the regular order.

Mr. SMOOT. Then we can vote on the motion; that is all.

Mr. SMITH of Georgia. I was just speaking in behalf of the regular order.

My MYERS. I ask for a vote on my motion. I think that is the only thing in order.

The PRESIDING OFFICER. Unless objection is made—

Mr. BANKHEAD. Mr. President, as there seems to be some confusion in the Chamber about what is in order and what is not, I move that the unfinished business be laid before the Senate.

Mr. MYERS. Mr. President, I object to that, and make the point of order that it is not in order. I have made a motion which is pending, and it is not a motion for which a substitute motion may be offered.

Mr. BANKHEAD. If I am out of order, I will withdraw the motion.

Mr. MYERS. I ask for a vote.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana that the Senate proceed to the consideration of the calendar under Rule VIII. Those in favor of the motion will say "aye." [A pause.] Those opposed will say "no." [A pause.]

Mr. MYERS. I ask for the yeas and nays, Mr. President.

Mr. POINDEXTER. Mr. President, I object to that, and make the point that it is out of order, and that the rules provide for taking up the calendar under Rule VIII at the conclusion of the morning business.

Mr. WILLIAMS. I call for the regular order.

Mr. MYERS. I ask for a division on the vote.

Mr. POINDEXTER. I demand the regular order.

Mr. MYERS. I join the Senator from Washington in demanding the regular order. This is the regular order. I only made the motion to keep somebody else from making a different motion.

The PRESIDING OFFICER. The regular order would be the consideration of the calendar under Rule VIII.

Mr. MYERS. Then I call for the regular order.

Mr. SMOOT. Mr. President, what was the decision of the Chair as to the vote on the motion of the Senator from Montana?

The PRESIDING OFFICER. The Chair was rather of the opinion, although not very decisively, that the "ayes" had it.

Mr. SMOOT. If that is the decision of the Chair, then, of course, the regular order is the calendar under Rule VIII, unless a motion is made to take up the unfinished business.

THE CALENDAR.

The PRESIDING OFFICER. The Secretary will report the first bill on the calendar.

PUBLICATION OF LAND-OFFICE NOTICES.

The first business on the calendar was the bill (S. 1062) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices.

Mr. SMOOT. Let that go over, Mr. President.

Mr. MYERS. I move that the Senate proceed to the consideration of the bill, notwithstanding the objection.

The PRESIDING OFFICER. The Senator from Montana moves that the Senate proceed to the consideration of the bill, notwithstanding the objection. Those in favor of the motion will say "aye." [A pause.] Those opposed will say "no." [A pause.]

Mr. MYERS. I ask for a division, Mr. President.

The PRESIDING OFFICER. The Chair is of the opinion that the "noes" have it. A division is asked for. Those in favor of proceeding with the consideration of the bill will please stand while they are counted by the Secretary. [A pause.] Those who are opposed will now stand. [A pause.]

Mr. MYERS. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. One thing at a time.

Mr. MYERS. If I wait a moment, I will be too late. [Laughter.] I demand the yeas and nays on the question, Mr. President.

The PRESIDING OFFICER. The "ayes" have it.

Mr. MYERS. Then I withdraw my motion.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1062) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices.

The PRESIDING OFFICER. The Senate has previously had this bill under consideration as in Committee of the Whole. The bill is still in Committee of the Whole and open to amendment.

Mr. SMOOT. Mr. President, I ask the Secretary to state the amendment which was offered by the Senator from New Mexico [Mr. FALL].

The PRESIDING OFFICER. The Chair has been advised that that amendment has already been acted upon and has been rejected.

Mr. SMOOT. I wish to say to the Senator from Montana that the Senator from New Mexico [Mr. FALL] was interested in this bill and desired to speak upon it.

Mr. MYERS. May I interrupt the Senator for a minute? I can clear all that up.

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

Mr. SMOOT. I do.

Mr. MYERS. On the last day when that bill was considered—the Senator from Utah was not here—the amendment of the Senator from New Mexico [Mr. FALL] was put to a vote and defeated.

I asked the Senator from New Mexico on the floor if he would oppose the further consideration of the bill, even in his absence, or if he had any objection to its being considered in his absence, and he repeatedly stated, as the CONGRESSIONAL RECORD will show, in the very plainest and strongest possible terms, that he waived all objection and had no objection to its coming up at any time hereafter, either in his absence or otherwise. That is all in the CONGRESSIONAL RECORD and is a matter of public record. It all occurred right here on the floor of the Senate.

Mr. SMOOT. I will say that I have no objection to the bill personally, but—

Mr. MYERS. I was satisfied that the Senator would not object personally.

Mr. SMOOT. But I do know that the Senator from New Mexico asked me not to allow the consideration of the bill.

Mr. MYERS. That is all done away with. I call the Senator's attention to the CONGRESSIONAL RECORD of the 3d day of June, 1916. He will find the whole thing set forth there, and the disclaimer of the Senator from New Mexico of a desire for any further delay.

Mr. SMOOT. I will take what the Senator from Montana says as being the fact.

Mr. MYERS. I am very glad to have the Senator do so.

Mr. SMOOT. Therefore I shall not offer any further objection to the consideration of this bill.

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

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

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

CIRCUIT AND DISTRICT JUDGES.

The bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over on objection.

Mr. SMITH of Georgia. I move that the Senate proceed with the consideration of the bill without regard to the objection.

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

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

Mr. SMITH of Georgia. Mr. President, we will have to lay aside the bill at 2 o'clock, and there are only two minutes left. It would take that time to call the yeas and nays, so—

Mr. SMOOT. We might as well call them, because we want a quorum here when we take up the bill, anyhow.

Mr. TOWNSEND. I suggest the absence of a quorum.

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

Mr. SMITH of Georgia. I will renew this motion to-morrow morning.

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

Bankhead	Johnson, Me.	Phelan	Smoot
Brady	Johnson, S. Dak.	Pittman	Sterling
Bryan	Jones	Poindexter	Thomas
Chamberlain	Kern	Pomerene	Thompson
Clapp	Lane	Ransdell	Townsend
Culberson	McLean	Reed	Walsh
Cummins	Martine, N. J.	Shafroth	Warren
Fletcher	Myers	Sheppard	Williams
Harding	Newlands	Sherman	Works
Hardwick	Norris	Simmons	
Husting	Overman	Smith, Ga.	
James	Page	Smith, Md.	

Mr. CUMMINS. My colleague [Mr. KENYON] is absent from the city on account of severe illness in his family. I make this announcement for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. TAGGART]. This announcement may stand for the day.

Mr. MARTINE of New Jersey. I desire to announce that the Senator from West Virginia [Mr. CHILTON] is unavoidably absent on official business and also that the Senator from Kentucky [Mr. BECKHAM] is likewise absent on official business.

The PRESIDING OFFICER. Forty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of absent Senators and Mr. O'GORMAN, Mr. SAULSBURY, Mr. UNDERWOOD, and Mr. VARDAMAN answered to their names when called.

Mr. CURTIS, Mr. DILLINGHAM, Mr. LA FOLLETTE, Mr. LEWIS, Mr. LEE of Maryland, Mr. BORAH, Mr. SHIELDS, Mr. HITCHCOCK, Mr. MARTIN of Virginia, and Mr. SWANSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum of the Senate is present.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

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

The motion was agreed to, and the Presiding Officer appointed Mr. OVERMAN, Mr. LEA of Tennessee, and Mr. JONES conferees on the part of the Senate.

POST OFFICE APPROPRIATIONS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 10484, the Post Office appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

The PRESIDING OFFICER. The pending amendment is the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Just before adjournment last evening an amendment was made to the pending amendment in the first line, the intention of which was to limit the application of the amendment to railways. In order to make the amendment consistent, there will have to be a slight change in the phraseology in other parts of the amendment. So I ask to perfect my amendment by inserting, after the word "matter," in line

1, page 2, the words "by railway common carriers"; also by inserting, in line 9, page 2, after the word "all," the word "railway"; also by inserting, after the word "any," in line 12, page 8, the word "such," and by inserting, in line 21, after the word "any," the word "such."

These changes will make the amendment apply only to railway mail common carriers, and I take the privilege of modifying the amendment accordingly.

The PRESIDING OFFICER. Without objection, the modification will be made.

Mr. NEWLANDS. Mr. President, I concur most heartily in the amendment suggested by the Senator from Iowa. I think this change ought to have been made years ago. I believe that the Interstate Commerce Commission as a quasi-judicial body acting as the instrumentality of Congress in the regulation of interstate commerce should be called upon to determine all questions relating to the charges of carriers whether to individuals or to the public itself. It is the only fair way of regulating railway carriers and regulating the pay that is to be paid to the railway carriers for carrying the mail. Congress organized this tribunal for the purpose of determining such questions, and there seems to be no reason why it should not submit the question of railway-mail pay as it has all other questions relating to the compensation of carriers to this tribunal of its own creation.

Mr. President, I shall not dwell further on that subject for I believe it is the sense of the Senate that that amendment should be adopted.

I will bring up again the matter which I brought up this morning relating to the contemplated strike by a portion of the employees of the railroads of the country, some 300,000 in number, who are employed now upon freight trains, and constituting, I believe, about one-fifth of all the railway employees. I offered this morning a resolution which had been framed by the National Chamber of Commerce after a referendum address to all the member bodies some weeks ago, and which was almost unanimously indorsed by those bodies.

I asked this morning to have inserted in the RECORD a few pages from their report upon this matter containing the reasons for their support of the resolution and giving an outline of arguments in favor of the committee's report and another outline of arguments against the committee's report. The whole matter seems to have been very fairly considered by this chamber of commerce in the public interest, and without any expression as to the merits of the controversy, but simply as to the desirability of having this question settled without a lockup of transportation such as is threatened. The insertion in the RECORD was objected to by the Senator from Missouri [Mr. REED] and the Senator from Pennsylvania [Mr. OLIVER]. I saw them afterwards and they told me they had no objection to its insertion, and I will ask leave to insert these pages from the report of the Chamber of Commerce of the United States in connection with my remarks during the morning hour.

Mr. LA FOLLETTE. Mr. President, the Senator of course can put the document which he has in his hand into the CONGRESSIONAL RECORD by reading it, but I object most emphatically to its going into the RECORD except it be read in. I can not make objection to that. If I could I would, because I understand exactly what this Chamber of Commerce of the United States is doing. It is taking the place of the old and discredited associations of manufacturers of the United States. It sent out one of these prepared arguments for and against the seamen's bill some months ago to the local chambers of commerce throughout the country. It was a most partisan presentation of the subject.

I have not examined the document which the Senator from Nevada has in his hand, but if the arguments pro and con on the seamen's bill is any measure of the fairness of the arguments presented on this measure, then, Mr. President, the votes of the various local chambers of commerce of the country, based upon what was presented to them, would be entirely misleading as a record of fair public opinion.

Of course, the only purpose in submitting this document is to influence the action of Congress, and any Senator can readily understand that the crux of the whole matter is the fairness of the presentation of both sides.

The Chamber of Commerce of the United States of America, meeting here in Washington from time to time, takes up public questions, and for the purpose of influencing public opinion it prepares a statement on one side and a statement upon the other side of questions of importance. Then it sends out those statements to the chambers of commerce of the different cities of the country, and upon the presentation made by this chamber of commerce the various local bodies vote for or against the measure.

Anyone can readily see, Mr. President, that the action of the local chambers of commerce over the United States will depend entirely upon how this question is presented to them, whether it be presented faithfully, whether it presents all the arguments upon both sides. So that gets to be the kernel, the marrow, of the whole business; and the only purpose of taking this census of the local chambers of commerce and the only purpose of putting it in the CONGRESSIONAL RECORD is to influence congressional action.

So, Mr. President, knowing that in one instance at least the chambers of commerce of the United States acted in the interest of the Shipping Trust of this country and secured a condemnation of the seamen's bill which gave freedom to the seamen of this country and which is helping more than any one other one act, more than subsidies can help to build up an American merchant marine—knowing, sir, that they secured by a partisan and biased statement of the seamen's bill a condemnation of it from these local chambers of commerce, I am suspicious of their action here.

I suppose I am trespassing upon the patience of the Senator from Nevada, who has the floor.

Mr. NEWLANDS. I am very glad to hear the statement of the Senator.

Mr. LA FOLLETTE. And probably I am trespassing upon the patience of the Senate; but I have a good deal within me which I am going to present at an opportune time on this question of the increase in the wages of the trainmen of the country.

Mr. President, I look with a good deal of suspicion upon anything that might be used to muzzle and handicap the men who run the trains on railroads in this great country of ours from securing a limitation of their hours of service to eight hours.

It fell to me to present to the Congress of the United States the first limitation that was ever put by law upon the hours that these trainmen can be compelled to work. I fought on this floor for days to get the consideration of a bill limiting the work hours of these men.

I sometimes feel almost ashamed, Mr. President, that I ever stood here to put a 16-hour limitation upon that service; but at the time the records in the Interstate Commerce Commission showed that engineers, conductors, and train crews were being compelled to run from 30 to 70 and even 100 hours without a moment's rest. The columns of the papers of this country were filled with accounts of accidents and the slaughter of innocent people. I did not mean to go into this at all, but, Mr. President, influences were strong enough on this floor in the interest of the railroads, so that when I presented the proposition 10 years ago to limit the hours of service to 16 hours it required days and days of effort to secure consideration for the bill. Senators would appear on this floor, respond to a roll call on a quorum call, and retire almost in a body to the cloakrooms, so that when the vote was taken upon the question of taking the bill up for consideration a quorum would not vote. I can cite Senators to that record. It is one of the black pages in the history of the Senate. Again and again was that thing repeated here, Senators running back into the cloakrooms to break a quorum, so that the bill could not even be considered, and then returning to answer to their names when the roll was called to determine whether a quorum was present or not. Finally by persistence there was wrested from this body an agreement to consider the bill at the next session and to vote upon it, and of course when it came to a vote nobody dared go on record against it. It passed overwhelmingly, and a limitation was put upon the work hours of train crews of this country of 16 hours. It has been partly observed and it has been often violated by the railroads.

Now, the men who sit in the cramped positions in engine cabs, with their hands on the throttle, every faculty concentrated, every nerve tense for eight hours, on whom depend the lives of the people who are being transported by the trains, are contending for a limitation of eight hours' continued service.

Mr. President, those men ask for an eight-hour limitation. It is a reasonable limitation. All the scientific investigations made in this country with respect to accidents, not only on railroads but in all places where dangerous machinery is used, is to the effect that as the wear and tear and concentration of mind and of muscle and of nerve begin to tell upon the man accidents begin to multiply. In any factory in the United States where the strain is prolonged, if you take the time schedule of accidents, you will find the accidents multiply enormously late in the day. So it is with these trainmen.

Mr. President, of course the engineers and the conductors are pretty well paid, as compared with some employments, but it is to be remembered that they serve under exceptional conditions. I do not know of many men who are employed on a wage scale in this country upon whom such a responsibility rests as upon the engineers and the conductors and the train-

men. I do not know of many men who serve in employments that are hazardous who break down so early in life as do these men, more especially, perhaps, the engineers, sitting hour after hour in a cramped and strained position, taking the hard jars that they must take of the engine, with all its weight, as it thunders over the rails. Mr. President, I do not know of any set of men in this country who relatively suffer to so great an extent loss of life and horrible bodily mutilation in accidents as do these men.

The referendum vote taken by the chamber of commerce and set forth in the document proposed to be inserted in the RECORD is based upon a statement very ingeniously contrived to show that engineers receive more in wages than some men who are not employed in such hazardous and exacting service, but not taking into account the limitation of their life of effective service; not taking into consideration the strain, exactions, and concentration required in that service; and not taking into consideration the fact that they are compelled to give up the home life, that they have to live on the road, that they have to meet expenses that men differently employed do not have to meet.

I might occupy the attention of the Senate for a considerable period in reciting the differences between the exactions made of these trainmen and those with whom this document, from the little that I glean from its reading, would make comparison. I merely suggest that, Mr. President, without going into details; but the difference between the statement set forth in the document and the just demands of these trainmen which are not presented in the document, and which were not considered and were not suggested for the consideration of the various boards of trade of the country, in a measure will tend to show how imperfect and how short of meeting the fair requirements of a justly argued proposition upon both sides is this method of submitting a referendum to the boards of trade of the United States and using the result in an effort to influence the action of Congress.

Mr. President, I can not stop the document from going into the CONGRESSIONAL RECORD; but, in this imperfect and far from exhaustive statement, I have set out some things which I think may tend in a measure to balance the effect of its publication in the RECORD.

Mr. NEWLANDS. Mr. President, the Senator from Wisconsin complains that upon a similar referendum made by the National Chamber of Commerce regarding the shipping bill a prejudiced and unfair statement of the facts was made with a view to influencing public opinion, and particularly the action of the constituent chambers of commerce of the National Chamber of Commerce. I know nothing of that controversy; I never saw the document constituting that referendum; and it is impossible for me to make any answer regarding it. I can only say that I believe that every respectable organization in the United States that seeks to mold public opinion upon any subject is entitled to a hearing, and that a national chamber of commerce, composed of the representatives of all of the boards of trade and chambers of commerce in the country, is, by reason of its intimate connection with the business and transportation of the country, entitled to be heard upon a subject so important as that of transportation, the tying up of which involves also the tying up of the commerce of the entire country. I think it is quite proper that such an organization should give consideration to such an important question, and that it is quite right that it should present its views respectfully to the Congress of the United States upon the subject. Other organizations are entitled to the same hearing. It is only by discussion that a sound public opinion can be formed.

I am aware that chambers of commerce are sometimes subjected to attacks in legislative bodies as representing selfish interests and of seeking to impress upon legislation such selfish interests. I have no doubt the charge is sometimes, perhaps often, true; and yet that fact would not prevent me from presenting to the Congress of the United States an expression of opinion by such a body, any more than some discreditable things that are said with reference to labor organizations and the terrorism which they inspire would prevent me from presenting their views and conclusions for the consideration of Congress. In presenting such views I do not indorse them.

What, however, is the matter which the National Chamber of Commerce has had under consideration? The question as to whether it is proper or humane to establish an eight-hour day? No; they do not pretend to enter into that inquiry. Let me say that, so far as my individual views are concerned, I have always been for an eight-hour law, and I have voted gradually to extend it wherever I had the opportunity; for I believe that eight hours is a sufficient time for a man to work in any matter involving the labor of the hands. The question which this National Chamber of Commerce is considering is the pos-

sible effect of a tie-up of transportation; and they are seeking to avert that tie-up by having a quasi-judicial inquiry made as to all the facts that relate to the employment of labor by the great common carriers of the country.

Thus far we know that only a part of the labor employed by common carriers—less than a third, I believe—has been able by concerted action to secure from their employers recognition of their just claims, and that outside of them stand over a million of unorganized laborers, who thus far have been unable to present in any concrete form their demands.

This is becoming a very important question, first, as to whether these increases are being proportionately distributed among all the laborers of the railroads instead of being apportioned only to a favored portion. The National Chamber of Commerce wishes an inquiry to be made with reference to all labor. They doubtless realize, as every business man realizes to-day, that, as a result of a constant increase in taxes, of a constant increase in wages, of a constant increase in the cost of supplies, the expenses of the railway carriers are increasing. If their income increases in the same proportion, it will have no effect upon dividends; but if the increase in income does not keep pace with the increase in these various operating expenses—the increase in the cost of supplies, the increase in the cost of interest paid, and so forth—then it must have an effect upon dividends. Well, many say these dividends have been swollen and that they ought to be reduced. That may be so; and yet to my knowledge we have had no judicial or quasi-judicial inquiry as to that fact. I dare say it is so with reference to some railroads, and that it is not so with reference to others.

There is a commission organized with a view to determining such questions, but it never has started upon such a general inquiry. That commission is the Interstate Commerce Commission. We all know, however, that, as a result of the constant increase in fixed charges and in operating expenses, it has been much more difficult of late for the railroads to get money for development and improvement than it has been in the past.

Mr. BORAH. Mr. President—

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

Mr. NEWLANDS. Yes.

Mr. BORAH. As a practical proposition, in view of the tremendous amount of work which now devolves upon the Interstate Commerce Commission, and in view of the fact that we are daily or weekly passing provisions here, such as are found in the pending Post Office appropriation bill, imposing upon them other great burdens, how long would it take the Interstate Commerce Commission to make this proposed investigation?

Mr. NEWLANDS. I should say it would take them a couple of months to do so.

Mr. BORAH. I had supposed it would take five or six months. Mr. NEWLANDS. It might take more than a couple of months. I can not say. But, at all events, it is an investigation which should be made.

Mr. BORAH. But the thought occurred to me—

Mr. NEWLANDS. Mr. President—

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

Mr. NEWLANDS. I yield to the Senator.

Mr. BORAH. I was simply going to say that as a practical proposition the thought had occurred to me that there ought to be some way by which to make the investigation, if it is going to be made, within such time as the men who are in the employment of railroad companies could afford to give to the investigation. They would not want to have it turned over to a body whose duties forbid them investigating it within any reasonable length of time.

Mr. NEWLANDS. Mr. President, I may say that there will come up before the Interstate Commerce Committee, when the joint resolution is referred to it, the question as to whether the Interstate Commerce Commission shall make this inquiry, or whether some special commission shall make it, or whether the Board of Mediation and Conciliation shall make it, or whether Congress through a special committee shall make it. That is a mere matter of method, but there is no doubt that the inquiry must at some time be made.

We can perhaps endure it if the railways themselves are the only sufferers, if the stockholders are the only sufferers; but if there is a reflected injury to the entire public, arising out of the fact that railway building is stayed and railway development and improvement are checked by reason of these conditions, the public and the entire commerce of the country suffer.

Mr. HITCHCOCK. Mr. President—

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

Mr. NEWLANDS. Certainly.

Mr. HITCHCOCK. I should like to ask the Senator if the law which was enacted a year or two ago, largely at the instance of the Senator from Nevada, does not make it the duty of the Board of Mediation and Conciliation to act in such cases as the one which has now arisen? Is it not now the duty of that board to offer its services and to take the proper steps to investigate this controversy, which threatens the prosperity of the country?

Mr. NEWLANDS. It is the duty of the board, and, as I understand, that board has already been at work between the contending parties; and one of the contending parties, the railroads themselves, has made an unconditional refusal to consider the question of this increase. How much further the Board of Mediation is going I do not know.

Mr. HITCHCOCK. Will it not simply result in confusion to institute independent proceedings by another commission already overburdened with work, when the law provides that the Board of Mediation and Conciliation is the proper body to carry on the investigation and to act as intermediaries?

Mr. NEWLANDS. That may be so, Mr. President, and the Committee on Interstate Commerce may so conclude. I am not prepared to say to-day that I shall vote for this resolution; but I thought it well to introduce it as a starting point for investigation by the Interstate Commerce Committee, with a view to determining, first, whether now is the time to legislate upon the subject at all, and, second, if so, through what agency.

Mr. CUMMINS. I rise to a parliamentary inquiry. What is the pending question?

The PRESIDING OFFICER. The pending question is the amendment proposed by the Senator from Iowa [Mr. CUMMINS] to the bill known as the Post Office appropriation bill.

Mr. CUMMINS. I thought it was the request made by the Senator from Nevada for the insertion of certain matter in the RECORD.

The PRESIDING OFFICER. That was objected to.

Mr. NEWLANDS. It will be necessary for me to read that matter, inasmuch as the Senator from Wisconsin [Mr. LA FOLLETTE] has objected.

Mr. CUMMINS. Was there objection made, I ask?

The PRESIDING OFFICER. There was objection made to the insertion of the matter without reading.

Mr. CUMMINS. Mr. President, I wish to appeal to the Senator from Nevada, who is eminently a just man, and ask him whether he thinks it is quite fair to interject this discussion, which is entirely removed from the amendment which is the pending question, into the debate on the amendment which I have offered? I do not underrate the importance of the matter to which the Senator from Nevada is addressing himself, but will there not be a more appropriate time for the consideration of the subject which he is now presenting?

Mr. NEWLANDS. I will state that I had no expectation when I brought this matter up that it would take so much time. I had no idea that any objection would be interposed to the insertion of this matter in the RECORD, as the objections made this morning have been disposed of, but the Senator from Wisconsin has objected.

Mr. OLIVER. Mr. President—

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

Mr. NEWLANDS. Yes.

Mr. OLIVER. May I ask the Senator if the only objection that has been made to the insertion of the matter was the objection made this morning?

Mr. NEWLANDS. Oh, no.

Mr. OLIVER. Mr. President, I am deeply impressed with the necessity of expediting the business of this Chamber, and, in order to save time and to enable the Senate to proceed with its business in order, I will withdraw the objection, so far as I am concerned.

The PRESIDING OFFICER. The Chair will state that a subsequent objection was made to the insertion of this matter in the RECORD without reading.

Mr. NEWLANDS. Mr. President, it is only fair to myself now that I should go on and read this statement. If it were the prejudiced statement which the Senator from Wisconsin suspects, I might be under criticism for intruding it upon the attention of Congress, but I wish to put it in the RECORD, so that the Senate can judge for itself. I will read from it; it is not long:

REPORT OF THE COMMITTEE ON THE RAILROAD SITUATION.

APRIL 10, 1916.

TO THE BOARD OF DIRECTORS OF THE CHAMBER OF COMMERCE OF THE UNITED STATES:

The railroad committee, whose appointment was authorized by the chamber of commerce at its annual meeting in February, 1916, having painstakingly pursued its inquiry into the subject assigned to it, begs leave to submit the following report:

Your committee is profoundly impressed with the gravity of the existing situation and with the importance of having the people of the

United States realize how seriously every interest will be affected by the threatened interruption of railroad traffic.

Your committee is also convinced that, notwithstanding the burdens at present resting upon the Interstate Commerce Commission, there is no more important service which the commission could undertake in the public interest than that hereafter proposed, nor is there any other existing agency which enjoys the confidence of the men, the railroads, and the public, and is in every respect qualified to conduct an accurate and impartial investigation of the questions involved in the present controversy.

Your committee therefore recommends that the board of directors of the Chamber of Commerce of the United States take steps to secure immediately by referendum a vote from its constituent members approving the introduction into the Senate and the House of Representatives of a joint resolution, substantially as follows:

"Whereas the controversy has arisen between the railroads and certain of their employees relating to a shortening of the hours of labor without corresponding decrease in pay, and for increased compensation for any service performed in excess of the daily period prescribed, may lead to a serious interruption of the railroad service with disastrous effect upon the public welfare and upon the commerce of the Nation: Now, therefore, be it

Resolved, etc., That the Interstate Commerce Commission be, and it is hereby, directed immediately to investigate and to report to the Congress as soon as practicable the minimum, maximum, and average wage paid, with hours of service, to each class of railroad employees in the United States, and, so far as they are comparable, the minimum, maximum, and average wage, with hours of service, paid in other industries where similar skill and risk are involved, the relation of wages to railroad revenues, the question of whether railroad revenues based on existing rates for transportation will admit of equally favorable terms to all classes of railroad employees, and any other matter in this connection that the commission may deem relevant; and be it further

Resolved, That it is the sense of the Congress that the railway companies, their officers, and employees should give their hearty support and cooperation to the Interstate Commerce Commission in its investigation, deferring pending controversies over questions at issue until that commission may be able to complete its investigations and make its report to the Congress.

COMMITTEE ON THE RAILROAD SITUATION,
HARRY A. WHEELER, *Chairman.*

OUTLINE OF ARGUMENTS IN FAVOR OF THE COMMITTEE'S REPORT.

I. The public has a paramount interest in having before it an authoritative and nonpartisan statement of the facts regarding wages paid by the railroads to their employees; the public is a deeply interested party to any dispute between railroads and their employees, and is entitled to a clear and authoritative statement of the facts.

The United States has more than 250,000 miles of railway operated as a public utility. In dependence upon the lines of railway the agriculture, mining, manufacturing, and merchandising of the whole country have been developed in such a way that unimpeded and uninterrupted railroad service is vital to every business and every community. With the exception of the Great Lakes, no inland waterways are extensively utilized; for use even of the Great Lakes transportation by rail is ordinarily essential at either the eastern or the western terminus of the water route.

As consumers as well as in the position of producers all members of the public are interested in the operation of the railroads. In the hearings of the Five Per Cent case, decided in 1914, it was estimated that each year the railroads haul 12 tons for every person in the United States; on these 12 tons the freight charges are in the neighborhood of \$23. If these estimates are correct, the annual freight bill for each head of a household is about \$100.

Not only are there most important national interests in the railroads as public utilities which daily perform the services by law required of such utilities, but a large number of persons have a proprietary interest through ownership of stock and bonds. This proprietary interest, divided among hundreds of thousands of persons with little or no information regarding the details of railroad operation, can probably be estimated conservatively at \$15,000,000,000; at least the most recent statistics of the Interstate Commerce Commission, for 1912, indicate the total railway capital at \$20,000,000,000, and the National Securities Commission in 1911 stated that over 20 per cent of outstanding capital was held by the railroads themselves.

The public interest in means of transportation has been emphasized by the courts. Some of the expressions of the United States Supreme Court have been: "Railroad corporations being the recipients of special privileges from the State, to be exercised in the interest of the public * * * their business is deemed affected with a public use." "A common carrier can not be exonerated from his duties by anything except the clearly expressed assent of the parties concerned." "A common carrier exercises a sort of public office, having public duties to perform from which he can not be excused without the consent of those concerned."

The public character of the railroads of the country, in which the interest of the public in uninterrupted and efficient operation is transcendent, makes it highly important that authoritative information should at once be placed before the public regarding any controversies between employers and employees out of which detriment to great national interests might come.

II. Information regarding the relations of the railroads in all respects other than with their employees is available, or is being gathered; there should be no exception with respect to the relation of employer and employee.

The Interstate Commerce Commission publishes monthly a statement of the revenues and the operating expenses of railroads which are of such a size as to have general interest. Every year it publishes for each of the important roads detailed statistics in a large volume, the preliminary abstract of which, issued in advance of the completed volume, contains for each road some 500 items ranging from the rentals received from locomotives and the expenditures for fences along the right of way to the tons of freight moved and the number of coal cars which are owned. Statistics are published to show the number of employees in train service who at any time have been on duty more than 16 consecutive hours, with an indication of the causes which led to long hours of service. Repeatedly, at the direction of Congress, investigations have been made into the finances and the management of railroads, and special reports published. Since 1913, and at a present yearly public expense of \$3,000,000 or more, the original cost and the cost of reproduction new are being ascertained for all the railroads of the country.

Information which is now made available or is being assembled shows the degree of safety with which railroads are operated, the equipment with which they undertake to perform their public duties, the disposal in expenses, interest, dividends, etc., of the freight charges and passenger fares they collect, and the value of the property upon which they can ask a reasonable return through their charges to the public. Nevertheless, the wages and salaries paid to their employees and officers are made public only in gross sums and in general averages, and the public, unaccustomed to the complex form in which wages for many kinds of railroad services are customarily stated, has no means of knowing the purport of requests made for increased wages and no data by which it can compare either existing or proposed wages in railroad service with wages in other occupations.

III. In having railroad wages adequate to obtain efficient service and to return a proper compensation in view of American standards and in knowing that freight and passenger revenues are not dissipated in extravagant wages the public has a special interest because of the service it has a right to exact and the rates it pays.

The cost of operating a railroad, in which expenditures for wages form a great part, has repeatedly been held by the Interstate Commerce Commission to be a proper element for consideration when it is determining whether or not the rates charged for service to the public are reasonable; the element of cost of operation, however, is not necessarily controlling. For example, in 1912 the commission said it could not, from the point of view of public policy and humanity, ignore the wages and standard of living of railway employees or of miners when it was examining the freight rates on coal.

To the necessity of having railroads so manned and equipped as to provide adequate service the Interstate Commerce Commission has several times referred. In 1910 it said: "We must be conscious in our consideration of these rate questions of their effect upon the policy of the railroads and, ultimately, upon the welfare of the State. This country can not afford to have poor railroads, insufficiently equipped, unsubstantially built, carelessly operated." In the Five Per Cent case of 1914 the commission pointed out that the railroads "must provide a prompt and safe service, and they are held to a strict responsibility for injuries to travelers using their facilities and for losses or damage to property which they undertake to carry."

IV. The Interstate Commerce Commission is the proper body to make the investigation and the report proposed.

By law the commission now requires detailed reports from the railroads regarding their activities, revenues, and items of expenditure; the commission also has authority to require the railroads to make "specific answers to all questions upon which the commission may need information." Accordingly, the commission already has in its files much material for such a report as is proposed. It has organized and experienced staffs for investigation and for compilation of statistics, and it has power to gather from the railroads such additional information regarding wages as it may need. In 1914, when considering the Five Per Cent case, it did not hesitate to require the roads to prepare from waybills specific data concerning the corn, hay, cattle, lumber, etc., they carried in a certain month, and to go into details regarding their disposal of old wheels.

Under a Federal policy now well recognized, questions of banking and questions of railroad transportation are segregated from other questions and are referred to expert bodies. The gathering and presentation for public information of data regarding wages paid in railroad service should not be made an exception to this policy, but should be placed with the Interstate Commerce Commission.

No other independent Federal agency organized to be nonpartisan and with a record of actual abstention from partisanship is prepared to undertake the immediate investigation proposed. No new agency could be created which would command the same respect from all parts of the public or which could proceed without delay. The Interstate Commerce Commission is so well equipped to undertake the task in question that the commission would be justified, in the event it found such a course necessary, in temporarily ceasing from some of its usual activities in order that it might assume this investigation.

I will call the attention of the Senator from Wisconsin to the fact that then follows the outline of arguments against the committee's report, which seems to be fairly balanced.

OUTLINE OF ARGUMENT'S AGAINST THE COMMITTEE'S REPORT.

I. The Interstate Commerce Commission already has too much work and should not be asked to assume more duties.

Under existing law the commission has so many duties and such a volume of work that on April 17, 1916, the House of Representatives passed a bill enlarging the membership from seven to nine. In the last year for which the commission has reported, the year ending with October, 1915, it received 6,500 informal complaints, decided 902 formal cases, conducted 1,500 hearings in which 200,000 pages of testimony were taken, carried on a number of special investigations which included such important matters as the readjustment of transcontinental and intermediate rates in connection with the new route created by the Panama Canal, received and scrutinized 149,000 changes in rates filed by the railroads, and conducted the valuation of railroad properties which is in progress. Even this statement is not a complete summary of the activities of the commission, which in many respects need more of its attention rather than less.

II. Wages are connected with operation; the commission has never had jurisdiction with respect to operation, and consequently is not especially prepared for the task.

Aside from investigation into the efficiency of block signals and a limited jurisdiction in connection with the law which fixes maximum hours of consecutive duty for train-service employees and telegraphers, the commission has had little to do with the physical operation of the roads to which any question of wages is related. The ordinary jurisdiction of the commission, with respect to rates, concerns the traffic department of railroad management; the operating department is separate and distinct, with problems peculiarly its own.

III. The usefulness of the commission in performing its present duties could not be increased by the inquiry proposed, and it might be impaired.

Any attempt by a public body to make an investigation into facts which are the basis of an existing controversy, in which the public is not as yet directly a party, contains many possibilities of biased and partisan criticism. As such criticism directed against the commission in connection with the investigation proposed would not relate to its ordinary duties, the general acceptance of its conclusions in its proper sphere might be seriously impaired and public detriment result.

IV. Congress is expected to enact at this session a provision for an investigation of the conditions relating to interstate commerce and the necessity of further regulation.

The joint congressional committee which is proposed in a pending bill, introduced to follow a suggestion made by the President last December, could at once consider whether or not new agencies are needed to furnish the sort of information which it is proposed to gather, or itself might undertake to obtain and publish the data.

If Congress preferred not to leave the question of having information gathered to the joint committee, it could create a new agency, since the relation of employer and employee in the case of a public utility with 2,000,000 persons on its salary lists and pay rolls, and paying in salaries and wages yearly sums upward of a billion and a quarter dollars, may properly be considered worthy of the attention of a separate agency of the Government.

If an existing agency is to be used, the Federal Board of Mediation and Conciliation might be appropriate. Its members and staff have acquired much information and experience relating to railway wages; for this agency is maintained under special statutes for the express purpose of endeavoring to prevent disputes between railroads and their employees from interfering with the rights of the public to have unimpeded transportation facilities.

Mr. President, it strikes me that that is a fair statement of both sides of the controversy, without taking either side, except in favor of an investigation by a quasi judicial body; and surely the chamber of commerce can not be charged with lack of wisdom in recommending that the tribunal that should make this inquiry should be the tribunal which has been organized as the servant of Congress for the purpose of aiding it in the exercise of its power with reference to the regulation of interstate commerce.

Mr. President, it is perfectly obvious that a great public wrong will be done if the operation of the railroads is in any way interfered with. A controversy has arisen between the railroads and one-tenth of their employees, 300,000 in number, having the capacity to paralyze absolutely the transportation of the country; and they announce that they are about to determine now, by a referendum vote addressed to every one of these organizations throughout the country, the question whether their four representatives shall have the power at any moment of time to tie up and to paralyze the commerce of the country. If they have that power and are willing to exercise it, then the public is in great danger; and the question is, How can that danger be averted? By legislation which will make every employee of a common carrier a public servant, the abandonment of whose job would be an act of disloyalty to the public itself and to the Government? We are not prepared for that. The only way in which we can avert this great danger is by reason and persuasion, and reason and persuasion must be based upon facts.

What facts have we? Has there ever been any classification of the railway employees of the country, their wages, and their hours? None whatever that I know of. What effect will this proposed diminution in hours have upon the increase of the operating expenses of the railways? No one knows.

The railway employees say that it will increase those operating expenses only \$20,000,000 annually. The railroads say that it will increase them \$100,000,000 annually. Which one is right?

If the increase in the cost of operation of the railways is \$100,000,000 annually, is that hundred million dollars to come out of the dividends of the stockholders, the profits to which they think themselves entitled, or is it to come out of the public, by reason of the imposition of increased rates?

Mr. THOMAS. Mr. President—

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

Mr. NEWLANDS. Certainly.

Mr. THOMAS. The Senator says that the contention of the railroads in this controversy is that if the demands of the men are granted it will result in an increase of railway expenses of \$100,000,000 annually. Is not that just about the amount which certain banking interests in New York City, in their manipulation of the New York & New Haven road, took from that road?

Mr. NEWLANDS. I am not informed as to that.

Mr. THOMAS. And whose was the loss of that manipulation?

Mr. NEWLANDS. It should be the loss of the men who made the manipulation.

Mr. THOMAS. Unquestionably; but does it not also fall upon consumption? Now, I am not prepared to talk about this subject very much at present, but it seems to me that if the present methods of railroad manipulation are to go on, and these enormous sums are to be extracted from the railway interests, it will be quite as well to have some of it go to the men who operate these roads as to have all of it go to a small combination of men who use the credit of the railroads for the purpose of destroying them.

Mr. NEWLANDS. I quite agree with the Senator that as between the money which is to go to favored stockholders by manipulation and the money that is to go to the operatives by increase of wages, I much prefer the latter. What I say, however, is that we have no accurate data upon the subject. There must be, then, an inquiry by somebody, because if we are to engage in reason and persuasion instead of a resort to absolute power over the operatives of the roads we must have the facts; and if the claims of the men are just, their demands should be granted upon those facts; and if they result in an increase of the operating expenses of the railroads, some arrangement must be made by which the railroads shall receive an income sufficient to cover these operating expenses, unless the railroads are now enjoying an income above what they are entitled to; yet we have no proof with reference to either of these questions.

I imagine that the cost of labor on these railroads must be a very large percentage of the total operating expenses; I do not know how much. The Supreme Court decision requires the Interstate Commerce Commission, in fixing the rates, to take into consideration the value of the roads, the amount of stock and bonds issued, the operating expenses, the taxes, and other considerations; and yet we have never reduced these considerations to any definite data. We do not know yet, to-day, the value of the roads. We are ascertaining it, and it will take five years longer to ascertain it. We complain that there have been overissues of stocks and bonds, but we do not know how much. But the fact remains that as a result of these uncertainties the investment in railway securities has almost ceased within the past year or two.

Mr. BANKHEAD. Mr. President—

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

Mr. NEWLANDS. I do.

Mr. BANKHEAD. I want to ask the Senator if he would not be willing now to postpone the remainder of his very interesting address until we can consider for a short time the matter before the Senate, the unfinished business? In that connection I desire to remind the Senator that this bill must be passed before the 1st of July, if it is possible. I hope we shall be able now to proceed to its consideration, if the Senator from Nevada will kindly consent to that course.

Mr. NEWLANDS. Mr. President, I think the Senator from Alabama has a right to complain of this intrusion. It was not my purpose to intrude so long a discussion upon this subject. I simply thought I would get this matter in the RECORD. The Senator from Wisconsin [Mr. LA FOLLETTE], however, made some remarks regarding the substance of this paper itself, and made some observations which I thought rather reflected upon me for intruding this matter at all upon the attention of Congress; and I felt that I owed it to myself to make a fair statement. I will not take more than a few moments longer. I will close in three minutes.

Mr. BANKHEAD. Very well. In that connection I wish to suggest that I thought the Senator from Wisconsin was mistaken in his generalship when he objected to printing this matter in the RECORD. If it had been printed in the RECORD I will almost guarantee that no Senator would have read it. Now, they have been compelled to listen to it. Therefore it has gotten some publicity.

Mr. LA FOLLETTE. I might observe, Mr. President, that very few of them have listened to it.

Mr. NEWLANDS. Well, that is true of most debates in the Senate.

Mr. President, I believe that this matter ought to be looked into now by the Interstate Commerce Committee. I am not prepared to say that the action provided for by this resolution is the right action, but it seems to me that it is the time now for this committee to summon before it the chiefs of these great railway organizations and the chiefs of the railways themselves, and ask them what objection they have to an investigation of this kind, so that we will obtain the facts upon which we can base an appeal to the reason and the judgment of both the carriers and their employees. I can not but believe that such a discussion at this time will bring both sides to a realization of the fact that the public has some rights in this matter; that at a time when we are engaged in serious difficulties with a neighboring country and in diplomatic controversies with countries abroad, and when the economic conditions are such as to make everybody view with apprehension any derangement of interstate commerce, it is, above all, incumbent both upon the employers and the employees to keep their heads, to get the facts, to appeal to the reason and the judgment of the entire American people, so that public opinion will back up the proper determination of this matter.

Mr. LA FOLLETTE. Mr. President, I regret very much that my objection did not exclude from the RECORD the matter which the Senator from Nevada has taken the time to read into the RECORD. That makes it necessary for me to follow it with some facts which, I think, will supplement somewhat the side of the employees, which is very unfairly and very imperfectly stated in the matter which the Chamber of Commerce of the United States sent out to the local chambers of commerce of the country in order to get just the votes that would be satisfactory to the great railroad interests.

Now, Mr. President, I am going to ask the indulgence of the Senate, or so many of its Members as are represented here this afternoon, while I record a few facts which I think are pertinent to this subject. The purpose—I will not say the only purpose, but the effect—of the insertion in the RECORD of this matter from the Chamber of Commerce of the United States is to influence public opinion, and therefore I desire that there shall go along with it some data which will more evenly balance the matter which has been presented.

I begin, Mr. President, by reading a brief statement, published in a very unbiased magazine of the country, to which I contributed.

Mr. NEWLANDS. Mr. President—

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

Mr. LA FOLLETTE. With very great pleasure.

Mr. NEWLANDS. May I ask the Senator, with a view to sparing the feelings of my friend the Senator from Alabama [Mr. BANKHEAD], whether it will suit his convenience to have the matter to which he refers inserted in the RECORD?

Mr. LA FOLLETTE. Oh, no; oh, no! I can make it so much more impressive, Mr. President, by reading it.

Mr. THOMAS. And interesting.

Mr. LA FOLLETTE. And much more interesting; and it is pretty well written, too, for I wrote it myself. [Laughter.] It appears in La Follette's Magazine of April, 1916:

AN EIGHT-HOUR DAY FOR TRAINMEN.

In the second session of the Fifty-ninth Congress I made a long fight for a 16-hour limit as a maximum working day for trainmen. Senators opposed to the measure resorted to a protracted filibuster to defeat it. That legislation was in the interest of fairer treatment for the men and greater safety for the traveling public. Like the opposition of the steamship companies to the seamen's bill, it illustrates the blind greed of corporate monopoly in resisting every measure to secure decent and humane conditions, reasonable hours, reasonable compensation for employees, and an utter disregard for the lives of patrons whenever it interferes with profits.

The 16-hour law for trainmen afforded some small measure of relief where its provisions were observed, but it has been shamefully evaded. The reports of the Interstate Commerce Commission for the year ending June 30, show that there were 261,332 cases where 16 hours of continuous service was exceeded by train and engine men. Each violation involves a crew of five men, hence more than a half a million were compelled to work more than 16 hours in continuous service last year. Five thousand were on duty 27 hours and 800 were forced to remain on duty in nerve-racking train service more than 65 hours continuously.

The railroad employees are engaged in a public service. It is the business of the public to redress their wrongs. Reasonable working hours for trainmen lie at the foundation of safe and efficient service. It is the most fundamental basis for the slogan, "Safety first."

For the first time in history, the several railroad brotherhoods are a united organization—400,000 strong—asking for an eight-hour day and "time and a half pay" for overtime.

This is a reasonable demand. The railroads are very prosperous. Their employees are entitled to a fair share in this prosperity. The Bureau of Railway Economics, speaking for the railroads, announces that the net operating income of the railroads of the United States for November, 1915, as compared with the same months for five preceding years, increased 45 per cent.

With the increased size of engines and length of trains and the improved devices for handling freight, labor costs the railroads less now—even though they pay more wages—than it did 20 years ago. The labor cost for an engineer per ton-mile unit was one and six-sevenths times greater in 1890 than in 1913.

The railroads claim, as always, that they are entitled to all this gain, but they are not. They are public servants. The court has determined they are entitled to a fair return on the money invested.

They are receiving much more than a fair return on the money invested. They can afford to divide profits with their employees.

Nearly all the leading trades and industries have adopted the eight-hour day. When the struggle was on the employers almost universally contended, as the railroads are now contending, that the shorter day would be ruinous. But experience demonstrates that the shorter workday makes for greater efficiency and increased output of a better product. This is especially true in all occupations of continuous concentrated effort under exacting mental and physical strain.

Extra pay for overtime is conceded in most of the great lines of industry.

Some 18 railroads are now working their employees on an eight-hour basis. These roads are prosperous.

Many railroads have been wrecked in the last decade through dishonest financial operations. The New Haven is a notable example.

These roads have not suffered loss through shorter hours or better pay of employees.

A thorough reorganization of railroad operation upon the sound basis of a sufficient force of men to handle the business within a reasonable working day, will make for higher efficiency, greater safety, and less delay in train operation.

An eight-hour statute, with extra pay for overtime, will make the law self-enforcing.

The railroads are circularizing the farmers, arguing that because farm labor is performed with no limit to the hours of service, railway employees require no statutory protection.

This is a cunning appeal. But the farmer will not be caught by it. He knows that the elementary reason for limited hours of service lies in the character of the service. The trainmen are employed in a business of great hazard; severely exacting in the draft which it makes upon certain mental and physical functions. The engineer, confined to a space scarce larger than a coffin, grasping throttle and lever, his eyes fixed upon the track ahead, mind and senses alert, concentrated for hours without relaxation or change, exhausts his vital forces in less than half the time that they would be overtaxed by another occupation where the conditions are wholly different. So, in a measure, with the firemen, conductors, and brakemen in their respective lines of labors and responsibility.

The companies also contrast the wages of the railway employees with the amount paid for farm labor. But the farmer knows that he feeds and houses his farm hands, while the railway employee must pay rent and maintain his home, besides buying all his own meals in the eating houses and railway hotels along the run, making heavy inroads upon his earnings every month.

And finally the farmer understands, as the public does generally, that better pay for 400,000 railroad employees means better homes for their families, better opportunities for their children, and, indirectly, a measure of increased prosperity well distributed over the country.

The demands of this body of 400,000 industrious, efficient, intelligent men should be granted without contest. The great masses of the people are behind them.

The facts here presented bear upon the statement and the observations submitted by the Senator from Nevada as to whether or not the railroads were sufficiently prosperous to meet this demand of their employees. I say, in this editorial:

This is a reasonable demand. The railroads are very prosperous. Their employees are entitled to a fair share in this prosperity.

I do not know that Senators are aware of the fact that some years ago the railroads of the country established here in Washington an organization, very strongly equipped with statisticians and economists, known as the Bureau of Railway Economics. They issue bulletins from time to time, presenting statistics which will support railway contentions for increased transportation charges upon the people of this country. They are very watchful. They have drawn into their service some of the ablest economists of the country, some men who have made reputations as writers and as authors of works upon the public side of railway control, who have been weaned from their earlier devotion to public interest to enlist in the better-paid service of these corporations.

There is, Mr. President, no organization, no bureau of information, no aggregation of economists and statisticians issuing matter from month to month for the protection of the public, presenting the side of the shipper and the consumer, but here in this Capital City of our Nation is builded up a powerful railroad organization that presents a lopsided statement of facts and statistics to influence not only public opinion and Congress but for the effect that it shall have upon the very tribunal which the Senator from Nevada would make the arbiter in this contest between the railway employees and the railroads of the country.

Now, I am going to quote just a word from this Bureau of Railway Economics as to the profits of the railroads of the country:

The Bureau of Railway Economics, speaking for the railroads, announces that the net operating income of the railroads of the United States for November, 1915, as compared with the same month for five preceding years, increased 45 per cent.

Do Senators get that? In 1910 the railroads of this country applied to the Interstate Commerce Commission for an advance in rates, particularly in western territory. There was a prolonged investigation. The Interstate Commerce Commission of that time was the strongest, I believe, and I think it is the consensus of opinion that it was then the strongest that it has been in its history, unless it be compared with the commission as originally organized. After a most thorough and comprehensive investigation, the Interstate Commerce Commission in 1910 rendered a decision covering an enormous field of traffic in this country, denying any advance in rates and ruling that the railroads were receiving all that they were entitled to. November, 1910, is one of the five months embraced within the five-year period covered by the Bureau of Railway Economics which I have just read. Some of the other years, if not all of them—and I think all of them except one—recorded the highest net earnings of the railroads of this country of any years since the establishment of the Interstate Commerce Commission.

So, Mr. President, that statement of the Bureau of Railway Economics boasts that the net income of the railroads of the United States for November, 1915, as compared with the same months for five preceding years, showed an increase of 45 per cent in net earnings.

If November, 1915, was 45 per cent better in net earnings than November, 1910, then it is fair to assume that the whole year of 1915 was very much better than the whole year of 1910. Yet when the railroads attempted to raise their rates in 1910 the

Interstate Commerce Commission denied their application on the ground that they were earning enough. If they were earning enough in 1910, how about their earnings in 1915, when their own bureau states that they were 45 per cent above the average of the same months for five years preceding?

Mr. President, it is true that the railroads in what is known as official classification territory, seizing upon an extraordinary situation late in 1914, made their application for an increase in railway rates from the Interstate Commerce Commission and secured from that commission an advance in rates. I have been reluctant, sir, to comment upon that decision on this floor, a decision in what is known as the Five Per Cent Advance Rate case.

I have regarded it for many years, sir, as important, if possible, that the Interstate Commerce Commission should hold the confidence of the people of this country as an unbiased and unprejudiced body before whom these great issues might be tried out. But, sir, when it is made necessary I am bound to say that the decision rendered by the commission in that case has made me reluctant to submit to the Interstate Commerce Commission any more propositions or questions of importance than the law brings before them in the ordinary course of its administration.

I was a member of the House of Representatives when the original Interstate Commerce Commission act was passed. I supported as best I could by voice and vote the enactment of that law. I have given many years of my life to the study of the problems involved in railway transportation. I have in some measure been instrumental in building up in one of the States of this Union the most thoroughly scientific regulation of transportation by a commission that any organized Government in the world can exhibit. Here and elsewhere, for many years, I have been a supporter and defender of the Interstate Commerce Commission.

But, Mr. President, we have witnessed changes in the commission and changes in its decisions since it denied the application of the railroads to advance rates in 1910.

The so-called Five Per Cent Rate case of 1913 and 1914, in which the railroads finally succeeded in getting a favorable decision from the Interstate Commerce Commission, is a notable instance of the change which has come. Since that time there have been many other advances in rates.

The Five Per Cent Rate case was instituted before the commission in May, 1913.

It was thoroughly investigated by the commission. Mr. Brandeis was employed to assist in the work. More than a year was given in preparation and trial of the case.

It was then decided against the railroads on July 29, 1914. Some time thereafter the commission reopened the case, upon the application of the railroads, and decided it in their favor December 15, 1914, by a divided commission.

While this case was before the commission, the railroads organized a nation-wide conspiracy to influence the commission to decide the case in its favor.

It had its inception at a meeting of railroad presidents held April 30, 1913, just two weeks before the application for an advance in rates was filed with the commission.

They established bureaus in Philadelphia and elsewhere from which they supplied false and misleading material for publication in newspapers throughout the country.

They enlisted the services of bankers' associations, the chambers of commerce of the country, commercial clubs, and merchants and manufacturers' associations to pass and forward resolutions addressed to the Interstate Commerce Commission, making special, partisan pleas in support of an increase in rates for the railroads.

Inspired by the railroads, thousands of personal letters and telegrams were written and sent by influential business men to members of the commission, to persuade or drive them to decide the case for the railroads.

Through the insidious and powerful influence of the railroads the metropolitan press, the magazines, and the weekly papers were induced to print articles and editorials—in all, something like 22,000—to coerce the judgment of the commission in favor of a decision increasing rates, and prepare the public mind to accept such a result without revolt.

The mail of the Interstate Commerce Commission was loaded down with marked copies of these articles and editorials.

In the hope that an exposure of the iniquitous proceeding might afford some protection to the commission and the public against its continuance in this case, I introduced and secured the passage of a Senate resolution calling upon the commission to transmit all such communications received up to that time to the Senate.

Senators who were then present will remember that I addressed the Senate upon the subject of the organized campaign

which was being systematically conducted by the railroads through such means to influence a decision in their favor by the commission. I laid a great mass of the letters, telegrams, editorials, magazine articles, resolutions, and marked press clippings before the Senate; and, in order that the public might be fully advised of the great wrong, printed the material in the CONGRESSIONAL RECORD. It covered 358 pages of the RECORD.

The law makes it the duty of the commission to require proof before increasing rates. The law presumes that the existing rates are high enough. It requires specific evidence establishing the fact that any rate or rates are so low as to be unjust and unreasonable before the commission is warranted in making an order to increase such rates. To increase the rates without the specific proof, to permit fear or favor to influence a decision, is to violate the law which the commission is chosen to administer.

Mr. President, it was a body blow to railway regulation when the Interstate Commerce Commission reversed the decision which it had rendered July 29, 1914, denying the application for an increase in rates and granted the increase in rates on the 15th of December, 1914.

Mr. President, railroad regulation by commission has had no better friend, if I say it myself, on this floor or anywhere in this country than I have been. Throughout my public life I have advocated railway regulation by a commission clothed with power not only to regulate railway rates but to be so thoroughly and so scientifically informed that it could intelligently pass upon all questions affecting rates and service.

Sir, when I entered the Senate of the United States, January, 1906, the law regulating interstate commerce required the commission to ascertain and fix reasonable rates, but there was nowhere in the law any measure of reasonable rates, or any means provided by or through which the commission could ascertain a reasonable rate.

Upon what must a reasonable rate be based? Upon first the cost of operation; second, the cost of maintenance; and third, a fair valuation of the property. The interstate commerce act of 1887 provided that the commission should be informed as to the cost of operation, and as to the cost of maintenance. But the law withheld, and every time the law was revised Congress carefully withheld from the Interstate Commerce Commission the most important element essential in ascertaining a reasonable rate, namely, the fair value of the property. It is no more possible to determine a reasonable rate which the railroads should be permitted to charge, than to determine what would be a fair profit for a manufacturing business to pay without knowing the amount of capital invested in the business. Mr. President, when I entered the Senate and proposed that the Interstate Commerce Commission be authorized to secure the value of the railroads of the country, Senators rebuked me by leaving the Chamber in a body. I pressed the subject upon the attention of the Senate at every opportunity from 1906 until 1913. Finally in March, 1913, with an organized public opinion behind it, the bill for the valuation of the railway property of the country passed the Senate without a dissenting vote.

The Interstate Commerce Commission is at present engaged in the great undertaking committed to them by that bill. The time of the commission is fully occupied with its regular duties to which is added the burden of ascertaining the value of railway property. No special investigation should be referred to them by Congress at this time. There is no rational basis for them to find a true economic answer to rates or wages until they determine the fair value of railroad property.

Mr. GORE. There is no sea level.

Mr. LA FOLLETTE. My epigrammatic friend from Oklahoma suggests that there is no sea level to measure by. Of course there is not.

You may send this proposition, I will say to the Senator from Nevada, as to what the railroads can afford to pay in wages to the men who operate their trains, to the Interstate Commerce Commission, but the commission have no data from which they can determine the profit of the railroads. They guess at every question submitted to them.

Mr. NEWLANDS. Mr. President, may I ask the Senator from Wisconsin whether it does not follow from his reasoning that the Interstate Commerce Commission ought never, during this entire period, to have made either an increase or a reduction in rates?

Mr. LA FOLLETTE. Mr. President, it follows from my reasoning that the Interstate Commerce Commission never had any accurate scientific data from which to determine whether a rate per se was a reasonable rate. All they could do was to measure any rate that was questioned by the rates that the railroads were fixing for other hauls like in distance and char-

acter and make the best guess they could as to whether the rates were relatively equal. They never had, and the Senator must know that they never had, the information upon which to determine whether the rates were reasonable in fact or not.

Mr. NEWLANDS. Mr. President, I will say with reference to that that I have always concurred in the view so insistently advocated by the Senator from Wisconsin that a valuation of all our railways was essential in order to enable the Interstate Commerce Commission to perform its functions. All I can say is that if the Interstate Commerce Commission has not during this intervening period had the data upon which it could fix an increased rate it has not had the data upon which it could fix a reduction of rate, and hence it follows logically that no action whatever should have been taken by the Interstate Commerce Commission during this period. I admit the difficulties under which the Interstate Commerce Commission has operated.

Mr. LA FOLLETTE. If the Senator from Nevada so early and so insistently contended that the valuation of the railroads was an essential to the determination of reasonable rates, it might be asked by some student of his record why he, as a member of the Interstate Commerce Committee, failed to demand legislation for railway valuation. The Interstate Commerce Commission was declaring in every annual report which it made from 1903 down to 1913 that it was impossible for them to fix reasonable rates without first ascertaining the value of the railroad property, and appealing in each of those reports in 1903, 1904, 1905, 1906, and on down through the years for authority from Congress to get the valuation of the railway property of the country.

Mr. NEWLANDS. I will state that I do not recall a time during the time that I have been a member of the Interstate Commerce Committee when I have not favored and advocated a valuation of the railroads.

Mr. LA FOLLETTE. I will say that the CONGRESSIONAL RECORD does not show that the Senator from Nevada ever raised his voice in favor of the valuation of the railways of the country until after 1906, when I made a two days' appeal on this floor for railway valuation. In 1903 the Interstate Commerce Commission appealed in its report to Congress for power and for an appropriation upon which to get the value of the railroads of the country, saying that they could not fix a reasonable rate without it. In 1904 they repeated it, in 1905 they repeated it again, in 1906 they repeated it again; and then in 1906 the Interstate Commerce Committee, of which the Senator from Nevada was a member, reported out a bill which omitted that great fundamental requirement for railroad valuation for which the Interstate Commerce Commission had pleaded with Congress from 1903. Those are historical facts.

Mr. NEWLANDS. Will the Senator state when he entered the Senate?

Mr. LA FOLLETTE. I entered the Senate on the 4th day of January, 1906. I was sworn in on that day.

Mr. NEWLANDS. All I can say is that I certainly gave very hearty support to the Senator's measure and that prior to that time whatever bills were presented were presented not by the present party in power but by the opposite party.

Mr. LA FOLLETTE. Yes; but in 1906—

Mr. NEWLANDS. Now, I can not recall whether or not I moved any amendment.

Mr. LA FOLLETTE. I can.

Mr. NEWLANDS. But the Senator is certainly very unfair in indicating that I have not been always uniformly for the valuation of the railways.

Mr. LA FOLLETTE. I do not say the Senator was opposed to it. I say the record of his committee and the record of Congress does not show, and he can not show, that he ever supported it prior to 1906. When I advanced it in 1906 on this floor the Senator was particularly solicitous to know what it was going to do to the people who had invested in railroad securities.

I said in answer to the Senator at that time it did not make much difference to me; that they bought as they would buy any other speculative property, under the rule of caveat emptor; that it was their business to know the value of the securities in which they invested; and that the Government was not obligated to insure to speculative investors in railroad securities a profit at the unjust expense of the people of this country.

Mr. LEWIS. May I interrupt the Senator from Wisconsin?

Mr. LA FOLLETTE. Certainly; I yield.

Mr. LEWIS. I was attracted by the statement of the Senator calling attention to the 5 per cent increase, and subsequently to an additional increase of rate ordered by the Interstate Commerce Commission within the last year and the year before. I will ask the Senator from Wisconsin if his attention has been attracted in the last few days to a report emanating, or

charged to come, from the Interstate Commerce Commission showing that the railroads have made \$1,000,000,000—

Mr. LA FOLLETTE. I have seen that.

Mr. LEWIS. In one year.

Mr. LA FOLLETTE. I have seen it.

Mr. LEWIS. If such is approximately true, upon what basis of justification can it be urged that there was any necessity for the increase to which he referred, which was granted by the Interstate Commerce Commission?

Mr. LA FOLLETTE. I thank the Senator for his interruption. It but emphasizes what I say. There was no justification for that increase. It was made upon a spurious showing. No man need to do more than read the briefs of the attorneys upon both sides and the testimony to be convinced of that.

Two of the strongest members of that commission dissented from the increase, Mr. Chairman Harlan and Mr. Commissioner Clements, both of them saying what no living man can dispute, that in granting the increase the majority of the commission violated the law of their organization; that the law which created it empowered the commission to advance rates or to decrease rates only upon a convincing showing that the existing rate was unreasonable; that it was either too high and should be reduced or too low and should be increased. The two members of the commission who dissented from that opinion stated in their dissenting opinions that there was no testimony before the commission and no evidence taken by the commission tending to show that a single one of the great body of rates that were advanced was unreasonable at the time.

The commission introduced into the opinion which they rendered, speculations about the effect of the European war upon railway securities, that interest rates might be advanced. They wrote into that opinion considerations which Congress might properly take into account as a legislative policy in dealing with problems induced by the European war. But, sir, it is the function of the Interstate Commerce Commission to administer the law under the rules prescribed in the act which gave it being. It is never the province of an administrative commission to declare a legislative policy of government.

The reason why Congress fixed the rule for the Interstate Commerce Commission that rates should be reasonable was because Congress could not delegate to the Interstate Commerce Commission the right by its decisions to determine a legislative policy. That is what they did in that decision. They decided that because a great world war was creating a disturbance in transportation, and might affect interest rates on railroad securities, that the Government of the United States ought to guarantee railroads a certain profit on their business. Of course, other lines of business were likewise temporarily suffering inconvenience and loss. And other lines of business had to meet the conditions without Government aid. But the commission decided to protect the railroads at the expense of the people.

The law did not give them that power and there is no justification for their action.

Mr. CUMMINS. Mr. President—

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

Mr. LA FOLLETTE. I do.

Mr. CUMMINS. If the Senator from Wisconsin will pardon me, I think it ought to be stated with reference to the decision to which he has just referred, and which was rendered upon the record made up in the proceedings of 1913, which took into account the revenues of the railway companies at their low point, that the aggregate revenues of all the railways then under consideration were sufficient after paying the cost of maintenance, operation, taxes, all fixed charges, including interest upon bonds, to pay 8.2 per cent upon the common stock of all these railways; and it was that earning which the commission held to be inadequate.

Mr. LA FOLLETTE. Well, the commission did not in the first decision hold the earnings of the railroads to be inadequate. It decided against the increase for which the railroads applied. Then, when the war came on, the railroads applied for a rehearing of the case, and upon the rehearing the increase of which I have just been speaking was granted.

Mr. CUMMINS. That is true, Mr. President; but I simply wanted it to appear in the RECORD at this point that the revenues as a whole were shown to be sufficient to pay 8.2 per cent upon the common stock of all the railways, and I never could understand how anyone could reach the conclusion that under such earnings the rates as a whole ought to be advanced.

Mr. LA FOLLETTE. Mr. President, I think the Senator from Iowa may be correct in his figures, as based upon the brief of Mr. Thorne, but as based upon the findings of the commission it is not my recollection that the findings of the com-

mission are in agreement with the figures which are given by the Senator. It was, however, apparent, Mr. President, as I now remember, that there was some evidence that the small areas, described as "central classification territory"—

Mr. CUMMINS. Western freight association territory.

Mr. LA FOLLETTE. No; I mean the small areas within the official classification territory, known as "central classification territory."

Mr. CUMMINS. That is in the official classification territory.

Mr. WEEKS. Mr. President—

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

Mr. LA FOLLETTE. I do.

Mr. WEEKS. I rose to ask the Senator from Iowa [Mr. CUMMINS] to the earnings of what year he referred in the statement which he made. I might suggest to the Senator from Wisconsin [Mr. LA FOLLETTE] that the attorney of the Interstate Commerce Commission, notwithstanding this \$100,000,000 to which he has just referred, I understand, reported that he thought that the rate ought to be increased.

Mr. LA FOLLETTE. Mr. President, if the Senator from Massachusetts voted against the confirmation of L. D. Brandeis upon any such flimsy pretext as that, he voted without any evidence upon which to rest his vote. Brandeis, as the attorney for the Interstate Commission, contended from first to last that, while in order to adjust the rates and to equalize them, certain passenger rates in "central classification territory" ought to be advanced, if they would cut off the free services the railroads would not need any additional revenue.

Mr. WEEKS. Mr. President, that was not the reason I voted against Mr. Brandeis. There were other reasons which seemed to me to be sufficient.

Mr. LA FOLLETTE. And which perhaps were no better.

Mr. WEEKS. However, in order to correct the record and to have the record complete, I want to ask the Senator from Iowa to what year he was referring?

Mr. CUMMINS. I referred principally to the year 1913. This proceeding was begun early in 1913. The original decision was rendered, I think, in June, 1914.

Mr. LA FOLLETTE. It was rendered July 29, 1914.

Mr. CUMMINS. It was rendered in July, 1914. A rehearing was applied for shortly thereafter, and the decision upon the rehearing occurred probably some time in July or August.

Mr. LA FOLLETTE. Oh, no. The declaration of war in Europe in 1914 came on the 1st day of August, and the application for a rehearing and the decision were all after that period.

Mr. CUMMINS. I think it was after the 1st of August, 1914.

Mr. LA FOLLETTE. It was a considerable period after that time; and, as the Senator will remember, the war was referred to in the decision which was rendered.

Mr. CUMMINS. The decision upon the rehearing occurred some time, I think, in the latter part of 1914, did it not?

Mr. LA FOLLETTE. That is correct. The decision in favor of the railroads was rendered on December 15, 1914.

Mr. CUMMINS. And the earnings that were taken into account principally were those for 1913, supplemented by those of the early months of 1914; and those were the months of low earnings upon the part of the railway companies.

Mr. WEEKS. My recollection is that the Interstate Commerce Commission figures for the fiscal year 1914 show an earning of 4½ per cent on the capital stock of the railroads of the United States, and I think an investigation will show that those figures are correct, as reported by the commission.

Mr. CUMMINS. Mr. President, the Senator from Massachusetts is mistaken about the matter, I am sure. He is now referring to all the railways in the United States.

Mr. WEEKS. Yes; I am.

Mr. CUMMINS. I referred to the railways of the official classification territory, concerning whose earnings the testimony was very full and exhaustive. While I may not be correct about it, I think the Senator from Wisconsin may be in error, for I believe that the railway companies themselves admitted that the net revenues—there was some dispute about the adjustment and bookkeeping—that the net revenues of the railways in this territory would pay more than 8 per cent upon the common stock. I am not now speaking of 8 per cent upon the entire capitalization, for there was deducted from the gross earnings the rate of interest which they were actually paying upon the bonds, which represented about one-half of the entire capitalization.

Mr. LA FOLLETTE. What about the preferred stock?

Mr. CUMMINS. There was deducted on account of the preferred stock the rate of dividend that was actually paid.

Mr. LA FOLLETTE. Mr. President, it is not of particular value in this discussion for the Senator from Massachusetts

[Mr. WEEKS], the Senator from Iowa [Mr. CUMMINS], and myself to split hairs or to make fine distinctions about the rates which the railroad companies were earning upon their stock in that year. Their stock represented no investment. The stock of the railroads of the country, as a whole, have been issued without one dollar of investment represented in the issue. The railroads of this country have been built, and can be rebuilt to-day, even with the advance in the cost of material, upon which the Senator from Nevada [Mr. NEWLANDS] has dwelt at such length, for the bonded indebtedness of the railroads of the United States. It is the history of all railroad building, sir, that the people have furnished the capital that built the railroads. The Senator from Massachusetts shakes his head in dissent. I give this as the uniform method of railroad construction. If there be exceptions to it, my study—and it has been reasonably diligent, beginning back thirty odd years ago—has missed it.

Railroads are built in this way: A company is organized and secures a right of way. The right of way is gotten with the payment of but little money. Communities, counties, States are stimulated to believe that the building of the railroad will be a tremendous advantage to them. Their cooperation is secured in the bonding of the towns, in the bonding of the cities, in the bonding of the counties. In many cases farmers have given farm mortgages to promote the building of railroads in this country. The right of way is secured—secured by gifts, by donations. On top of it the bonds of the communities are offered.

Then, Mr. President, a construction company is organized. The construction company takes over the company that secured the right of way, and takes over all it has. Then the construction company proceeds to carry out the construction of the road in a very rough and elemental way. Then it presents to the financiers the proposition of bonding the entire enterprise. It is the history of railroading in the United States that the amount of bonds which have been issued upon each of these enterprises has been sufficient to cover all the expenses of securing the right of way, all the expenses of organization, all the expenses of agents to work upon public sentiment; every dollar of expense is included in the amount for which the property is finally bonded.

The bonds are issued, the railroad is built; and stocks are then issued, which represent no dollar of money, which go into the hands of the promoters of the enterprise as a clear gift.

Then, what follows, Mr. President? After the construction company has again passed over its organization and its titles to another organization that is finally named the railroad corporation, as it operates the property, the operation of the road begins. It begins upon a rate basis that requires the public to pay interest upon the bonds, which represent all the capital put into the business, dividends upon the stock which represent no dollar of investment; and enough more to create a surplus. The surplus is made the basis of a sinking fund ultimately to redeem the bonds, thus making the public pay for all the capital, and enough more to build the property over again and make it a real railroad, and to provide for permanent improvements. The surplus which the railroads of the country have created under the rates which they have been able to tax the people of this country have been sufficient to make the permanent improvements which they have made. The tunnel under the Hudson River was built out of surplus. The great Pennsylvania depot—

Mr. OLIVER. Mr. President—

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

Mr. OLIVER. I can not allow that statement to be made without challenging it. The tunnel under the Hudson River, built by the Pennsylvania Railroad Co., was built out of stock subscriptions issued at from 20 to 40 per cent above the par value; in other words, the par value of the stock being \$50 a share, the Hudson River Tunnel was built by additional stock issued at a minimum of \$60 a share.

I want to say also that from the very day the Pennsylvania Railroad was incorporated—I think it was in 1846—there never has been a single share of stock issued that did not represent at least \$50, the par value thereof, in cash. I can not allow such misstatements to be made on the floor of the Senate without raising my voice in protest.

Mr. LA FOLLETTE. I am glad to have yielded, although not asked to do so by the Senator from Pennsylvania, to enable him to make his protest. It signifies nothing. Although the accuracy of his statement is in nowise admitted as correct, it signifies absolutely nothing. Every single improvement which has been made by the railroads of this country has been made out of exactions upon the public in unreasonable railroad rates,

Mr. WEEKS. Mr. President—

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

Mr. WEEKS. May I call the Senator's attention to the fact that there has not been a railroad security issued in the State of Massachusetts for 25 years which has not been issued under the direction of the public-service commission and at a price fixed by the public-service commission, and that probably nine-tenths of the railroad stock issued in Massachusetts or under Massachusetts law during the past 25 years has been issued at a premium?

Mr. LA FOLLETTE. Mr. President, what does that signify in a State which has permitted the public to be exploited by the New Haven system, robbing everybody in sight? You may put upon the transaction—

Mr. LIPPITT. Mr. President—

Mr. LA FOLLETTE. Wait just a moment; just one of you at a time.

Mr. LIPPITT. Well—

Mr. LA FOLLETTE. Just hold yourself in restraint for a few moments. You may put upon the face of these transactions the sanction of an appearance of compliance with decent business methods, but, Mr. President, it ill behooves the representatives from New England, who have been on this floor at all times the apologists and the defenders of the system that prevails in that section, which is exemplified by the operations of the New Haven Railroad Co.—

Mr. LIPPITT. Will the Senator yield?

Mr. LA FOLLETTE. Not quite yet. Can you wait a moment?

Mr. LIPPITT. I can; but the Senator is continually making misstatements. He has already been corrected in two.

Mr. LA FOLLETTE. Will the Senator wait until I yield before he takes the floor?

The VICE PRESIDENT. The Senator from Wisconsin has the floor.

Mr. LIPPITT. I will not take the floor at all if the Senator objects.

Mr. LA FOLLETTE. Of course, the Senator can not take it, if I object, until I get through.

Mr. LIPPITT. I will not try to do so, if the Senator objects.

Mr. LA FOLLETTE. I do not object if the Senator will wait until I indicate that I have answered his colleague from New England.

Mr. President, I remember some years ago that I arraigned the railroad policy of New England, that I even ventured to criticize on this floor—and it was the first public criticism of that road made on the floor of the Senate—the operations of the New Haven Railroad, and I recall that the Senator from Rhode Island and the Senator from New Hampshire, who is not present now, I regret to say, came quickly to the defense of that institution, with the statement that there was not any suggestion of monopoly rates in that section and that nobody in New England was complaining. Why, at the very time that these gentlemen were on their feet making that statement, I had in my possession thousands of pages of testimony, taken in Boston, in a hearing by the Interstate Commerce Commission of shippers all over that section complaining that their rates had been unjustly advanced; that they were being denied fair treatment by the railroads in the matter of furnishing cars; that they were suffering in every conceivable way from the injuries which monopoly can impose upon any community when monopoly is entrenched.

Mr. President, I am not surprised that I got a "rise" from New England. Her representatives on the floor of the Senate have been the defenders of a system in New England which permitted, sir, in violation of the Sherman Antitrust Act, and in violation of the act of the Massachusetts Legislature, the New Haven Railroad to absorb the Boston & Maine Railroad, which was its chief rival and competitor in that territory and which permitted the New Haven Railroad to buy up every trolley line, every traction line, every electric line of any description operating throughout New England territory and between that territory and New York.

Mr. THOMAS. And every steamboat line.

Mr. LA FOLLETTE. Aye; and as suggested by the Senator from Colorado, they did not stop with that, but, when they had consolidated transportation under the one single control of the New Haven Road through all that territory by land, what did they do next? They went out, in violation of the Sherman antitrust law and bought up all the water transportation from Maine to New York. They swept the sea of any competition, gathered it into the control of the same organization—

Mr. WEEKS. Mr. President—

Mr. LA FOLLETTE. I am not prepared to yield yet. I will yield when I get to a good resting place.

Mr. WEEKS. I am afraid I will forget some of the misstatements the Senator is making.

Mr. LA FOLLETTE. Take them down; but do not interrupt me to interject remarks into my speech improperly and in violation of the rules of the Senate. The Senator knows his rights.

Mr. WEEKS. I do.

Mr. LA FOLLETTE. I say to you, Mr. President, that there came no protest from the Senator from Massachusetts or from the Senator from Rhode Island or from any other Senator from New England while this iniquity was going on in that great section of this country, which subjected all the shippers of manufactured products to a monopoly that enabled the railroad to exact what rates they pleased. The testimony taken by the Interstate Commerce Commission is that they advanced the rates and reduced the service. Those two things always follow when monopoly controls. I care not whether it is monopoly in manufacture or monopoly in transportation, two things logically result: First, an advance in rates. Why? They have the power. Second, the deterioration, if it be a manufactured product, in the quality of the product. Why? Because they have a monopoly and can make the article as poor as they please, and the public, obliged to buy of them, must pay the price. If it be a public-service company, there follows an advance in rates and a deterioration in the service. That is what the shippers of New England complained of in the mass of testimony, a copy of which I have in my possession and have had for years, taken by Mr. Prouty, a member of that commission, and the other members of the commission, who conducted the inquiry in New England at that time.

Mr. President, that was not all that the people of that community suffered. Monopoly, in its greed to be a monopoly, in reaching for power to squeeze the public, does not hesitate at the price which it pays to achieve monopoly; and this New Haven organization paid grossly excessive prices for the various transportation properties which it absorbed, not under its own name always—oh, no; the absorption of the steamboat companies would be made under another name, and the absorption of the trolley, electric, and traction companies under another name. But you found, Mr. President, the evidence of the community of ownership of all these institutions in the interlocking directories; and when investigations came, the investigations conducted by the Interstate Commerce Commission down in Boston and elsewhere in New England, the investigations conducted by the Interstate Commerce Commission under the resolution introduced by the Senator from Nebraska [Mr. NORRIS], who is giving me his attention—when all these investigations were made, Mr. President, it then became very apparent that—I will not say "extravagant," that does not fit the case—that reckless, criminal prices were paid for these properties. It made no difference, to those who were buying them, what they paid. One piece of railroad which the New Haven acquired, the name of which does not just at this moment come to me, of 15 miles, to complete its dominion over a certain territory, was paid for at the rate of \$250,000 a mile, as I remember.

Mr. NORRIS. The Westchester.

Mr. LA FOLLETTE. The Westchester, as the Senator from Nebraska suggests. What did they care if the public had to "pay the piper"? And when monopoly completes its dominion over any territory, its reign is absolute; the people are helpless.

Mr. President, the railroads of this great country have exactly the same history as the New Haven disclosed when it came to be investigated in court and investigated before the Interstate Commerce Commission.

The Frisco, the Rock Island, the Illinois Central—go where you will, throughout the land, if you had an investigation, and the cover had been ripped off, you would find the same scheme of public robbery. All this time we have had the Interstate Commerce Commission, to which the Senator from Nevada is so anxious to refer this question of wages, in order that we may get an equitable adjustment between the companies and the employees who are now some of them being compelled to sit in the cabs of their engines and hold on to the lever and the throttle, as shown by what I have read to you, a period sometimes of 65 hours, in violation of a law that is upon the statute books.

Now, if the Senator from Massachusetts would like to get in for a little while, I will yield. That will be quite satisfactory to me. Indeed, I think that is a better order of the day.

Mr. WEEKS. I think so myself.

Mr. LA FOLLETTE. I remember very well that the venerable Senator from Maine, Mr. Frye, said to me one time, in the closing days of his service upon this floor: "There can no

longer be, in the Senate of the United States, important debates upon any question. Speeches prepared with care"—I am not now speaking of my performance, I beg the Senators to believe—"can not be delivered coherently. Instead of arguments we have conversations, and they do not rise much above the level and importance of conversations in the cloakrooms."

I believe that it would contribute much to the dignity and the importance and the value of debate upon this floor if Senators were permitted to make their arguments as they are required to make them in court, where a connected argument contributes to the consideration which the court is to give to the case, and counsel who are to close make their notes upon the statements and the arguments, and follow with arguments against those which have been made.

Mr. LIPPITT. Mr. President, I hope the Senator from Wisconsin has not forgotten that he was going to yield to me. I notice that he agreed to yield to the Senator from Massachusetts, although I think I made a prior request.

Mr. LA FOLLETTE. I will yield to the Senator from Rhode Island if he desires it.

Mr. LIPPITT. I was only going to say—

Mr. BANKHEAD. Mr. President, will the Senator from Rhode Island yield to me for just a moment?

The VICE PRESIDENT. The Senator from Wisconsin has the floor.

Mr. LIPPITT. The Senator from Wisconsin is yielding to me. If it is agreeable to the Senator from Wisconsin—

Mr. LA FOLLETTE. I must yield to the Senator from Rhode Island first.

Mr. BANKHEAD. I just wanted to make an observation.

Mr. LA FOLLETTE. I will yield to the Senator from Alabama for the observation as soon as the Senator from Rhode Island is through.

Mr. BANKHEAD. The Senator from Rhode Island may consume the balance of the session. He may not give us an opportunity during this legislative day.

Mr. LA FOLLETTE. I think it would be courteous for me to yield to the Senator from Rhode Island if he desires to make his observations now.

Mr. LIPPITT. I should like to yield to the Senator from Alabama, but I will not take more than two or three minutes.

When I interrupted the Senator from Wisconsin he had made two statements which had been contradicted upon the floor. Instead of replying to those he started to make another statement in regard to the New Haven Railroad, in which he referred to the robbery of that road. It only occurred to me to suggest, in answer to that statement, that the directors of that road have been tried for those offenses and acquitted by a jury. He followed up that statement by saying that I had supported New Haven monopoly rates on this floor. The Senator is entirely in error in that statement, and he can find no occasion when I supported monopoly railroad rates. So far as I know I have never discussed on this floor the rates that were charged by the New Haven Railroad.

He then followed up that statement by the assertion that the New Haven road, after having absorbed all the trolleys in New England, had proceeded to absorb all the water transportation in New England, and that it was done in violation of the Sherman law. I wish to say to the Senator from Wisconsin that practically all of the water transportation of the New Haven road had been owned by it for years before the Sherman law was passed. Much of it dates from an ownership of 50 years. So far from being against the wishes of the people of New England, and so far from its being the fact that he has in his possession statements of the people of New England desiring that the connection between the railroad and the water transportation should cease, I will say to the Senator that practically every important shipping interest in New England has petitioned the Interstate Commerce Commission to keep intact the relations between water and rail transportation in New England; and a resolution to that effect was passed by a unanimous vote of the Legislature of Rhode Island.

I have seldom heard in 10 minutes so many incorrect statements made upon this floor as I have listened to within the last 10 minutes. They have been contradicted not only by me but by two other Senators. The Senator from Wisconsin thinks he should be allowed to continue indefinitely to make statements of this sort. I have no doubt it would be very convenient for his argument to do that, but I think it does not tend to clarify the argument, or tend to any useful result.

Mr. LA FOLLETTE. Mr. President, it is always the device of those who have the weaker side to inject into a discussion a denial, on the theory that one Senator's denial is as good as another Senator's statement. The Senator from Rhode Island has stated that the New Haven has always owned a majority

of these water transportation lines. I put my statement against his, and I tell him that he has not stated the fact. I put into the CONGRESSIONAL RECORD the acquirement of the lines, naming them, naming the time when they were acquired; and I say to the Senator from Rhode Island—and it is sufficient answer to anything else he says—that the original complaint filed against the New Haven Railroad for violating the Sherman antitrust law charged the acquiring of these water lines as a violation of that law.

Mr. LIPPITT (from his seat). They were mistaken.

Mr. LA FOLLETTE. They were not mistaken; and Mellen came to the White House, after the complaint was drawn in which they were included, and persuaded Roosevelt, as President, to have them taken out of the complaint. He testified to that fact before the Interstate Commerce Commission in its most recent investigation of these affairs. The effect of taking that out of the complaint so weakened the complaint that when the administration changed and Taft came in, Wickersham gave it as his reason for dismissing the case against the New Haven.

Those are the facts. The New Haven did not own those lines. It bought them to get a monopoly; and the records of the courts and the records of the transactions disprove the statements of the Senator from Rhode Island.

I can not at this moment, after two or three years, without delaying the proceedings of the Senate, put my hand upon the Record in which the Senator from Rhode Island stood up here and denied that there was any monopoly control of rates, and defended the rates that the New Haven monopoly was then inflicting upon the people of New England; but it is to be found in the Record—

Mr. LIPPITT. Not from me.

Mr. LA FOLLETTE. From the Senator from Rhode Island, as is the defense made at the same time. I put my statement against that of the Senator.

Mr. LIPPITT. Mr. President, I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator will state it.

Mr. LIPPITT. It is not within the function of any Senator to get up and say that statements I have made are false without at least giving me the opportunity to reply to him. The facts of the case are that what I was talking about was the ownership of the steamship lines by the New Haven Railroad, and not a discussion of railroad rates that were paid or a defense of them.

Mr. LA FOLLETTE. Mr. President, I have not the Record at hand. My recollection of it is very distinct. I can only put my statement against that of the Senator. I know that I was charging at the time on the floor that the New Haven had a monopoly of transportation in the New England section, and the Senator from Rhode Island and the Senator from New Hampshire denied the statement and said that nobody in New England was complaining of transportation conditions, when, at the very time, there was sitting in Boston a section of the Interstate Commerce Commission—Commissioner Prouty—taking testimony; and more than 600 pages of testimony complaining about the monopoly rates and the bad service that this monopoly transportation company was furnishing were of record before that commissioner. Now, that is the fact about it.

Mr. LIPPITT. Mr. President, the Senator is perfectly correct when he says that I demonstrated to the Senate—

Mr. LA FOLLETTE. No; the Senator did not demonstrate anything. He simply denied the statement that I made, just as he is doing to-day.

Mr. LIPPITT. Well, then, I denied the statement that the Senator made, which was incorrect then and is now, that the New Haven had a monopoly of water transportation between New England and New York. I denied that then and I deny it now; but that is not a discussion of rates.

Mr. LA FOLLETTE. Mr. President, I can not prevent the Senator, so long as I extend to him the courtesy of the floor in my time, from continuing to make a misstatement as to what transpired at that time; but he does not give any strength to it by reiteration.

Mr. BANKHEAD. Mr. President—

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

Mr. LA FOLLETTE. I will yield to the Senator now for just a moment. I wish to proceed as rapidly as possible.

Mr. BANKHEAD. I merely rise to call the Senator's attention to what happened yesterday evening when we were considering the unfinished business of the Senate, commonly called the Post Office bill. The Senator came to me and said that he was compelled to leave the city at an early hour in the evening—about 5 o'clock or half past 4—and asked me if I would not consent to allow the matter to go over without a vote until to-day,

To oblige him, as I always am glad to do, I did consent, and the Senate adjourned at that time. Now, I did that in the confident belief, and certainly with the hope, that when the Senator came into the Senate to-day he would be willing that the Senate should proceed with the consideration of the unfinished business which was interrupted yesterday evening to oblige him.

The situation is that we lost two hours yesterday and to-day we have lost five hours. The bill has not been touched upon. There has been no consideration of it at all. What I want to do is to appeal to the Senator, as I appealed successfully this morning to the Senator from Nevada [Mr. NEWLANDS], to postpone the further discussion of this subject until some future time and let us proceed for a little while with the consideration of the business that is properly before the Senate. I feel confident that he will do that.

Mr. LA FOLLETTE. When the Senator has concluded I will answer him.

Mr. BANKHEAD. I have concluded.

Mr. LA FOLLETTE. Then the Senator may resume his seat, and I will answer him.

Mr. BANKHEAD. I prefer to stand.

Mr. LA FOLLETTE. The Senator can scarcely expect to curtail the debate by making such a statement as he has made here. When the amendment was pending last night, when the Senator was sitting in the seat where the Senator from North Dakota [Mr. JOHNSON] now sits, I approached and asked whether or not there was to be a vote upon that amendment before the adjournment. He stated there would not be a vote upon it. I told him I was very glad to know it, because I was called from the Chamber to go to a train, and I wanted to vote upon it, but that if there was to be no vote upon the amendment before the adjournment I would feel free to leave. I did leave, and the debate continued. The Senate did not adjourn upon that statement of mine, and the Senator does not state the fact. The Senate continued in session for 30 minutes after I left the Senate Chamber.

Mr. BANKHEAD. Mr. President, I should like to make another—

Mr. LA FOLLETTE. Mr. President, I do not yield just now.

Mr. BANKHEAD. I—

Mr. LA FOLLETTE. Mr. President, I beg the Senator's pardon. I will yield a little later if he desires.

I left the Senate Chamber. I made no contract with the Senator from Alabama that there should be a vote to-day or at any other time upon the amendment pending. I simply said that I wished to vote upon it, and if it was to be voted upon that night I wanted to know it. I left the Chamber 30 minutes before the session ended, and the debate continued 30 minutes, and when the Senate got ready it adjourned.

Mr. President, I have not been at all responsible for the time consumed this afternoon. A matter has been injected into the RECORD that in my opinion was entitled fairly to an offset and to a statement of the other side. I have heretofore taken no time of the Senate upon the Post Office appropriation bill, and I shall conclude as speedily as I can, and the end of the observations I have to submit will be reached very soon unless I am interrupted.

I should be glad to have the attention of the Senator from Nevada [Mr. NEWLANDS], who has dwelt at length upon the greatly increased expense and burden to the railroads of the higher wages that they have to pay their employees. I say to him that the records of this Bureau of Railway Economics, together with the statistics furnished by the Interstate Commerce Commission, show that the labor cost per ton-mile unit of freight transportation is less to-day than it has been for a great many years. The reason for that is that one engine pulls three times the freight to-day that an engine did in 1907. [Reading:]

The Bureau of Railway Economics, speaking for the railroads, announces that the net operating income of the railroads of the United States for November, 1915, as compared with the same months for five preceding years, increased 45 per cent.

With the increased size of engines and length of trains and the improved devices for handling freight, labor costs the railroads less now—even though they pay more wages—than it did 20 years ago. The labor cost for an engineer per ton-mile unit was one and six-sevenths times greater in 1890 than in 1913.

Did you get that, Senators? The labor cost for an engineer per ton-mile unit was one and six-sevenths times greater in 1890 than in 1913.

Mr. President, I have additional material which I would be very glad to incorporate in the RECORD at this time, but I will reserve that material for another occasion should any effort be made later to refer the controversy between the employees and the railroads to the Interstate Commerce Commission.

Mr. WEEKS. Mr. President, I recognize the desire which the chairman of the Committee on Post Offices and Post Roads has to proceed with the consideration of this bill, and every

Senator must feel an equal desire to further the passage of the appropriation bills as rapidly as possible. Recognizing that feeling, I do not care to take the time to discuss a question which has nothing really to do with the pending amendment to the committee amendment of the bill.

I have, innocently enough, I think, afforded the Senator from Wisconsin an opportunity to do what he delights in doing—that is, scolding somebody and using superlatives. When I injected an innocent statement about what the public service commission of Massachusetts had done for 25 years, a statement which he did not attempt to controvert and which no one could deny, he took occasion to attack Massachusetts, the New Haven Railroad, and other matters which relate to the territory which I in part represent.

I am not going at this time to answer or make any comments upon that particular attack. I think I will adopt the policy which he has just announced, and at some future time, and I hope not very far in the future, take occasion to point out some of the errors in the numerous statements which he has made this afternoon, which, to my mind, can be demonstrated as being wrong in principle and wrong in fact.

Mr. POMERENE. Mr. President, the pending amendment is the one offered by the senior Senator from Iowa [Mr. CUMMINS], and I wish to present a few remarks concerning it.

I realize that for some years there has been a serious controversy between the Post Office Department and the railways of the country as to the method of compensation and the amount of compensation. This controversy has extended so long that it has given rise to serious doubt in the minds of Senators and Representatives in Congress as to what should be done, and it may be of interest very briefly to state the situation as I understand it.

Under the present law, the railroads are paid by the rule of weight, and this weight is determined once every four years. In August, 1912, Congress provided for the parcel post. Necessarily this has increased very largely the use of the railroads in distributing this class of mail matter. The Postmaster General in his last report estimated that about 1,000,000,000 parcels were distributed through the Post Office Department each year. If there were any irregularities and any injustice done to the railroad companies or to the Government before this parcel-post law was enacted, with this great increase in the uses of the railroads due to it those irregularities and this injustice must also have increased.

The question is, What plan shall be adopted? Shall the rule of weight continue? Or shall we adopt the rule of space, or a combination of the two? Students of the subject differ. I can understand how a very great injustice might be done under one rule of compensation if all the parcels mailed were ladies' bonnets. I can understand also how another great injustice might be committed if all the parcel-post packages consisted of metallic castings. Now, whether we shall have the one rule or the other, or a combination of the two, I, as one Senator, do not know, and I have not as yet heard an intelligent reason given in favor of the one at the expense of the other, or whether or not there should be a combination of the two.

I take it that this is one of the questions that ought to be determined by experts who have devoted a lifetime of study to the subject.

Now, what are the alternatives that are presented to us? The House in the measure which it has recently passed, and which is now in its amended form pending before the Senate provides the *rule of space*, but apparently the Members of the House were not contented with this rule, because they have conferred upon the Postmaster General the authority to increase the compensation which may be paid, if in his judgment for any reason that compensation may not be enough, and that increase is to be reported to Congress.

Mr. HARDWICK. If the Senator will pardon me, the House also provided for an appeal to the Interstate Commerce Commission.

Mr. POMERENE. I was just proceeding to that very point. More than that, they cast discredit upon the plan they have adopted by saying we will not only give to the Postmaster General the authority to increase the compensation but we further discredit him by providing that this whole matter shall be referred to the Interstate Commerce Commission. Then they are not content with that course. They would have the findings of the Interstate Commerce Commission reported back to Congress for their further investigation; with the study they have already given, covering a period of months, they have not come to a conclusion which is even satisfactory to themselves. Now, the matter comes to the Senate and it is referred to the Senate Committee on Post Offices and Post Roads. After deliberating upon this subject, giving it every attention, and

with a sincere desire, I have no doubt, to properly solve the problem so as to do exact justice between the Government and the railroads, they provide not a method of compensation but they say that *the present method of weight* shall continue until this matter shall be investigated by the Interstate Commerce Commission, and then their conclusions shall not be controlling, but they shall come back here to Congress for the purpose of further investigation.

The course of this legislation has demonstrated, to my mind, very clearly that with all the information this committee has been able to gather they are not satisfied with the present law, and they are not able to determine what would be a fair compensation between the railroads and the Government.

Now, the Senator from Iowa presents his amendment, and in my judgment it more nearly meets the situation than any other proposal which has been presented to this Chamber or to the other House. What is it? In brief, it is that this subject shall be referred to the Interstate Commerce Commission; that they shall call before them the Postmaster General and the representatives of the railroads and let each side present their case; and then the commission shall determine what shall be a just method and amount of pay as between the Post Office Department and the railroad companies.

I take it for granted that there is not a Member of this Chamber who wants the railroads to be either overpaid or underpaid. We ought to arrive at an exact figure which would give them a reasonable compensation for the service they are rendering to the Government, and that the Government and the people will cheerfully pay.

But, Mr. President, it has been suggested in my hearing several times that there is a very serious objection to this course, growing out of the fact that we are delegating a legislative power to a commission. I recognize the fact that we may go to extremes along that line, but we did not hesitate to delegate the power of legislation, if it is properly so called, to the Interstate Commerce Commission to determine the rates as between the railroads and shippers and passengers. This tribunal was created by the Congress of the United States as a court to which passengers and shippers and the railroads could go to have their grievances redressed; and, humanly speaking, it is as capable as any other tribunal in the determination of questions of this character, because it was first built for that purpose, and it has been filled with and surrounded by men who are expert upon the subject.

We recognize the fact that in all freight matters there are classifications. They may depend in part upon weight, in part upon space, in part upon the value of the thing shipped. The determination of questions of this character is not new to them. They, in my judgment, can arrive at a right conclusion more nearly than we who are not expert upon the subject.

Is the Congress of the United States in a position where it can say to every shipper and to every railroad as between the two the charge for your shipment shall be controlled by the judgment of this tribunal and then in the next breath take the position that we have no confidence whatever in the judgment of this tribunal when it comes to a determination as to what the Government shall pay for services which may be rendered by the railroad companies for the Government?

Mr. President, the only difference, it seems, between the suggestion which is made by the Senate committee and the Senator from Iowa is this: The Senate committee would have the findings of that commission turned back to the Congress for the purpose of approving or disapproving them or of modifying them in whole or in part. The Senator from Iowa says that the findings of this commission ought to be conclusive for the time being. But he goes on further and says that if within six months thereafter or subsequently it shall appear either that the Post Office Department or the railroads themselves are dissatisfied with the rates which have been prescribed by the Interstate Commerce Commission, then there can be a reinvestigation and a new finding.

It seems to me that if we have faith in this tribunal to fix rates for transportation both of passengers and freight we ought to be willing to abide by its judgment when it comes to that portion of the freight which is transported for the Government and which we call mail.

Mr. President, without meaning any reflection whatever upon any Member of the House or the Senate, I do not see how there can be any serious objection made to the suggestion embodied in the amendment of the Senator from Iowa. We do not have the expert knowledge which will enable the Senate to decide this question. The committee in charge has not furnished it. The members admit they have not been able to get it. They suggest the reference of the subject to the Interstate Commerce

Commission, which can get it. Let their conclusions be controlling, or at least until we get better light, and we can then change the rates to be paid. I hope the amendment of the Senator from Iowa will prevail.

Mr. BANKHEAD. Mr. President, I should like to have the attention of the Senator from Iowa [Mr. CUMMINS]. I want to ask the Senator from Iowa if he will not be willing to accept a modification of his amendment on page 2, beginning in line 2, after the word "therewith," to read as follows:

And prescribe the method for the annual ascertainment of such rate or compensation?

Mr. CUMMINS. Mr. President, may I ask if the amendment would then read "and the service connected therewith and prescribe"—what?

Mr. BANKHEAD. It would read "and prescribe the method for the annual ascertainment of such rate or compensation." That is, when they are considering this matter and determining what is a fair and just rate, they may prescribe a method of ascertaining hereafter what it should be.

Mr. CUMMINS. In the understanding of the Senator from Alabama, would that have the effect to give to the department the power to change the rate from year to year?

Mr. BANKHEAD. No. This refers to the Interstate Commerce Commission, and not to the department.

Mr. CUMMINS. Will the Senator please read the amendment as proposed to be modified?

Mr. BANKHEAD. As proposed to be modified, the amendment would read as follows:

The Interstate Commerce Commission is hereby empowered and directed to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of such mail matter and the service connected therewith and prescribe the method of the annual ascertainment of such rate or compensation and to publish the same, and orders so made and published shall continue in force until changed by the commission after due notice and hearing.

That is the modification of the amendment which I submitted to the Senator from Iowa a few days ago.

Mr. CUMMINS. I am not quite able to comprehend just what the modification of my amendment proposed by the Senator from Alabama would accomplish. I will read it for my own enlightenment.

And prescribe the method—

"Prescribe the method" for whom?

Mr. BANKHEAD. Prescribe it for themselves; determine for the railroads and for the department itself; it is a general prescription to determine the method for the annual ascertainment of such rate or compensation; that is, if under the provisions of the Senator's amendment the department or the railroads should conclude that the rates were not exactly fair and just there might be a rehearing, a reascertainment; and while they have made this rate and put it into effect, at the same time they can prescribe the method by which a rehearing or a refixing of rates may be determined.

Mr. CUMMINS. If the Senator from Alabama will observe, the amendment itself provides that—

Either the Postmaster General or any carrier may at any time after the lapse of six months from the entry of the order assailed apply for a reexamination, and thereupon substantially similar proceedings shall be had.

Mr. BANKHEAD. That is true.

Mr. CUMMINS. Is it in the Senator's mind that the commission shall determine whether the compensation shall be based upon space or upon weight?

Mr. BANKHEAD. They may do either.

Mr. CUMMINS. Is that the thought in the Senator's mind?

Mr. BANKHEAD. Yes; they may do either. When they are fixing the rate under the provision, they may fix it on weight or space or a combination of the two or in any other method.

Mr. CUMMINS. I think I suggested to the Senator from Alabama that I saw no objection to his suggestion; but I did not then understand it just as he now proposes it. When the commission shall have fixed the rate or fixed the compensation, it must necessarily have prescribed a method. How could it fix the compensation without prescribing or adopting a method?

Mr. BANKHEAD. They have absolutely done that when they first fix the rate; but if there shall be an occasion for a change of those rates on an application of the department or of the railroads, it is believed that the matter might be very much simplified by some regulation of this sort.

Mr. HARDWICK. Mr. President, if the Senator from Alabama will yield to me, I think I can give the Senator from Iowa an instance in which this language would probably apply. If the commission should determine upon a system of weights, we will say, that would mean annual weighing; that is all. That is what it means as nearly as I can understand it.

Mr. CUMMINS. I assume, therefore, that it must mean that the commission is to prescribe a rule by which or through which the Postmaster General is to determine from time to time how much shall be paid. I am not sure about the scope of the language.

Mr. BANKHEAD. I do not think the matter is so important as to lead to a controversy over it.

Mr. CUMMINS. I am not, however, prepared to accept the suggestion just at this time.

Mr. BANKHEAD. There is another suggestion, Mr. President, that I should like to make, which is on page 3, line 6, of the amendment, immediately after the word "received," to strike out the words "by each carrier," so that it will read "to be received at such stated times as may be named in the order."

Mr. CUMMINS. I have no objection to that, Mr. President. In my opinion, it does not change the sense of the provision at all.

Mr. BANKHEAD. I think not.

Mr. CUMMINS. I am willing that those words shall be stricken out of the amendment.

The VICE PRESIDENT. The Senator from Iowa modifies his amendment to that effect.

Mr. BANKHEAD. Now, on page 4, I should like to suggest to the Senator this modification of the language of his amendment:

The existing law for the determination of mail pay shall continue in effect until the Interstate Commerce Commission under the provisions hereof fixes the fair, reasonable rate or compensation for such transportation and service and determines the method for the annual ascertainment of such rate or compensation.

That, however, is the same modification of the amendment to which the Senator objects, and I do not now insist upon it.

Mr. CUMMINS. I prefer to leave that matter in the hands of the Interstate Commerce Commission, for I can not conceive that the commission can fix the rate without prescribing the method of its procedure.

Mr. HARDWICK. If the Senator will pardon me, the commission should have some general rule and apply it everywhere.

Mr. CUMMINS. I am sure that the amendment gives the commission ample scope in that respect.

Mr. BANKHEAD. Now, on page 3 of his amendment, beginning in line 21, I should like to call the attention of the Senator from Iowa to this provision:

In the case of any carrier which has received directly or indirectly through succession a public-land grant, the value of the grant or donation shall not be considered in determining the value of the railway property.

Under the law as it is and has been for a number of years, Mr. President, when it is ascertained what these land-grant railroads are entitled to receive for carrying the mail, a 20 per cent reduction is made. I should like to ask the Senator from Iowa if, in his opinion, his provision here would be more satisfactory to the Post Office Department or to the Government than the present existing law, which is so well understood and which has been applied for so many years?

Mr. CUMMINS. Mr. President, it is impossible for me to see how a general law can be applied to a carrier and to a rate fixed for the carrier and subordinate the action of the commission to a contract. I have inserted that paragraph because, in my opinion, the value of property which has been contributed by the public through donations—a land grant or other such contribution—ought not to be considered in determining the value of the property which renders the public service.

I think it is the law now, but it is controverted by some very able students of the subject, and I want to put it beyond any controversy. Therefore I can not accept the suggestion that a certain named or prescribed deduction shall be made.

Mr. HARDWICK. Mr. President, if the Senator will pardon me for just a moment, under the existing law when the rates of railway mail pay are fixed for the railroads generally a 20 per cent deduction is made from the compensation paid the land-grant railroads; in other words, we give them 80 per cent of what we give a railroad which has had no land grant from the Government to aid in its construction. The language of the amendment of the Senator might give some trouble along this line. The amendment contains this provision:

In the case of any carrier which has received, directly or indirectly, through succession a public-land grant the value of the grant or donation shall not be considered in determining the value of the railway property.

Does the Senator mean by that the value of the grant for donation at the time the donation was made? It may be greatly enhanced, as the Senator knows, at the time when the valuation is made.

Mr. CUMMINS. That is another subject under dispute.

Mr. HARDWICK. I think the language of the amendment of the Senator leaves it in dispute.

Mr. CUMMINS. In the valuation proceedings now going forward in the Interstate Commerce Commission the railway companies claim that their rights of way, which have been immensely enhanced in value by reason of the development of the country, although given to them or to their predecessors by the Government, shall be valued upon the basis of the cost of reproduction—that is, the cost of acquiring a similar right of way at the present time. Under this rule they hope to very greatly, and, as I think, very improperly, increase the value of the property upon which the public must pay a reward. So far as this matter is concerned, I want to put that dispute at rest, and say that it is our judgment, at least, that they are not entitled to that value in making up the aggregate value of their property.

With regard to the deduction of 20 per cent, however feasible that might be as a matter of contract, if the commission fixes a certain rate for the transportation of mail over a railroad which has received a donation or contribution from the Government, I do not believe it is within our constitutional power to say that, because it has received something from the Government, its pay shall be reduced 20 per cent.

Mr. HARDWICK. If the Senator will allow me to interrupt him right there, every one of these grants contained such conditions. It is a matter of contract between the Government and the railroads. They agreed to carry the mail, I think in most cases, at such rates as the Postmaster General might prescribe.

Mr. CUMMINS. Originally that is, but not from year to year.

Mr. HARDWICK. No; but when the grants were made a condition of that sort was inserted as a matter of contract. I do not think there will be the slightest trouble of the character suggested by the Senator.

Mr. CUMMINS. Mr. President, I have no objection to excepting any contract of that sort from the operation of this amendment, but I do not believe it could be imposed as a matter of law.

Mr. BANKHEAD. Mr. President, I do not think there can be any doubt about the fact at all that the arrangement whereby 20 per cent is deducted from the gross payment to the land-grant railroads is a matter of contract, and my recollection is that it is included in the grant itself.

Mr. HARDWICK. It is in the franchise.

Mr. BANKHEAD. It is in the franchise; and it is also true that the Union Pacific and some of the other land-grant railroads have a similar contract with reference to the transportation of troops.

Mr. CUMMINS. I did not have that thought in mind, and I will be perfectly willing to accept an amendment which will provide that no railroad which enjoyed a land grant shall receive more than it has agreed to receive under the grant.

Mr. HARDWICK. Mr. President, if the Senator will excuse me just a moment, of course the manner in which he has used the word "value" in the amendment might leave open that whole controversy about whether value at the time the grant was made is meant or the present value of the property granted. Why is it not safer to follow the plan now followed by the existing law, which is based on contract in every case, and merely to make a 20 per cent deduction in the case of these railroads?

Mr. CUMMINS. Simply because I do not believe it would be constitutional. I do not believe we have the power to pass a law of that kind.

Mr. HARDWICK. Congress has done it, and it has been sustained. I do not say that the Supreme Court of the United States has passed on it, for the railroads in question have not been in a position to controvert it, because in the franchises which they were granted as a condition of the grant they made an agreement which warranted and authorized that provision.

Mr. CUMMINS. As I said a moment ago, I am entirely willing to accept an amendment that shall retain the full benefit of the contract made under the land grants, and if the Senator from Alabama and the Senator from Georgia will offer such an amendment, I will have no objection to it.

Mr. HARDWICK. I think we can perfect an amendment in the language of existing law providing generally in the case of land-grant railroads that a deduction shall be made of 20 per cent, as now authorized by law. That is what ought to be done.

Mr. CUMMINS. I think that will be satisfactory; but the amendment suggested by the Senator from Alabama does not contain that provision.

Mr. HARDWICK. No; it does not cover that.

Mr. STERLING. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I do.

Mr. STERLING. I should like to suggest an amendment to the amendment of the Senator from Iowa. It seems to me that the question as to the basis of compensation should be embodied in the amendment proposed by the Senator. I do not think it is so embodied in terms, nor do I think it was quite embodied in the amendment proposed by the chairman of the committee [Mr. BANKHEAD]. It is a proposition, of course, that has been considered by various commissions for the last 35 or 40 years. I refer to the space or the weight system, or a combination of the two. I will indicate where I think such an amendment ought to be made in the amendment of the Senator from Iowa. Beginning in line 7, on page 1, I would have the paragraph read:

The Interstate Commerce Commission is hereby empowered and directed to fix and determine from time to time—

Now, interline the following:

upon such basis as to space or weight, or a combination of the two, as to it may seem just—

Then, following, the language of the Senator's amendment—the fair and reasonable rates and compensation for the transportation of such mail matter—

And so forth.

Mr. CUMMINS. Of course, Mr. President, that raises the same question presented by the amendment suggested by the Senator from Alabama. I can not conceive how the Interstate Commerce Commission can fix the compensation or rate of compensation without adopting either the weight or space basis, or both, and possibly other factors as well.

Mr. STERLING. But let me say to the Senator that heretofore and up to the present time the compensation has been based on weight. The Interstate Commerce Commission might say, "We will consider no other factor than weight in determining the compensation." I should like to see the amendment in such terms as to call upon the Interstate Commerce Commission to consider other factors as a basis for the compensation.

Mr. CUMMINS. I have no objection to an amendment which will require the commission to consider the various bases and other factors as well. I do not want to confine the commission to the space theory or the weight theory, or to a combination of both, because there are other factors. For instance, much will depend upon the speed of the train, the character of the train, and the character of the car. All these things must be taken into account in determining the compensation.

Mr. HARDWICK. They can consider that. The Senator from South Dakota is right, I think, in suggesting to the Senator that it will improve his amendment to provide that the Interstate Commerce Commission shall adopt some system of determining rates, and then shall determine what rates are proper under the system they do adopt. I suggest to the Senator from Iowa the language of the committee amendment, because it is very carefully worked out on that point and meets all the objections he has just urged. Let me read it:

The commission shall also hold hearings and thoroughly investigate the so-called "space" plan and the so-called "weight" plan of railway mail pay, and any combination of the two, and any other plan that may seem to afford an accurate and fair basis for determining what compensation is just and reasonable, both to the Government and the railroads, for the carrying of the mails.

If that language were inserted, I do not think there could be any objection of that sort to it.

Mr. CUMMINS. But that language was intended to apply to a plan that involved a report to Congress on the part of the commission.

Mr. HARDWICK. It can be drafted, though, just as well in the form of an amendment to this.

Mr. CUMMINS. I shall be very glad to look over any amendment; but I think that needs to be rather carefully stated.

Mr. VARDAMAN. Mr. President, I desire to ask the Senator from Iowa a question. As I understand, the Senator's amendment does not prescribe any plan upon which the mail shall be carried. It leaves that entirely with the Interstate Commerce Commission to determine.

Mr. CUMMINS. No; it does not. It leaves it entirely with the Postmaster General. The Postmaster General is to file an application with the Interstate Commerce Commission setting forth the service which he desires, the character of the trains or cars or the speed of the train, the conditions of the service; that is to say, what supplemental service is required from the railway companies with regard to it. All these things are to be determined by the Postmaster General and embodied by him in a petition or application to the Interstate Commerce Commission. Then a hearing ensues, and the commission deter-

mines what the service which the Postmaster General requires of the railway companies is worth; that is, the fair compensation for that service.

Mr. VARDAMAN. It is not left discretionary with the commission to suggest a different service which might be less expensive?

Mr. CUMMINS. No; there is no such authority given in this amendment for the suggestion of a different service. I have assumed that the Post Office Department is the proper department to determine what service is required for the advantage of the people, and I leave it with the Interstate Commerce Commission to say what the Government shall pay for that service.

Mr. VARDAMAN. For the service prescribed by the Postmaster General? I think the commission ought to be permitted, if it is going to be charged with the investigation of this matter at all, to suggest as to the best plan or mode of carrying the mail.

Mr. STERLING. Then, Mr. President, under the theory of the Senator from Iowa, the Postmaster General would be left to settle himself this very much mooted question as to whether we should have the space or the weight system.

Mr. CUMMINS. Not at all; because the space theory and the weight theory are simply factors or standards that are used to determine compensation. They do not relate at all to the character of the service. The Postmaster General desires a 60-foot car on a passenger train or a storage car on a passenger train. Now, whether it is to be paid for according to its weight or whether it is to be paid for according to the space occupied is entirely immaterial so far as the commission is concerned. The commission is simply authorized to say what the Government shall pay for that car moved a certain distance. It may say that it ought to be paid for according to the weight in the car; it may say that it ought to be paid for according to the space that is put at the service of the Government; but it is not a substantive matter. It is simply a part of a process used to ascertain what the compensation shall be.

Mr. HARDWICK. Mr. President, if the Senator will yield now, I think I have this thing drafted so that we can at least submit the idea. I agree entirely with the Senator from South Dakota about this matter. One of the great controversies is as to what system or plan you are going to adopt, and there can be no just determination of rights unless that preliminary question and more general question be first settled—according to my opinion, at least.

Now, let me suggest this—I have drafted it exactly as it appears—I suggest striking out the words in the Senator's amendment, after the word "determine," in line 8 of the first page, "from time to time" and inserting the following:

What system of fixing the rates for railway mail pay is just and reasonable, whether the so-called space plan or the so-called weight plan, or any combination of the two, or any other plan or system that may seem to afford an accurate and fair basis for determining what compensation is just and reasonable both to the Government and to the railroads for carrying the mail, and what are fair and reasonable rates and compensation—

Following the Senator's language. In other words, I would first, if we should put it exactly as I have drawn it there, require them to determine what is the system or plan that they are going to adopt, not confining them to any one plan, not even to one of the two that are most generally discussed, but let them determine which system they will apply, and what are just and reasonable rates under that system. Would the Senator be willing to do that?

Mr. CUMMINS. I will ask the Senator please to read it again, so that I may get the connection.

Mr. HARDWICK. All right. I will start with the Senator's amendment and read just a word or two; then I will read it as it would be amended when I get through. I am reading from the Senator's amendment now:

The Interstate Commerce Commission is hereby empowered and directed to fix and determine what system of fixing the rates for railway mail pay is just and reasonable, whether the so-called space plan or the so-called weight plan or any combination of the two or any other plan or system that may seem to afford an accurate and fair basis for determining what compensation is just and reasonable both to the Government and to the railroads for carrying the mail, and what are fair and reasonable rates and compensation thereunder—

I would insert the word "thereunder"—

for the transportation—

And so forth.

Now, if the Senator will pardon me, I will try to elaborate that just a little.

Mr. CUMMINS. I shall be very glad to hear the Senator.

Mr. HARDWICK. The reason why I suggest that is this: It might be that the Post Office Department would submit to the Interstate Commerce Commission only one plan under the

Senator's amendment, as it stands now. That is a matter of great consequence—whether the weight plan is right, or whether the space plan is right, or whether a combination of both might not be better, which is somewhat larger. By this amendment I would require the Interstate Commerce Commission to pass, first of all, on the preliminary and general question as to what plan or system they are to adopt; and then, having determined that general and preliminary question, I would go on, as the Senator does, and require them to determine what are just and reasonable rates under whatever plan or system they do adopt.

Mr. CUMMINS. Mr. President, to me the proposition seems illogical. The Postmaster General is not given the authority to determine anything about the space plan or the weight plan, or which plan he prefers. The Postmaster General is to say to the Interstate Commerce Commission what service he wants; and it is immaterial to him, under this view of it, whether the Interstate Commerce Commission requires that service to be paid for by space or by weight. I can not conceive how the Interstate Commerce Commission can fix or determine compensation without first determining the basis on which the compensation is to be adjusted.

Mr. HARDWICK. If the Senator will pardon me again, I quite agree with the Senator; and yet the thing that he can not believe there is any trouble about is where all the trouble comes. The railroads say that the plan of the Post Office Department is to force them to a space basis, so that they may load a given amount of space with an unlimited quantity of merchandise, or one limited only by the space, and divert a great deal of their light traffic from ordinary private carriage into the Government parcel post. They insist that under those circumstances nothing is fair and just except the weight basis. Now, I am not indorsing that contention, but I am showing the Senator how it is absolutely necessary to determine how much of that contention is sound and how much of it is unsound before you can go into the more specific question as to what rates are reasonable and just. They say that a space system will do them grave injustice and will ruin a great many of the smaller railroads of the country.

Mr. CUMMINS. Mr. President, I am utterly unable to see just the bearing of the proposed amendment. This is referred to the Interstate Commerce Commission. The Interstate Commerce Commission has up for consideration the inquiry: "How much shall the Government pay for a post-office car or a storage car per mile or per hundredweight in the car?" Now, the Interstate Commerce Commission must adopt a compensation for the service which is based upon some theory. If it adopts the space theory, it will say, "The Government must pay so much for every mile which the car passes over."

Mr. HARDWICK. For a certain amount of space.

Mr. CUMMINS. If it adopts the weight basis, it must say, "The Government shall pay so much per hundredweight in a car transported over a given distance." The Senator is asking that the commission be given the power, theoretically, to adopt one basis or the other.

Mr. HARDWICK. If the Senator will pardon me, I hate to bother him, but we get at the truth better in this way. There is one trouble about that. The reason why it is necessary to specify these things is that under the existing law, which will not be repealed by this amendment of the Senator's nor by the Post Office bill, weight is the only basis adopted. Therefore the commission, in the absence of some sort of legislation on the subject, might feel that they have no right to do anything except to adopt the weight basis; and we do not want them to feel that way.

Mr. CUMMINS. That is the only consideration which appeals to me at all.

Mr. HARDWICK. I want to leave them the full liberty to adopt whichever plan they think is best, and I am afraid they might not have it under existing law as the Senator's amendment stands.

Mr. CUMMINS. I am inclined to say that I have no objection to that amendment.

Mr. HARDWICK. We will try to put it in better shape overnight.

Mr. BRYAN. Mr. President—

The VICE PRESIDENT. Will the Senator from Georgia send the amendment to the desk?

Mr. HARDWICK. If the Senator is willing, I will try to do it in the morning. We are not going to vote on it this evening. I will try to draft it a little more carefully.

The VICE PRESIDENT. It has been so frequently modified that the Secretary has not the exact language of the amendment.

Mr. BRYAN. Mr. President, I offer an amendment to the pending bill and ask that it may be printed.

The VICE PRESIDENT. The amendment will be printed. The pending amendment is the amendment of the Senator from Iowa.

Mr. BRYAN. I offered an amendment, Mr. President. I think it would be the pending amendment now.

The VICE PRESIDENT. The Chair has no knowledge on that point save that the Senator from Florida offered an amendment and asked that it be printed and lie on the table.

Mr. BRYAN. I asked that the amendment be printed. I did not suppose that would prevent it from being read. The amendment is to the pending bill, but it is an amendment to the text of the bill.

Mr. HARDWICK. But it is not in order to displace the other one.

Mr. BRYAN. It has to be voted on first, as I understand.

The VICE PRESIDENT. Is it to the text of the bill?

Mr. BRYAN. It is.

The VICE PRESIDENT. The Secretary will read it.

Mr. HARDWICK. So is the amendment of the Senator from Iowa, if the Chair please.

The VICE PRESIDENT. No; it is to the text of the substitute.

The SECRETARY. It is to the part proposed to be stricken out.

The VICE PRESIDENT. The amendment of the Senator from Florida has precedence, if it is to the House text.

The SECRETARY. On page 54 it is proposed to strike out lines 6 to 26, inclusive. The committee amendment does that.

Mr. BRANDEGEE. Mr. President, are we not now taking up the bill for committee amendments?

The VICE PRESIDENT. Yes; we are considering committee amendments; but the pending committee amendment is an amendment which strikes out a portion of the text, and the rule surely is that where amendments are offered to the text—

Mr. BRANDEGEE. Is this amendment offered to that part of the text which it is proposed to strike out?

The VICE PRESIDENT. It is.

Mr. BRANDEGEE. Oh, very well.

The SECRETARY. On page 54 it is proposed to strike out all of lines 6 to 26, both inclusive, as the committee proposes to do, and in lieu thereof to insert:

The Interstate Commerce Commission is hereby directed to hold hearings and to make a thorough investigation of the justness and reasonableness of the rates of railway mail pay fixed under this section, and if it finds that they are not just and reasonable for the service performed for the Government by the railroad mail carriers it shall make findings of what rates are just and reasonable and shall certify such findings to the Postmaster General, who shall adopt such rates, and, where greater or less than the rates fixed under this section, shall readjust the compensation of the carriers in accordance therewith. No change shall be made in the rates fixed by the Interstate Commerce Commission except by the commission after investigation, which shall be made only upon application of the Postmaster General or the representatives of railroads with an aggregate mileage of at least 25 per cent of the mileage of the railroads carrying mails.

Mr. VARDAMAN. Mr. President, a parliamentary inquiry. What is that amendment? Where is it to come in the bill?

The SECRETARY. It is in lieu of the matter proposed to be stricken out on page 54, beginning with line 6 and ending on line 26.

Mr. HARDWICK. I raise a question of order on the amendment proposed by the Senator from Florida, that, not being a committee amendment, being merely an amendment to the text of the House bill, it is not in order until the committee amendments have been disposed of.

Mr. BRANDEGEE. The pending committee amendment does not commence until page 55.

Mr. BRYAN. This part of the bill is not a committee amendment.

Mr. HARDWICK. It is the House text which the committee proposes to strike out.

Mr. CUMMINS. I rise to a question of order, that the amendment offered by the Senator from Florida is not in order until the pending amendment is disposed of.

The VICE PRESIDENT. The Chair is not in possession of a copy of the bill. Where does the amendment of the committee begin?

Mr. BRANDEGEE. The part for which the amendment of the Senator from Iowa is a substitute is stated on the face of it. It begins at line 1, page 56, and goes to line 11, page 57.

Mr. BRYAN. I am relying on Rule XVIII of the Senate.

Mr. VARDAMAN. The amendment of the Senator from Florida is an amendment to the amendment of the committee.

Mr. HARDWICK. No; it is not.

The VICE PRESIDENT. As the Chair gets this matter, the committee amendment starts in by striking out, commencing after the word "directed," in line 22, on page 42, all the House text down to and including the word "section," in line 5, on page 55, and in lieu thereof it proposes to insert, commencing at

line 6, page 55, down to the end of the bill. The amendment of the Senator from Iowa, of course, is an amendment which is directed to the portion proposed to be inserted by the committee amendment, but the amendment of the Senator from Florida is to the original House text, and under the rule of the Senate it must be in order, because the Senate has a right to perfect the part proposed to be stricken out before it can vote upon the part proposed to be inserted.

Mr. BANKHEAD. Is that question now disposed of?

The VICE PRESIDENT. The ruling of the Chair is disposed of, that the amendment of the Senator from Florida is in order and is now pending.

EXECUTIVE SESSION.

Mr. BANKHEAD. I understand the Senator from Florida does not intend to press consideration of his amendment tonight, but simply wishes to have it printed and pending, to go over until to-morrow. In that case I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS.

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

The motion was agreed to; and (at 6 o'clock and 12 minutes p. m.) the Senate took a recess until to-morrow, Friday, June 23, 1916, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 22, 1916.

RECORDER OF DEEDS, DISTRICT OF COLUMBIA.

John F. Costello, of the District of Columbia, to be recorder of deeds for the District of Columbia.

PROMOTIONS IN THE ARMY.

QUARTERMASTER CORPS.

Maj. Herbert M. Lord, Quartermaster Corps, to be lieutenant colonel from March 4, 1913, vice Lieut. Col. Beecher B. Ray, whose recess appointment expired by constitutional limitation March 3, 1913.

Maj. Robert S. Smith, Quartermaster Corps, to be lieutenant colonel from March 27, 1914, vice Lieut. Col. George F. Downey, promoted.

MEDICAL CORPS.

Capt. Nelson Gapen, Medical Corps, to be major from May 26, 1916, vice Maj. Deane C. Howard, promoted.

CAVALRY ARM.

First Lieut. Robert F. Tate, Eighth Cavalry, to be captain from June 3, 1916, vice Capt. Francis Le J. Parker, Twelfth Cavalry, detailed in the General Staff Corps.

First Lieut. Sebring C. Megill (Cavalry), Signal Corps, to be captain from June 3, 1916, vice Capt. Harry N. Cootes, Thirteenth Cavalry, detailed in the General Staff Corps.

Second Lieut. Robert S. Donaldson, Thirteenth Cavalry, to be first lieutenant from June 3, 1916, vice First Lieut. Robert F. Tate, Eighth Cavalry, promoted.

COAST ARTILLERY CORPS.

Capt. Edward Kimmel, Coast Artillery Corps, to be major from June 12, 1916, vice Maj. Alston Hamilton, detached from his proper command.

Capt. John R. Proctor, Coast Artillery Corps, to be major from June 12, 1916, vice Maj. Robert E. Wyllie, detached from his proper command.

First Lieut. Clifford L. Corbin, Coast Artillery Corps, to be captain from June 12, 1916, vice Capt. Edward Kimmel, promoted.

First Lieut. Lloyd P. Horsfall, Coast Artillery Corps, to be captain from June 12, 1916, vice Capt. John R. Proctor, promoted.

First Lieut. Charles G. Mettler, Coast Artillery Corps (captain, Ordnance Department), to be captain from June 12, 1916, vice Capt. Philip H. Worcester, detached from his proper command.

First Lieut. Charles B. Gatewood, Coast Artillery Corps (captain, Ordnance Department), to be captain from June 12, 1916, vice Capt. Charles G. Mettler, whose detail in the Ordnance Department is continued.

First Lieut. Joseph H. Pelot, Coast Artillery Corps (captain, Ordnance Department), to be captain from June 12, 1916, vice Capt. Charles B. Gatewood, whose detail in the Ordnance Department is continued.

First Lieut. Morgan L. Brett, Coast Artillery Corps (captain, Ordnance Department), to be captain from June 12, 1916, vice Capt. James H. Pelot, whose detail in the Ordnance Department is continued.

First Lieut. Forrest E. Williford, Coast Artillery Corps, to be captain from June 12, 1916, vice Capt. Morgan L. Brett, whose detail in the Ordnance Department is continued.

Second Lieut. Charles N. Wilson, Coast Artillery Corps, to be first lieutenant from June 12, 1916, vice First Lieut. Clifford L. Corbin, promoted.

Second Lieut. Austin G. Frick, Coast Artillery Corps, to be first lieutenant from June 12, 1916, vice First Lieut. Lloyd P. Horsfall, promoted.

Second Lieut. Sydney S. Winslow, Coast Artillery Corps, to be first lieutenant from June 12, 1916, vice First Lieut. Forrest E. Williford, promoted.

MEDICAL CORPS.

To be captains in the Medical Corps with rank from June 7, 1916, after three years' service, under the act of Congress approved April 23, 1908:

First Lieut. Benjamin B. Warriner, Medical Corps.

First Lieut. William D. Herbert, Medical Corps.

First Lieut. Stephen H. Smith, Medical Corps.

First Lieut. George F. Lull, Medical Corps.

First Lieut. Charles C. Hillman, Medical Corps.

First Lieut. Sidney L. Chappell, Medical Corps.

First Lieut. Fletcher O. McFarland, Medical Corps.

APPOINTMENTS IN THE ARMY.

MEDICAL CORPS.

First Lieut. Frank Wiley Wilson, Medical Reserve Corps, to be first lieutenant in the Medical Corps, with rank from June 7, 1916, vice Capt. William H. Moncrief, promoted May 23, 1916.

PORTO RICO REGIMENT OF INFANTRY.

Arturo Moreno, of Porto Rico, to be second lieutenant in the Porto Rico Regiment of Infantry, with rank from November 25, 1910.

NOTE.—The person named is now serving as second lieutenant in the Porto Rico Regiment of Infantry under the name Arturo Moreno Calderon. This message is submitted for the purpose of changing the name of the nominee.

CHAPLAIN.

Rev. Edmond J. Griffin, of the District of Columbia, to be chaplain, with the rank of first lieutenant, from June 19, 1916, vice Chaplain Alexander P. Landry, Twelfth Cavalry, resigned May 25, 1915.

PROMOTIONS IN THE NAVY.

The following-named midshipmen to be ensigns in the Navy from the 3d day of June, 1916:

Henry M. Mullinnix,

Norman P. Earle,

Ralph E. Davison,

Don P. Moon,

Russell S. Berkey,

Robert C. Bourne,

George F. Hussey, jr.,

Thomas J. Kellher, jr.,

Osborne B. Hardison,

Hugo Schmidt,

Russell S. Hitchcock,

Clinton E. Braine, jr.,

Willis C. Sutherland,

Laurance F. Safford,

Arthur C. Miles,

William M. Fechteler,

Frank W. Wead,

Robert A. Awtrey,

Conrad A. Krez,

Charles A. Baker,

Tuthill Ketcham,

Donald M. Carpenter,

Harris K. Lyle,

Gerald F. Bogan,

Sidney E. Dudley,

Leon S. Fiske,

Earl M. Major,

William F. Loventhal,

Paul R. Glutting,

Harold M. Horne,

Walter E. Borden, jr.,

Arthur T. Emerson,

Arthur C. Geisenhoff,

Grover C. Klein,

William F. Boyer,
 Bartley G. Furey,
 Willard A. Kitts, 3d,
 Bertram J. Rogers,
 Carroll W. Hamill,
 John A. Terhune,
 Clinton H. Havill,
 Lew W. Bagby,
 Byron S. Dague,
 Lyman K. Swenson,
 Frank E. Beatty, jr.,
 Gail Morgan,
 Woodbury E. MacKay,
 Gilbert F. Bunnell,
 Stanton F. Kalk,
 Thorwald A. Solberg,
 Clifford H. Roper,
 Edward P. Sauer,
 Augustus J. Selman,
 John H. Carson,
 Milton O. Carlson,
 Robert B. Carney,
 Arthur W. Radford,
 George F. Martin,
 John A. Vincent,
 Bernard F. Jenkins,
 Boyd R. Alexander,
 Edwin S. Earnhardt,
 Edward L. Ericsson,
 Frederick B. Craven,
 Richard R. Claghorn,
 John M. Bloom,
 John E. Williams,
 Jesse L. Kenworthy, jr.,
 Webster M. Thompson,
 Albert E. Schrader,
 Louis R. Vail,
 William R. Casey,
 Dennis L. Ryan,
 Paul S. Goen,
 Harry Van C. Baugh,
 Andrew De G. Mayer,
 Arnold H. Bateman,
 Charles G. Halpine,
 Charles T. Joy,
 John S. Watters, jr.,
 Alva J. Moore,
 Walter W. Webb,
 Nelson N. Gates,
 Henry L. Phelps,
 Benjamin R. Holcombe,
 Archer W. Webb,
 Charles G. Berwind,
 John E. Reinburg,
 William L. Keady,
 Charles J. Wheeler,
 Theodore T. Patterson,
 John A. Sternberg,
 George P. Brewster, jr.,
 Samuel P. Ginder,
 Henry B. Broadfoot,
 Van H. Ragsdale,
 John Wilkes,
 Robert J. Walker,
 Robert B. Twining,
 Homer L. Grosskopf,
 William P. Bacon,
 Henry N. Fallon,
 Wilbur W. Feineman,
 Maxwell Cole,
 Bruce P. Flood,
 Henry J. White,
 Oscar W. Erickson,
 Gilbert W. Sumners,
 Henry C. Merwin,
 James M. Steele,
 Arthur D. Burhans,
 Casper K. Blackburn,
 Amos B. Root,
 Thomas D. Warner,
 Paul W. Rutledge,
 T. De Witt Carr,
 Albert M. Rhudy,
 Charles P. Cecil,
 Calvin T. Durgin,

Humbert W. Zirolli,
 James A. Scott,
 Julius W. Simms,
 William E. Miller,
 George F. Chapline,
 Douglas C. Woodward,
 Armistead C. Rogers,
 John S. Roberts, jr.,
 John D. Price,
 Norman O. Wynkoop,
 James B. Ryan,
 William W. Schott,
 Sidney W. Kirtland,
 Walter B. Cowles,
 Joseph H. Lawson,
 Stanwix G. Mayfield, jr.,
 Richard E. Webb,
 Edwin F. Cochrane,
 Charles T. Gilliam,
 Gilbert C. Hoover,
 Thomas V. Cooper,
 Walter S. Carrington,
 Newbold T. Lawrence, jr.,
 Roy K. Jones,
 Martin B. Stonestreet,
 Heman J. Redfield,
 Richard H. Jones,
 Lowell Cooper,
 Linton Herndon,
 Andrew C. McFall,
 Leon F. Brown,
 Herbert S. Jones,
 Herbert J. Grassie,
 Robert N. Kennedy,
 Isaiah Parker,
 Carl H. Hilton,
 Chaplin E. Evans,
 James K. Davis,
 George D. Price,
 Cassin Young,
 Carlyle Craig,
 Knefler McGinnis, and
 James P. Compton.

Robert B. Greenough, a citizen of Massachusetts, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 25th day of May, 1916.

Asst. Surg. Charles P. Lynch to be a passed assistant surgeon in the Navy from the 19th day of February, 1916.

Asst. Civil Engineer Glenn S. Burrell to be a civil engineer in the Navy from the 17th day of March, 1916.

Asst. Civil Engineer Henry G. Taylor, with rank of ensign, to be an assistant civil engineer in the Navy, with rank of lieutenant (junior grade), from the 17th day of March, 1916.

Ensign Walter D. La Mont to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

Ensign Nelson W. Hibbs to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

Ensign Harold H. Little to be a lieutenant (junior grade) in the Navy from the 8th day of December, 1915.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1916:

James C. Jones, jr.,
 Adolph von S. Pickhardt,
 George W. Wolf,
 Frank L. Johnston,
 John A. Brownell,
 Chapman C. Todd, jr.,
 Paul Cassard,
 George M. Tisdale,
 Wilbur J. Ruble,
 Arthur G. Robinson,
 Frederic W. Dillingham,
 William W. Meek,
 Paulus P. Powell,
 Earl H. Quinlan,
 Clarke Withers,
 Leo H. Thebaud, and
 Gordon Hutchins.

The following-named ensigns to be assistant naval constructors in the Navy from the 7th day of June, 1916:

Everett LeR. Gayhart,
 George A. Andrews,
 Thomas M. Searles,
 Earl F. Enright, and
 Frederick G. Crisp.

First Lieut. Calvin B. Matthews to be a captain in the Marine Corps from the 2d day of June, 1916.

Second Lieut. George W. Van Hoose to be a first lieutenant in the Marine Corps from the 2d day of June, 1916.

The following-named midshipmen to be second lieutenants in the Marine Corps from the 3d day of June, 1916:

Walter H. Sitz,
William G. Hawthorne, and
Oscar R. Cauldwell.

MEMBER OF EXECUTIVE COUNCIL OF PORTO RICO.

José C. Barbosa, of Porto Rico, to take effect July 16, 1916. (Reappointment.)

REAPPOINTMENT IN THE ARMY.

QUARTERMASTER CORPS.

Maj. Gen. James B. Aleshire, Quartermaster General, to be Quartermaster General, with the rank of major general, for the period of four years beginning August 24, 1916, with rank from August 24, 1912.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

Second Lieut. Louis A. Craig, Coast Artillery Corps, to be second lieutenant of Field Artillery, with rank from July 14, 1913.

Second Lieut. Charles L. Kilburn, Third Field Artillery, to be second lieutenant in the Coast Artillery Corps, with rank from July 14, 1913.

SECOND LIEUTENANTS IN THE QUARTERMASTER CORPS.

Under the provisions of section 9 of an act of Congress approved June 3, 1916, the pay clerks herein named, arranged alphabetically, for appointment as second lieutenants in the Quartermaster Corps, with rank from June 3, 1916:

Selden B. Armat.
Francis J. Baker.
Wallace F. Baker.
Stephen R. Beard.
Orva E. Beezley.
John Q. A. Brett.
George C. Brigham.
Dudley M. Brown.
Richard L. Cave.
Jerome Clark.
Eugene Coffin.
Lute E. Collier.
Edward T. Comegys.
Walter D. Dabney.
William F. Daughton.
William M. Dixon.
Guy R. Doane.
Charles B. Eckels.
George Z. Eckels.
Charles F. Eddy.
Edwin F. Ely.
Ed. N. Enders.
Clarence M. Exley.
Horace G. Foster.
Seymour H. Francis.
Otto W. Gralund.
Carl Halla.
James R. Hezmalhalch.
Joseph A. Hill.
Ernest P. Hoff.
Eugene O. Hopkins.
Henry S. Hostetter.
Percy G. Hoyt.
Charles R. Insley.
Franklin C. Kearns.
Montgomery T. Legg.
Claude J. Liebert.
William J. Lisle.
Elmer E. Lockard.
George F. Lovell.
James MacKay.
Alexander C. McKelvey.
William A. MacNicholl.
Herbert A. Main.
Frederick A. Markey.
James A. Marmon.
Alfred J. Maxwell.
Dana W. Morey.
Emmett C. Morton.
Frank T. Neely.
Erskine Neide.
David Nicholson.

Robert G. Nunan.
Arthur A. Padmore.
Frank E. Parker.
Thomas S. Pugh.
Horace G. Rice.
Frank H. Richey.
Harold G. Salmon.
Jerome F. Sears.
Frank B. Shelly.
Harrison W. Smith.
Hastie A. Stuart.
Will T. Taber.
Louis M. Thibadeau.
William W. Thrall.
Walter S. Vidor.
Hardie A. Violland.
Wilhelm P. A. T. Von Hartung.
George N. Watson.
Archie H. Willis.
Horace E. Wilson.
Samuel C. Wilson.

FIRST ASSISTANT COMMISSIONER OF PATENTS.

Robert F. Whitehead, of Virginia (now Assistant Commissioner of Patents), to be First Assistant Commissioner of Patents, effective July 1, 1916, vice James T. Newton, appointed an examiner in chief.

ASSISTANT COMMISSIONER OF PATENTS.

Francis W. H. Clay, of Pittsburgh, Pa., to be Assistant Commissioner of Patents, vice Robert F. Whitehead, appointed First Assistant Commissioner, effective July 1, 1916.

EXAMINER IN CHIEF, PATENT OFFICE.

James T. Newton, of Georgia (now First Assistant Commissioner of Patents) to be an examiner in chief in the Patent Office, effective July 1, 1916, to fill an original vacancy created by the act approved May 10, 1916 (Public, No. 73).

Samuel E. Fouts, of North Carolina (now a second assistant examiner in the Patent Office) to be an examiner in chief in the Patent Office, effective July 1, 1916, to fill an original vacancy created by the act approved May 10, 1916 (Public, No. 73).

POSTMASTERS.

ALABAMA.

Green B. Avery to be postmaster at Lanett, Ala. Office becomes presidential July 1, 1916.

J. Franklin Davis to be postmaster at Andalusia, Ala., in place of James F. Brawner. Incumbent's commission expired January 15, 1916.

Charles B. Searcy to be postmaster at Abbeville, Ala., in place of Augustus L. Hawley, removed.

Charles R. Talbot to be postmaster at Elba, Ala., in place of W. S. Mullins. Incumbent's commission expired January 15, 1916.

CALIFORNIA.

H. O. Blohm to be postmaster at Upland, Cal., in place of James F. Monroe, resigned.

Alpharetta Gilham to be postmaster at Barstow, Cal., in place of C. E. Kendrick. Incumbent's commission expired May 20, 1916.

Edward K. Loosley to be postmaster at Montague, Cal. Office becomes presidential July 1, 1916.

William Weber to be postmaster at Soledad, Cal., in place of H. J. Schumann. Incumbent's commission expires July 18, 1916.

Bessie B. Wightman to be postmaster at Antioch, Cal., in place of James F. Saunders, removed.

W. W. Yandell to be postmaster at Bishop, Cal., in place of Mrs. J. C. Miller. Incumbent's commission expired April 5, 1916.

COLORADO.

Oren F. Frary to be postmaster at Durango, Colo., in place of W. W. Parshall. Incumbent's commission expires July 18, 1916.

James E. Gordon to be postmaster at Springfield, Colo. Office becomes presidential July 1, 1916.

Amy R. Kruchten to be postmaster at Flagler, Colo., in place of Edward H. Kruchten, deceased.

George R. Painter to be postmaster at Telluride, Colo., in place of D. Lee Staley, resigned.

George B. Wick to be postmaster at Las Animas, Colo., in place of John A. Murphy. Incumbent's commission expires July 18, 1916.

DELAWARE.

John H. Gooden to be postmaster at Wyoming, Del., in place of Harry B. Johnson. Incumbent's commission expired April 5, 1916.

John G. Jester to be postmaster at Felton, Del., in place of W. T. Bradley. Incumbent's commission expired June 12, 1916.

FLORIDA.

James Messer to be postmaster at Tallahassee, Fla., in place of Alexander McDougall. Incumbent's commission expired June 7, 1916.

GEORGIA.

Susie McAllister to be postmaster at Fort Gaines, Ga., in place of T. C. Peterson. Incumbent's commission expired June 7, 1916.

T. F. Sykes to be postmaster at Villa Rica, Ga., in place of H. G. Roberds. Incumbent's commission expires July 7, 1916.

H. S. Tucker to be postmaster at Lumber City, Ga., in place of C. B. Beacham. Incumbent's commission expired April 11, 1916.

Herschel S. White to be postmaster at Sylvania, Ga., in place of Mytilene Cooper, resigned.

IDAHO.

F. J. Rodgers to be postmaster at Midvale, Idaho. Office became presidential January 1, 1916.

ILLINOIS.

Martin V. Conklin to be postmaster at Princeville, Ill., in place of H. J. Chesman. Incumbent's commission expires July 18, 1916.

Patrick E. Hughes to be postmaster at Wilmington, Ill., in place of Don A. Spurr. Incumbent's commission expired May 17, 1916.

John Kray to be postmaster at Des Plaines, Ill., in place of Louis Wolfram. Incumbent's commission expires July 18, 1916.

H. Chester McAuliff to be postmaster at Franklin Park, Ill., in place of A. E. Wasson. Incumbent's commission expires July 18, 1916.

INDIANA.

Robert C. Cosby to be postmaster at Cayuga, Ind., in place of Charles Hosford. Incumbent's commission expired June 5, 1916.

John T. Mohere to be postmaster at Kramer, Ind., in place of John Perry. Incumbent's commission expired June 12, 1916.

Theodore W. Englehart to be postmaster at Brazil, Ind., in place of Edward C. Schuetz, deceased.

IOWA.

J. W. Dole to be postmaster at Fairfield, Iowa, in place of William G. Ross, resigned.

Harry C. Graves to be postmaster at Madrid, Iowa, in place of E. P. Dalander. Incumbent's commission expired January 8, 1916.

Bert McKinley to be postmaster at Morning Sun, Iowa, in place of T. J. Ochiltree. Incumbent's commission expired May 17, 1916.

Edgar F. Medary to be postmaster at Waukon, Iowa, in place of Peter S. Narum. Incumbent's commission expired May 17, 1916.

Thomas J. Snodgrass to be postmaster at New Market, Iowa, in place of Isaac W. Abbott. Incumbent's commission expired April 5, 1916.

KANSAS.

E. S. Craft to be postmaster at Lewis, Kans., in place of W. S. Lyman. Incumbent's commission expired June 14, 1916.

B. M. Dreiling to be postmaster at Hays, Kans., in place of Harvey J. Penney, resigned.

A. L. Tear to be postmaster at Sedgwick, Kans., in place of H. S. Mueller. Incumbent's commission expires July 27, 1916.

KENTUCKY.

John D. Hartman to be postmaster at Fleming, Ky. Office becomes presidential July 1, 1916.

Robert J. Scott to be postmaster at Wilmore, Ky., in place of Frank W. Rice. Incumbent's commission expired May 1, 1916.

LOUISIANA.

Lear Mary Linck to be postmaster at Bonami, La., in place of Lear Mary Hesser. Name changed by marriage.

MAINE.

William J. Storer to be postmaster at Wells, Me. Office becomes presidential July 1, 1916.

MARYLAND.

John T. Culver to be postmaster at Forest Glen, Md., in place of George M. Wolfe, resigned.

Arthur H. Uhler to be postmaster at Reisterstown, Md., in place of S. S. Yingling. Incumbent's commission expires July 16, 1916.

MASSACHUSETTS.

James Y. Deacon to be postmaster at Nantucket, Mass., in place of Charles F. Hammond. Incumbent's commission expired December 18, 1915.

John F. McManomin to be postmaster at North Chelmsford, Mass., in place of Charles F. Scribner. Incumbent's commission expired January 18, 1916.

MICHIGAN.

Andrew K. Burrows to be postmaster at Port Austin, Mich., in place of Lee R. Wallace. Incumbent's commission expires July 16, 1916.

John F. McCann to be postmaster at Ypsilanti, Mich., in place of Richard L. Owen. Incumbent's commission expired April 9, 1916.

H. Kirk White to be postmaster at Owosso, Mich., in place of Edmund O. Dewey. Incumbent's commission expired April 5, 1916.

MINNESOTA.

Catherine I. Cashman to be postmaster at Eden Valley, Minn., in place of Peter L. Cashman, resigned.

Byron J. Mosier to be postmaster at Stillwater, Minn., in place of Frank Withrow. Incumbent's commission expires July 29, 1916.

MISSISSIPPI.

J. O. Bennett to be postmaster at Louisville, Miss., in place of Sidney M. Jordan. Incumbent's commission expired May 28, 1916.

John C. King to be postmaster at Senatobia, Miss., in place of John C. Clifton. Incumbent's commission expired June 12, 1916.

Samuel H. Jones to be postmaster at Como, Miss., in place of A. M. Patterson, jr. Incumbent's commission expired May 28, 1916.

MISSOURI.

Thomas F. Donaldson to be postmaster at Kennett, Mo., in place of L. H. Johnson. Incumbent's commission expires July 24, 1916.

John C. Frazier to be postmaster at North Kansas City, Mo., in place of John C. Frazier. Office became presidential April 1, 1915.

Ernest W. Jewett to be postmaster at Shelbina, Mo., in place of A. F. Huggins. Incumbent's commission expires July 13, 1916.

A. J. McKinney to be postmaster at Cabool, Mo., in place of Frank A. Hardin. Incumbent's commission expired June 5, 1916.

Ancil Milam to be postmaster at Macon, Mo., in place of C. L. Farrar. Incumbent's commission expires July 13, 1916.

Anthony Thoreson to be postmaster at Concordia, Mo., in place of W. H. P. Walkenhorst. Incumbent's commission expires July 13, 1916.

MONTANA.

William A. Francis to be postmaster at Virginia City, Mont., in place of J. Z. Clem. Incumbent's commission expired June 14, 1916.

NEBRASKA.

Henry Dhooge to be postmaster at Wilber, Nebr., in place of T. J. Taylor. Incumbent's commission expired April 25, 1916.

Hugh M. McGaffin to be postmaster at Polk, Nebr., in place of Amos W. Shafer. Incumbent's commission expired April 25, 1916.

Clyde D. Wilson to be postmaster at Broken Bow, Nebr., in place of Jules Haumont. Incumbent's commission expires July 18, 1916.

NEW HAMPSHIRE.

Arthur L. Sherman to be postmaster at Lisbon, N. H., in place of L. L. Blodgett. Incumbent's commission expires July 27, 1916.

NEW JERSEY.

Millicent J. Eicks to be postmaster at Leonia, N. J., in place of William H. Eicks, deceased.

M. Eugene Hoffman to be postmaster at White House Station, N. J., in place of Peter Latourette, resigned.

Francis F. Hummel to be postmaster at Dover, N. J., in place of C. H. Bennett. Incumbent's commission expired April 3, 1916.

Marda Jolly to be postmaster at Old Bridge, N. J., in place of Herbert Appleby. Incumbent's commission expired December 14, 1914.

Warren H. Staggs to be postmaster at Westwood, N. J., in place of Frank M. O'Shea. Incumbent's commission expired April 15, 1916.

NEW MEXICO.

James Walker to be postmaster at Estancia, N. Mex., in place of William D. Wasson, removed.

NEW YORK.

Joseph W. Cain to be postmaster at Adams, N. Y., in place of Frank S. Kenyon, resigned.

Frank J. Nearn to be postmaster at Central Valley, N. Y., in place of Henry D. Ford, removed.

William M. Wagner to be postmaster at Savona, N. Y., in place of William E. Joint, declined.

NEVADA.

Michael E. Nevin to be postmaster at Virginia City, Nev., in place of T. W. O'Connor. Incumbent's commission expires July 18, 1916.

NORTH CAROLINA.

M. P. Critcher to be postmaster at Boone, N. C. Office became presidential January 1, 1916.

NORTH DAKOTA.

Peter Hengel to be postmaster at Anamoose, N. Dak., in place of G. F. Abelein. Incumbent's commission expired June 5, 1916.

OHIO.

P. C. Fullerton to be postmaster at Lodi, Ohio, in place of J. D. Carpenter. Incumbent's commission expires July 30, 1916.

J. D. Turner to be postmaster at Chardon, Ohio, in place of Clifford N. Quirk. Incumbent's commission expires July 13, 1916.

H. E. Zimmerman to be postmaster at Loudonville, Ohio, in place of W. J. Weirick. Incumbent's commission expires July 7, 1916.

OKLAHOMA.

Herman J. Fleming to be postmaster at Canton, Okla. Office becomes presidential July 1, 1916.

Roy Tennison to be postmaster at Commerce, Okla., in place of Alva P. Daniel, deceased.

OREGON.

E. D. Alexander to be postmaster at Stayton, Oreg., in place of William A. Elder, removed.

PENNSYLVANIA.

Percy Brewington to be postmaster at Benton, Pa., in place of John J. Mather. Incumbent's commission expired May 10, 1916.

Stephen J. Downs to be postmaster at Union City, Pa., in place of C. E. B. Hunter. Incumbent's commission expires July 13, 1916.

C. W. Dundon to be postmaster at Edinboro, Pa., in place of H. L. Cooper. Incumbent's commission expired May 31, 1916.

John D. Moore to be postmaster at Bridgeville, Pa., in place of D. M. Bennett. Incumbent's commission expired June 7, 1916.

Daniel Lennon to be postmaster at Galeton, Pa., in place of Fred V. Balch. Incumbent's commission expired May 20, 1916.

SOUTH DAKOTA.

Lynus K. Harris to be postmaster at Frankfort, S. Dak., in place of W. L. Butler, resigned.

TENNESSEE.

Clarence A. Templeton to be postmaster at Jellico, Tenn., in place of M. V. Siler. Incumbent's commission expired January 24, 1916.

TEXAS.

William T. Henderson to be postmaster at Odessa, Tex. Office becomes presidential July 1, 1916.

Thomas E. Neill to be postmaster at Van Horn, Tex., in place of W. A. Daugherty, resigned.

J. T. Rountree to be postmaster at Cooper, Tex., in place of C. V. Rattan. Incumbent's commission expired June 12, 1916.

Martha B. Waters to be postmaster at Thrall, Tex. Office becomes presidential July 1, 1916.

UTAH.

J. R. Lambert to be postmaster at Roosevelt, Utah, in place of C. L. Ashton. Office became presidential January 1, 1916.

VIRGINIA.

Gabriella R. Cochran to be postmaster at The Plains, Va., in place of G. R. Cochran. Incumbent's commission expires July 29, 1916.

Milton E. Gee to be postmaster at Meherrin, Va. Office becomes presidential July 1, 1916.

Burns N. Gibson to be postmaster at East Falls Church, Va. Office becomes presidential July 1, 1916.

Harvey D. Hall to be postmaster at Lawrenceville, Va., in place of A. W. Harrison. Incumbent's commission expired May 1, 1916.

Emmett L. Wade to be postmaster at Vinton, Va. Office becomes presidential July 1, 1916.

VERMONT.

Fred H. Pierce to be postmaster at Orleans, Vt., in place of Alton G. Baird, resigned.

WASHINGTON.

E. H. C. Ramm to be postmaster at Twisp, Wash., in place of C. J. Casad. Incumbent's commission expires July 13, 1916.

WEST VIRGINIA.

M. Grundy Gilmer to be postmaster at Matoaka, W. Va. Office becomes presidential July 1, 1916.

Charles L. Watkins to be postmaster at Shinnston, W. Va., in place of C. S. Randall. Incumbent's commission expires July 16, 1916.

WISCONSIN.

George M. Breakey to be postmaster at Alma Center, Wis., in place of G. M. Breakey. Office became presidential January 1, 1916.

Clarence L. Jordalen to be postmaster at Deerfield, Wis., in place of C. L. Jordalen. Office became presidential January 1, 1916.

Andrew Kaltenbach to be postmaster at Potosi, Wis., in place of Andrew Kaltenbach. Office became presidential January 1, 1916.

Daniel W. McNamara to be postmaster at Montello, Wis., in place of Charles Brown. Incumbent's commission expires July 23, 1916.

Charles H. Prouty to be postmaster at Genoa Junction, Wis., in place of C. H. Prouty. Incumbent's commission expired December 20, 1915.

John Schreibeis to be postmaster at Menasha, Wis., in place of J. C. Capron. Incumbent's commission expires July 23, 1916.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 22, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, our hearts instinctively turn to Thee for inspiration and guidance in the present crisis. We are brought face to face with the horrors of war and we most fervently pray that the differences which have brought us in contact with a neighboring nation may be wisely and peacefully adjusted without further bloodshed, that harmonious relations may be established to the good of all concerned. In the world's broad fields of endeavor there is room enough for brain and brawn without the clash of arms and the horrors that follow in its wake. Hear us, O Lord, and guide us by Thy holy influence, that Thy kingdom may come and Thy will be done in this and all lands, in the name of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Diplomatic and Consular appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table the Consular and Diplomatic appropriation bill, disagree to the Senate amendments, and ask for a conference. The Clerk will read the title to the bill.

The Clerk read as follows:

A bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed as conferees Mr. FLOOD, Mr. CLINE, and Mr. COOPER of Wisconsin.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SHERLEY. 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. 14303, the fortifications appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARNER 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 read the title.

The Clerk read as follows:

A bill (H. R. 14303) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. SHERLEY. Mr. Chairman, when the bill was up for consideration before there was pending an amendment offered by the gentleman from Illinois [Mr. TAVENNER], it being the only matter remaining to be considered in connection with the bill. I thought that perhaps some understanding might be had as to the debate that was desired on that amendment.

Mr. MANN. I think that everybody knows what the amendment is; we have had it discussed a number of times.

Mr. SHERLEY. I have no desire to unduly prolong the consideration of the bill, and at the same time I want to afford proper opportunity for the discussion of the amendment.

Mr. KEATING. Those interested in the adoption of the amendment would like about 30 minutes.

Mr. MANN. Make it 30 minutes on a side.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that there be 30 minutes' debate on a side on the amendment offered by the gentleman from Illinois, and all amendments thereto, one half to be controlled by the gentleman from Illinois, Mr. TAVENNER, and the other half by the gentleman from Illinois, Mr. MANN.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that all debate on the pending amendment be limited to one hour, one-half to be controlled by the gentleman from Illinois, Mr. TAVENNER, and one-half by the gentleman from Illinois, Mr. MANN. Is there objection?

There was no objection.

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes. I am a new Member and have not occupied the time of the House unduly since I have been here. There is a matter here that affects my district, and I ask as a favor that the House grant me the privilege of speaking for 10 minutes.

Mr. MANN. Upon what subject?

Mr. CALDWELL. On the appropriation for fortifications, or sites for fortifications. I understand that they are to purchase certain property at Rockaway Peninsula, which is in the district that I have the honor to represent. I have examined the title of the property, I have examined the property, and there are matters here that ought to be brought to the attention of the House. I ask the House to grant me time to tell the committee what I know about it.

The CHAIRMAN. The gentleman from New York asks unanimous consent to address the committee for 10 minutes, not to be taken out of the allotted time. Is there objection?

Mr. SHERLEY. I have no desire to prevent the gentleman from making a statement touching the Rockaway matter, but I am not willing to open up the bill. When that item was reached I purposely put in the RECORD all the data I had touching the matter, and then was the opportunity for the gentleman or anyone else to discuss the subject fully. I am not willing to delay this important bill by opening up the matter again. I do not object to the gentleman speaking for 10 minutes if he so desires.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CALDWELL. Mr. Chairman, this appropriation bill carries \$1,400,000 for the purchase of sites for fortifications and the reclamation of land. It is the understanding, as I learn, between the committee and the War Department that the property to be purchased is one site on the Pacific coast and the other on the Rockaway Peninsula, which lies in the second congressional district of the State of New York, which I represent.

I have examined the title to the property in a cursory way; I have discussed the title with men who have searched titles in Queens County, N. Y., and I am authorized to say that William A. Ball, who has searched more titles in Queens County than any other man, says that the United States Government now has title to the property that would be purchased with this money. The facts are in 1808 the first record title upon this property appears. The title there was stated in a partition proceeding, and since that time there are records in the Queens County courthouse of title showing that the United States Government owned and maintained a blockhouse on the end of the peninsula where now stands the United States life-saving

station, and that since that time the peninsula has grown to the extent of several miles by accretion. The railroad companies have a title from those who claim to own by adverse possession.

Adverse title has never been established against the United States Government, and in no case that has ever been tried in the courts has the United States been made a party. In my opinion the title, therefore, to this property that has been made by accretion belongs to the United States Government, and I think that any bill that carries an appropriation of more than a million dollars to buy property against which the United States Government certainly has claim of title should never be passed, unless there be a proviso that the money should not be paid for property to which we have the title or claim of title until the question has been litigated. Again, they propose to pay here in the neighborhood of four thousand and odd dollars per acre for this property. It is more than 3 miles from the nearest railway station. There is no road leading to it except one, almost impassable. You can not get to it in any kind of an automobile except some very high-powered machine or a very light one that has considerable power.

You can hardly go there on foot or by wagon and team or by boat that draws any considerable amount of water. The land itself is mostly about 18 inches above high-water mark, and every winter the storms sweep the water across the peninsula, and anything you build there would be swept away, unless built up with high embankments and proper sea walls; and in addition to that, across the bay, within half a mile, is Barren Island, where they destroy and render up the dead horses and animals that die in the State of New York, and it stinks, and stinks so badly that at times in the summer it is almost impossible for the people to live there. The highest valuation that I have ever been able to find anybody who was disinterested would put on this property was \$2,000 an acre, and the consensus of opinion is \$1,500 an acre, and I do not believe that because there has been an option delivered to the War Department of this Nation fixing the value at \$4,000, which is fictitious, and in accordance with the schemes as set out in the letter sent here by Mr. Sharp and read to the House—I do not believe under those circumstances that we should permit any department of this Government to pay such an outrageous price for a piece of property at a time when the Government is under stress such as it is to-day. We have a condemnation law, and I propose that this condemnation law ought to be invoked in this case, in which event the title to this property and the value of it would be determined, and if we need it, and it does not belong to us, let us pay every cent it is worth and get it. I am in favor of preparedness and I am in favor of protecting New York City. It needs protection. It is the capital of the Nation in point of size; it is the center of wealth of the world to-day. It needs protection, but because of this condition there is no reason why we should let any set of real estate operators mulct the Treasury of the United States to the tune of a million dollars [applause], and I say to you that if this bill is not amended I am against it, first, last, and all the time, from top to bottom, and I propose to move to recommit the bill.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield for a question?

Mr. CALDWELL. Yes.

Mr. SHERLEY. Is there any reason why the Department of Justice or the War Department should expend a dollar under the terms of the bill for any land they now own or a dollar more than the real value of the land which they acquire?

Mr. CALDWELL. There is no reason why they should do it; but the proposition is that I, for one, do not propose to set aside the responsibility which I owe to this Government and to the people who sent me here and deliver into the hands of any branch of this Government the right to spend this money that I have appropriated when I should not have appropriated it.

Mr. SHERLEY. The gentleman thinks his judgment is better than that of the Attorney General?

Mr. CALDWELL. It is upon that question, and I will stand anywhere in the court or anywhere else and defend it.

Mr. BUTLER. Is there anything in this bill which obliges the Government to buy this land?

Mr. CALDWELL. No; but it permits it to be done, and I do not propose to have that done. The city of New York was mulcted in nearly the same amount of money for a similar piece of property on this peninsula. The same crowd of people in the sale of Dreamland Park mulcted the city of New York for about the same amount. The same crowd of people mulcted the city of New York on the marginal railway proposition, and they did it all with the same scheme and plan as they started out to do it here.

Mr. ANTHONY. Does the gentleman mean to imply that there is a conspiracy to unload this property on the Government?

Mr. CALDWELL. I believe so, and I am here to fight it.

Mr. ANTHONY. What are the grounds for that statement?

Mr. CALDWELL. The grounds are these: The city of New York purchased a park over near this proposed site. In that park they offered the city an option, and that option was used for the basis of a valuation, and the valuation was fixed on the option and the city of New York paid more than twice the value of that property. They followed the same plan in the Dreamland proposition. That went into the courts, and they followed the same plan in the marginal railway proposition, and that is in the courts, and the courts have scored these people for their action in the Dreamland proposition. It was tried by another crowd of real estate operators in the East River Park, in the county which I have the honor to represent, and there the question was thrashed out, and instead of paying over a million dollars we succeeded in condemnation proceedings in getting an award of less than \$700,000, and the matter is now being litigated, and if we start the same kind of condemnation proceedings here the United States Government will be protected as was the county of Queens in that last proceedings, and I want the protection.

Mr. MILLER of Delaware. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. MILLER of Delaware. Where is the provision in the bill?

Mr. CALDWELL. The provision in the bill will be found on page 3, lines 15 to 17, and I particularly call the attention of the House to the fact that in the hearings before this committee, on page 96, you will find these questions:

Mr. SHERLEY. This item is evidently for the purchase of land at Rockaway Beach?

Col. WINSLOW. One million five hundred thousand dollars is for the purchase of land at Rockaway Beach. Then there is another large item for the purchase of land for the new defenses at San Francisco.

Then, on page 107:

Mr. SHERLEY. And the department desires a sufficient sum appropriated to buy the site indicated at San Francisco and at Los Angeles, and at least the red area at Rockaway Beach—

Referring to a map submitted to the committee which is not set forth here for our information—

Col. WINSLOW. Yes.

And that is all the testimony that was before your committee that I have been able to find.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, in view of the statement made by the gentleman from New York, I would like to address the House for five minutes touching the matter to which he has referred.

The CHAIRMAN. The time not to come out of the time of one hour fixed?

Mr. SHERLEY. Yes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to address the House for five minutes, the time not to be taken out of the one hour's time allowed. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Chairman, when this matter was up I particularly called attention to what was proposed in regard to the item for the purchase of sites. One of the most important things in connection with the fortifications of New York is the procurement of land at Rockaway Beach. That land is chosen not for any other reason than the military reason of being the one place where it is thought necessary to put this fortification. I had read from the Clerk's desk the letters of Mr. Sharp in order that the House might have full information—the gentleman from New York, who now seems to think that the House might have been misled into doing something it did not intend to do, not being then present or aiding in presenting information to the House—as I say, I caused to be read the letters of a real estate man there—a Mr. Sharp—criticizing those who claim to own this land and the value at which it was, as he thought, proposed to be sold to the Government. I stated then that I knew of no way by which the Government could properly protect itself in a matter of this sort if it could not rely upon the Department of Justice and the War Department and the right to condemn in the courts. I was not willing then, I am not willing now, upon the allegations made to refuse to make appropriations for the purchase of land that is of the utmost importance to this country; and it is important that that land should be acquired as early as possible. I took occasion in my speech to call to the attention of the War Department and the Department of Justice the allegations that have been made touching this land that they might take the proper

steps to protect the Government against paying a false price for the land, and in the event that we owned the land from paying any price.

I have personally brought it to the attention of the War Department and the Secretary of War. I do not believe there is any reason why the Government can not protect itself. I am willing to concede that there are a lot of rogues in the gentleman's district who desire to mulct the Government, and I took occasion to say that one of the things that is particularly depressing is, when it comes to a matter of the utmost importance to the Government, to find that the patriotism of its citizens frequently stop with their pocketbooks. But there is nothing in this that warrants the House, in my judgment, declining to make available funds to acquire land so imperatively needed. Then if this Government can not, through its proper machinery, protect itself from being robbed, we have indeed come to a deplorable situation.

But I am unwilling to believe that the Department of Justice is not able to pass upon the question of title as well as the gentleman from New York [Mr. CALDWELL]. I am unwilling to believe that the War Department or the officers of the Army are unable to prevent a false price being paid, and I must assume that in case of condemnation proceedings that at least 12 honest men can be found in the gentleman's district, or in that jurisdiction, to do justice to the Government of the United States.

Mr. CALDWELL. I will say that is the only thing I ask, that this be taken by condemnation.

Mr. SHERLEY. There is nothing to prevent its being taken by condemnation, and every fact has been brought out and brought out openly. I took particular pains in the absence of the gentleman to bring all the facts to the attention of the committee and stated that I did so in order that there might not be any misunderstanding about the matter.

Mr. Chairman, that is all I desire to say in connection with it.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to address the committee for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to address the committee for five minutes, not to be included in the time heretofore allowed. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, the report of the Endicott Board in 1886 provided for a mortar battery at Plum Island as part of the defenses of the city of New York. Nothing was done toward the erection of that battery. The changes in the topography of Rockaway Point, the improvements in high-power guns, developed the fact that Plum Island would not be the best place for the establishment of a very essential defense for the city of New York. For several years the War Department has been discussing plans to complete the defenses of the city of New York, and in the last Congress it was stated that the plans would be so far advanced that the completed scheme would be submitted to Congress at this session. It has been determined to erect certain high-power guns and mortars at Rockaway Point, and the department asked authority, or asked the money, to enable it to purchase the land deemed essential for that purpose. It was stated that an option had been obtained upon the certain land deemed necessary for those guns. After the committee had completed its investigation Mr. Sharp, a real estate man in the County of Queens, in New York, wrote me, I believe, four different letters, which contained statements of the facts referred to by my colleague from New York [Mr. CALDWELL]. I conferred with the gentleman from Kentucky [Mr. SHERLEY], who had charge of the bill, in reference to the matter, and it was determined that without any other information to enable the committee to determine exactly what the situation was that that information should be submitted to the Department of War, so that when the United States was ready to proceed to procure the property desired it would have this information to guide it in its conduct. During the consideration of the bill the gentleman from Kentucky placed in the Record a letter which was sent to the Attorney General by Mr. Sharp, inclosing the four letters which had been sent to me by him, and, in addition, made a comprehensive statement covering fully the entire matter.

So that the executive department of the Government has all the information available from the sources referred to as to the possible claims of the Government to the property itself and as to the advisability of paying the price at which it has been proposed to be offered. The city of New York has acquired through condemnation proceedings property in the vicinity for a public park, and the price fixed in the option is the price awarded to the owners of that property in the condemnation proceedings. I know the price awarded in the condemnation proceedings has been criticized severely as excessive and inde-

fensible. My recollection is, although I am not certain, that the award has been sustained in the appellate court. There are a number of questions as to the title of the land under water. The city of New York has been claiming title to the land under water in Jamaica Bay. Within the past month the lower court in an action which had been pending for the purpose of determining whether title to the land under water belonged to the upland owners or to the city of New York has decided in favor of the upland owners. The committee had this information, that as an essential feature of the defenses of the city of New York certain guns must be erected at this particular locality.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. The War Department, upon the information in its possession, believed that the maximum sum required to acquire the property, if it had to be paid for, was the sum provided in the bill. The War Department and the Department of Justice have been furnished with all of the information which has been received by the committee as to the probability that the Government has title and that the price at which the land has been offered is excessive. It is very rarely that Congress is able to determine what the value of a particular tract of land may be, particularly land located as this is, where there are not frequent sales to establish the market value. The committee has done—

Mr. CALDWELL. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. CALDWELL. If the option carries a certain price, this option is submitted by the War Department to your committee, and the money is requested, and this House then appropriates that amount of money, will not the courts under the decision rendered in the city case of the said park be compelled to sustain that the full amount?

Mr. FITZGERALD. Not at all. In the city case and in the condemnation proceedings in the State of New York my recollection of the law is that the option is not admissible as to value. And we have not reported any specific sum to be paid for this property. Included in an amount appropriated for the acquisition of sites is a sum sufficient to meet what the War Department believes will be the outside price that must be paid for this land. Since that was done the War Department and the Department of Justice have had submitted to them the information that raises a question as to whether the Government itself does not actually own the land, as to the propriety of paying the price at which it has been offered. In the conduct of the business of the Government all that the legislative body can do is to provide the administrative officers with the means and the power to do what is essential for the public defense and then rely on the administrative officers to see that the Government is not improperly mulcted for money it should not pay.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask for another minute.

The CHAIRMAN. Without objection, the gentleman will be granted one minute more.

There was no objection.

Mr. FITZGERALD. This land is claimed to be owned by the Southern Pacific Railroad Co. or one of its subsidiary companies. I know the real estate man in Brooklyn who represents the owners of the land in the negotiations with the city. He is connected with the concern known as the Realty Associates. He had been connected with a concern known as the Neponsit Real Estate Co., from which the city of New York purchased the land for the park. The information which I received as to values and as to whether the title might be in the Government I immediately turned over to the gentleman from Kentucky [Mr. SHERLEY] and arranged that he should take the matter up with the Secretary of War. That is as far as we were able to go to see that the interests of the Government were protected.

Mr. HICKS. This property, as I understand, has been made by the ocean?

Mr. FITZGERALD. Yes; it is made by accretions, and it adjoins property now in the possession of the Lighthouse Service, about which, if I am not mistaken, there was some litigation and an adjustment between the Government and the claimants to the property.

Mr. HICKS. May I ask my colleague if the Title Guarantee & Trust Co. has guaranteed the title on that property to the Southern Pacific Railway Co.?

Mr. FITZGERALD. I do not know, but I do not believe it would be important, because adverse possession can never be sustained against the Federal Government; and if there be no record title and the Federal Government establishes its right, the guaranty of a title company would not defeat the Government claim.

Mr. TAVENNER. Mr. Chairman, I would like to ask the gentleman from Kentucky if he has charge of the time?

Mr. SHERLEY. There has been one hour of time granted, one-half to be controlled by the gentleman from Illinois [Mr. TAVENNER] and 30 minutes by the gentleman from Illinois [Mr. MANN].

Mr. TAVENNER. Mr. Chairman, I read the statement of the—

Mr. DILLON. Mr. Chairman, I ask unanimous consent that the amendment be first read.

The CHAIRMAN. Without objection, the amendment will be again read.

The Clerk read as follows:

Amendment offered by Mr. TAVENNER: Page 14, line 18, after the word "rate," strike out the period and insert in lieu thereof a colon and the following:

"Provided, That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States while making or causing to be made with a stop watch, or other measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

[Mr. TAVENNER addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, I yield eight minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment proposes to stop the pay of the superintendent or overseer where a stop watch is used, and, secondly, it prevents the payment of a bonus or excess pay to any workman who happens to be more efficient than other workmen; in other words, it reduces the workmen to a common level and prevents anyone from rising above that level in compensation. To that extent it is subject to criticism, and I hope before we get through that some one in favor of the amendment will tell us why a workman who is thoroughly efficient, more so than other workmen with whom he competes, should not receive extra compensation for that efficiency.

Mr. KEATING. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I can not yield, I have not the time.

Mr. KEATING. I will get the gentleman two minutes more if he will answer the question.

Mr. MOORE of Pennsylvania. I will yield to the gentleman.

Mr. KEATING. I want to say to the gentleman that there is nothing in the amendment which will prevent the recognition of superior efficiency in workmen. There is nothing in the amendment which will prevent one workman from receiving one rate of pay and another workman from receiving another rate of pay. The only thing is to prevent two forms of compensation—the bonus and the premium system.

Mr. MOORE of Pennsylvania. I call the gentleman's attention to the second section of the amendment:

Nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

In other words, if he is rated at \$3 a day and is worth \$4, he can not receive any more than the \$3.

Mr. KEATING. The gentleman is mistaken.

Mr. MOORE of Pennsylvania. I say that gentlemen can answer the suggestion, and I hope they will—why a man, who is efficient, faithful, and dutiful in a public establishment, can not receive extra compensation for extra efficiency or for work above the average.

That all workmen are not agreed upon this question I pointed out a year or so ago. The gentleman from Illinois referred to the fact that some one might produce a petition of 400 men from some arsenal, which I presume referred to the publication by me in the RECORD of a petition of 400 or 500 men from the Frankford Arsenal. In view of the fact that the gentleman has called up this matter, probably in anticipation, I will send it to the Clerk's desk to be read. It shows that all workmen, organized and unorganized, are not of one mind on the question whether or not their pay shall be at a fixed sum, and that no matter how hard they work or how efficient they are, they shall receive no more. I ask that the communication be read.

The Clerk read as follows:

THE FRANKFORD ARSENAL ASSOCIATION,
Philadelphia, Pa., January 28, 1915.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: The committee named below, representing 400 employees of the Frankford Arsenal, earnestly protest against the legislation in the Army bill depriving us of our premium rate of compensation, which was established at this arsenal over five years ago to the mutual satisfaction of all concerned. The enactment of this legislation means an annual loss to us of about \$44,972. You are requested to use your utmost endeavors to have this legislation struck out by the upper House of Congress or so modified that we will not be deprived of our increased earnings under the premium system.

Very respectfully,

JOSEPH B. MOSS,
HARRY G. PENN,
JOHN JESBERGER,
Committee.

Mr. MOORE of Pennsylvania. Now, Mr. Chairman, with all respect to the gentleman advancing this amendment, if that statement is true, the workmen who are honestly striving to serve the Government are deprived of \$44,000 of earnings that they would have received if this amendment had not gone into the Army bill. In other words, instead of representing the workmen, this amendment takes the money away and prevents them exercising the functions that God has given them to serve the Government.

Now, since that time I have received two petitions which bear upon this matter in another way. They pertain to certain provisions in another appropriation bill, but the arguments set out in behalf of the workmen apply here. I send the first petition to the desk to be read.

The Clerk read as follows:

PHILADELPHIA, PA., January 5, 1916.

Hon. J. HAMPTON MOORE,
House of Representatives, United States, Washington, D. C.

SIR: The undersigned petitioners employed at Frankford Arsenal again take the liberty of inviting your attention to the following provision of law contained in the act of Congress approved March 4, 1913, providing for the legislative, executive, and judicial expenses of the Government:

"SEC. 4. That section 7 of the general deficiency appropriation act approved August 26, 1912, is amended to read as follows:

"SEC. 7. That no part of any money contained herein or hereafter appropriated in lump sum shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the preceding fiscal year; nor shall any person employed at a specific salary be hereafter transferred and hereafter paid from a lump-sum appropriation a rate of compensation greater than such specific salary, and the heads of the departments shall cause this provision to be enforced: *Provided*, That this section shall not apply to mechanics, artisans, their helpers and assistants, laborers, or any other employees, whose duties are of a similar character and required in carrying on the various manufacturing or constructing operations of the Government."

You will see from this legislation that clerks, minor clerks, skilled office laborers, draftsmen, assistant draftsmen, and the chemists employed at this arsenal can not receive any increase in compensation which is in excess of that paid for the same or similar services during the preceding year. It does not make any difference if a clerk or draftsman increases in efficiency and makes himself more valuable to the Government, he can not be paid any more this year than he was paid last year if his services are the same or similar. This legislation does not take into consideration even the increased cost of living for which additional compensation is usually allowed by employers. If a clerk or draftsman should be employed at a trial salary and with a promise that if he made good he would receive additional compensation the following year, such a promise could not be legally carried out, and yet such a method of hiring men is not unusual in all walks of life.

You will further observe that this section does not apply to mechanics, artisans, their helpers and assistants, laborers, or any other employees, whose duties are of a similar character, required in carrying on the various manufacturing or constructing operations of the Government. We believe that the clerks are just as necessary to manufacturing operations as any helper or assistant in any shop. Why should there be a difference between the men who sweep the floor, oil the shafting, run the elevators, etc., and the skilled office laborers who attend to the time cards, job cards, and various requisitions for material needed in the shops? The condition of employment for these clerks in the shops is just the same as for the other workmen who are exempted in the proviso from the operation of the law. Furthermore, the mechanical work in the shop is largely done by mechanics, but from drawings prepared by draftsmen. Without these drawings the mechanic could not work with the dispatch and accuracy required at a Government establishment. The leading draftsmen visit the shops and are just as much a part and parcel of this manufacturing plant as are the men who actually operate the machines.

A professional man, like the chemist, may make a valuable discovery for the Government, but there will be no reward for him unless the pay for the same or similar service was higher in the preceding fiscal year.

The provision exempting mechanics, artisans, laborers, etc., must have had in view that these men will have their rate of compensation increased by reason of increased efficiency, by reason of higher rate of pay paid for similar services by outside establishments, or by an increase in the cost of living. If all these three results are good reasons for increasing the pay of the exempted employees, they are just as good reasons for increasing the pay of clerks, draftsmen, etc., who are not exempted by the proviso referred to. The clerks at this arsenal are not high-priced employees; a large proportion receive as low as \$540, \$600, and \$660 per annum, which is only the pay of the skilled laboring class. Surely Congress does not desire to prevent these low-priced clerks from receiving increased compensation if they have increased their efficiency or if it costs more to support them. A few men drawing \$600 per annum have families, and Congress can not ex-

pect a man to raise a family if he has no better outlook than \$600 per annum for his services. A number of the draftsmen receive \$900 to \$1,000 per annum, which is only the pay of machinists and tool-makers, who are in the exempted class. The highest rate of pay paid draftsmen at this arsenal is \$2,200 per annum and to clerks \$1,800 per annum, but these men are not only draftsmen and clerks, but executives having broad responsibility.

It should also be noted that this legislation does not work for the benefit of the Government, in that it makes it difficult to retain efficient employees. The work performed by the clerks and draftsmen is of such a nature that it takes some time for them to become familiar with their duties and with the Government method of transacting business. When a clerk or draftsman realizes the legal obstacles in the way of his obtaining an increase in compensation, he seeks employment elsewhere, and particularly in the case of the better grade of employees, who are generally graduates of a commercial or technical institution, such employment is not hard to obtain. These employees have acquired a knowledge of Government methods at the expense of the Government, and when they resign the valuable experience acquired by them is lost to the Government. This does not apply in the case of mechanics, artisans, laborers, etc., who in general have to devote little or no time to acquiring a knowledge of Government methods and are, as a rule, as efficient on the first day of their employment as at any time thereafter, and vacancies in these exempted classes therefore mean little or no loss to the Government. It would seem, therefore, that the advantage of modifying the present legislation so as to remove the restriction on increased compensation for clerical and technical positions is apparent.

Employees, whether mechanics, artisans, clerks, draftsmen, or others, in so far as their value to their employer is concerned, are rated by the same method, and the reasons for increasing an employee's compensation are the same for a mechanic as for a clerk. It therefore appears to the undersigned that the provision above mentioned, creating different standards for consideration in the treatment of Government employees and resulting in unfair discrimination against certain classes of employees, is one that Congress would correct when brought specially to its attention.

The conditions as outlined above were brought to your attention several months ago, and a petition was also addressed to the Secretary of War, in which his attention was invited to the discriminatory legislation referred to above and requesting him to bring this situation to the attention of the Congress with recommendation that proper legislation be enacted which would enable clerks, draftsmen, and other office men at the manufacturing arsenals and navy yards to be paid a higher rate of compensation than that paid during the preceding fiscal year when their efficiency demands it, when there is a corresponding increase in the rate of pay paid for similar services by outside establishments, or when an increase in the cost of living justifies it. It was also suggested to the Secretary of War that if the provision referred to in paragraph 1 of this letter were worded as follows, it would accomplish the purpose desired by the undersigned:

"*Provided*, That this section shall not apply to mechanics, artisans, storehouse keepers, their helpers and assistants, laborers, or any other employees, including clerks, draftsmen, and technical employees, whose duties are of a similar character and are required in carrying on the various manufacturing and constructing operations of the Government."

A letter was received from the Secretary of War under date of July 13, 1915, in which he acknowledged receipt of this petition, and stated that he would submit to the next Congress a draft of legislation designed to place all employees of the War Department on an equal footing in regard to their right to increased compensation for increased efficiency in the same class of work.

Respectfully,

Mr. MOORE of Pennsylvania (interrupting the reading). Mr. Chairman, I ask unanimous consent to print the remainder of the letter in the RECORD. The letter continues to say that there is a discrimination against a certain class of workmen. This is all pointed out in the letter. I am sorry it can not be read on account of time, because I think it would be informative to the House. It indicates that there are a number of workmen who want to do faithful service and who object to being held down to a common wage level.

But here is another communication received March 4, 1916, and also numerous signed by the workmen, that I hope there will be time to have read in full. I send it to the Clerk's desk.

The Clerk read as follows:

THE FRANKFORD ARSENAL ASSOCIATION,
Philadelphia, Pa., March 14, 1916.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

MY DEAR SIR: Your attention is invited to the provision of law contained in the act of Congress approved March 4, 1913, providing for the legislative, executive, and judicial expenses of the Government. In a few words, this law provides that draftsmen, clerks, and other salaried Government employees can not be paid any more in one fiscal year than in the preceding one for the same or similar services.

It will be readily understood that this provision of law offers no encouragement whatsoever for a draftsman or other salaried employee of this or any other arsenal to increase his efficiency or make a special effort to develop increased value on his part to the service.

Under the abnormal conditions which obtain at the present time in private establishments manufacturing munitions and other war material a demand has been created for experienced men, and the various arsenals and other Government institutions have been looked to for such help. While the average Government employee realizes that positions with such establishments are possibly of a temporary nature they accept them because they have no assurance that their increasing worth to the Government will benefit them by reason of the above-mentioned restriction placed on the increase in compensation.

We would appreciate it very much if you would bring the justice of our cause before the chairman and other members of the Senate Committee on Appropriations who will have charge of the legislative, executive, and judicial bill on its receipt from the House of Representatives with the request that a proper clause be inserted which will relieve the clerks, draftsmen, and other salaried Government em-

ployees from the discrimination which at the present time exists against them by reason of the act of Congress dated March 4, 1913.

Yours, very respectfully,

F. A. STEGMAN,
President.
JOHN J. L. MERGET,
Secretary and Treasurer.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to say in conclusion that because of this efficiency business at the arsenal from which these petitions come, many of the best men have gone into private establishments at higher wages than the Government pays. The Government has been losing the services of these capable men while private establishments have been getting the benefit of them.

Mr. TAVENNER. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. NOLAN].

Mr. NOLAN. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] contends that there is no way under the provisions of this amendment to increase the pay of employees. I want to call the attention of the House to the fact that in all Government establishments they have a system of grading mechanics and all employees, and the Government itself and its officers can pay to each and every individual of their mechanical force any pay that they see fit under the rating system, consequently there is no force to the gentleman's argument that there is no opportunity for the ambitious employee. They can pay them \$4 a day or \$10 a day, and they get paid for efficient service; and I want to call attention to this fact, and it is testified to by Gen. Crozier before the Committee on Labor. Under the day-labor system they permitted only 10 men, first-class machinists, in the Watertown Arsenal to reach the first class out of several hundred mechanics, and the 10 men were only receiving \$3.52 per diem; but under the Taylor system they claimed to permit the lowest-paid mechanics to reach the same standard of efficiency and the same rate of pay as the higher-skilled mechanics; but under the old day system there was no incentive for a mechanic to increase his efficiency and output, while under the Taylor system, the driving system, the system that breaks down the man, they will agree to pay him a bonus and premium but they take two-thirds of it away from him. I want to say to the gentleman that the manner in which the petition from the Frankford Arsenal was obtained will be touched upon by the gentleman from Colorado [Mr. KEATING], but in case the gentleman does not have the time to go into the matter, I will incorporate Gen. Crozier's testimony in the RECORD at this point:

Mr. NOLAN. Did you understand at the time this measure was pending before the House in the last session that you would be compelled to stop the payment of premiums and bonuses; that is to say, where you had set a task, that you would be compelled to stop the bonus or premium system, and that this bill would be retroactive?

Gen. CROZIER. I did not think that. I did not think the order was retroactive. I forbade the payment of premiums, except such as had accrued at the time of the receipt of the order.

Mr. NOLAN. In other words, you prohibited any further effort on the part of the officials of the Frankford Arsenal to pay a bonus or a premium from that day on?

Gen. CROZIER. Yes, sir.

Mr. NOLAN. Why did you issue that order at a time when this proposition had not become law?

Gen. CROZIER. Because I wished the employees to understand what they were threatened with. I wanted to get before them, by practical experience, what was going to be their lot if this legislation were passed.

Mr. NOLAN. Didn't they have that experience before you introduced that system?

Gen. CROZIER. They had had it a long time before.

Mr. NOLAN. How long before?

Gen. CROZIER. I introduced the premium system at Watertown Arsenal in 1911. I introduced the Taylor efficiency system in 1909. It went on for two years before we started the premium system.

Mr. NOLAN. As I understand it, this petition came from the Frankford Arsenal. How long had the bonus and premium system been enjoyed over there?

Gen. CROZIER. I can not say, for the reason that the Frankford Arsenal, like the Springfield Arsenal and the Rock Island Arsenal, is an establishment where that kind of payment had been going on for many years. I had not employed at that time in those places any systematizer or expert in shop management, with reference to the introduction of such a system. As Watertown Arsenal was one where there had been no piecework, I did employ a systematizer, so that date is more distinctly in my mind. The Watertown Arsenal does not lend itself to piecework payment.

Mr. NOLAN. Do you think it is proper, Gen. Crozier, for a man holding your high position in the Government service to issue an order of that kind for the purpose of working up the employees, if I may use that term?

Gen. CROZIER. I think it is not only proper, but I think it is my duty to inform the employees who are concerned of anything of that kind which it is pending, and how it is likely to affect them.

Mr. NOLAN. Is there not a distinct difference between informing them of the effect of the legislation and putting into effect through an order the force of such legislation before you knew that Congress was going to adopt it?

Gen. CROZIER. There is a difference, of course. By putting that order into effect I showed what would happen if Congress adopted this legislation, further than to merely inform these people. You must certainly know that to inform people of something which is impending in the future and may arise is not nearly so effective a way of making them thoroughly aware of what is involved as to put it into effect at once.

Mr. NOLAN. Following this out to its logical conclusion or its last analysis, suppose any officer of the Army should put into effect an order that affected the enlisted men while legislation was pending in Congress that would prohibit a certain system being abolished—a system that had been installed by Army officers—what effect would that have on the discipline of the men in the Army and on the entire establishment?

Gen. CROZIER. It might have a good effect. I would not be certain that it would have a good effect unless I knew the case.

Mr. NOLAN. Is it good policy?

Gen. CROZIER. In this particular instance I think it was good policy, although it did not accomplish what I hoped it would. This legislation was conceived, or was said to be conceived, in the interest of the employees. I wished to let them see whether it was in their interest or not, and a great many of them thought it was not.

Mr. NOLAN. You purposely put it into effect for the purpose of creating opposition to the amendment?

Gen. CROZIER. I put it into effect for the purpose of letting them see how it would affect them.

Mr. NOLAN. And for the purpose of causing opposition to it?

Gen. CROZIER. I thought it would have that effect in some degree.

Mr. NOLAN. You thought so?

Gen. CROZIER. Yes, sir.

Mr. NOLAN. At the Watertown Arsenal?

Gen. CROZIER. Yes, sir; to a certain extent.

Mr. NOLAN. As a general proposition did it have the same effect at Watertown Arsenal, where the entire time system had been applied, and not part of it? You said, as I understood it, that the stop-watch system had not been introduced at Frankford, but at Watertown?

Gen. CROZIER. Yes, sir.

Mr. NOLAN. That, as I understand it, is the most objectionable feature of this system. Did it have the same effect at the Watertown Arsenal as it did over there?

Gen. CROZIER. No, sir; it was not so extensive.

Mr. NOLAN. I am going to ask now in regard to Watertown. Do the officials of the Watertown Arsenal give the employee consideration by consulting with him regarding the amount of bonus or premium to be paid?

Gen. CROZIER. No; they do not. The rule under which a bonus or premium is paid is well understood, and all employees who apply at the Watertown Arsenal for work are informed that that system is in operation there when they apply, so that they come to work under the system with a full knowledge that it is in operation.

Mr. NOLAN. Then the system itself determines the bonus or premium to be allowed to the employee and the employee has no voice in the matter at all?

Gen. CROZIER. He has just the same kind of voice as he has in his wages. The employee is only asked with regard to his wages when he comes there, if he is willing to go to work for a certain sum. That is the only question he is asked.

Mr. NOLAN. He knows when he goes to work what his day rate will be and what rating he will have?

Gen. CROZIER. Yes, sir; he knows when he goes to work.

Mr. NOLAN. And he generally knows pretty well all the ratings in the arsenal when he goes there?

Gen. CROZIER. Yes, sir.

Mr. NOLAN. After he goes there you place him under this system in all its phases. Do you then give him any voice in the matter of determining the amount of bonus or premium he may receive over and above his day rate?

Gen. CROZIER. That is to say, do we tell him, when we give him a job of work, and give him the time in which it can be done, or the time in which he is expected to do it, that he will be given so much more if—

Mr. NOLAN (interposing). Do you consult with him as to what is a reasonable bonus or premium and as to whether or not it is satisfactory to him?

Gen. CROZIER. No, sir. He is privileged, if he chooses to do so, to say that the time is too short, and that he can not earn that premium in the given time. They oftentimes do say that.

Mr. KEATING. Let us refer now to this Frankford Arsenal order. You issued an order before the rider on the military bill reached the Senate. What was the nature of that order? I did not catch it when you made your statement.

Gen. CROZIER. I directed the suspension of the payment of all premiums except such as had accrued at the time of the receipt of the order.

Mr. KEATING. Did you notify the workmen that the premium system would be abolished in case the rider carried?

Gen. CROZIER. I intended that to be the effect, except that I realized the rider was attached only to the Army bill. I fully expected that the same rider would be attached to the fortifications bill, and I have never been able to understand why it was not.

Mr. KEATING. How much of a reduction did that cause in the salaries of the employees affected?

Gen. CROZIER. The best estimate can be formed by looking at the table which I have handed to the stenographer. Applying it to the month of January, my recollection now is that the premiums paid in January, 1916, were \$3,300. That kind of an order applied to the force existing this last January would have reduced the pay of the establishment \$3,300.

Mr. KEATING. When did you revoke that order?

Gen. CROZIER. As soon as the issue was determined by the passage of the bill with that legislation attached.

Mr. KEATING. You went back to what system?

Gen. CROZIER. I stopped the premium payments at the Frankford Arsenal. I went back at the Watertown Arsenal to the system which had prevailed before I issued the order.

Mr. KEATING. What about the Frankford Arsenal?

Gen. CROZIER. There I changed from the premium system to the piecework system.

Mr. KEATING. What was the result on the salaries of the employees?

Gen. CROZIER. I do not think there was very much effect after that, as compared with what their salaries had been before I issued the order, because by an easy arrangement a piecework system of payment was devised which gave the same pay as the premium system had given.

Mr. KEATING. You succeeded in that way in evading the will of Congress?

Gen. CROZIER. I succeeded in avoiding the application of the reduction. I can not say it was the will of Congress, because one of the prominent advocates of your legislation—when I say "your" I do not

mean you personally—said it was not intended to apply to the piece-work system.

Mr. KEATING. Would you share his view in case we passed this bill? Gen. CROZIER. That may have been what he thought was the intention. It is a difficult matter to find out just what is intended by legislation sometimes.

Mr. KEATING. You knew this gentleman's ability as a lawyer? Gen. CROZIER. I did not rest on that. I appealed to the comptroller. Mr. KEATING. You would not accept the comptroller's opinion, after the penalty was attached?

Gen. CROZIER. I would not. Mr. KEATING. It would be comparatively easy to determine what the will of Congress was, and execute it, would it not?

Gen. CROZIER. It would be then up to me to avoid the risk of directing an officer to perform an act which might be a criminal offense.

Mr. KEATING. Didn't you understand that when Congress added that rider it wished the premium and bonus systems to be abolished in Government work?

Gen. CROZIER. I had no way of knowing the will of Congress except by its legislation. I can perhaps throw a little light on the latter by saying: The Member of Congress who proposed that amendment, and at whose instance it was added to the law, was aware, before it was too late to attach that same kind of a rider to the fortifications bill, that without attaching it the legislation would not apply to funds under the fortifications bill, and he did not seek to do that.

Mr. KEATING. You did not seem to experience any particular difficulty in interpreting the law when you issued the order suspending the bonus system at Frankford Arsenal.

Gen. CROZIER. The law applies to Frankford. Do you mean Watertown Arsenal?

Mr. KEATING. You issued an order at Frankford which you say you intended as a warning to the employees as to what would occur in case it went into effect.

Gen. CROZIER. Yes, sir. Mr. KEATING. Then, after the rider was put into effect, you came forward with a scheme by which you evaded the plain intent of Congress, but you did not tell the workmen you had that in mind when you issued the first order.

Gen. CROZIER. You say I evaded the plain intent of Congress. I did not evade it in the opinion of the comptroller.

Mr. KEATING. How about Frankford Arsenal? Was that order issued under a misapprehension of what this legislation meant or intended?

To be perfectly frank, you attempted to show these employees what you thought the effect of this legislation would be if it passed, and after the rider was adopted, you found means by which you could avoid the purpose of the legislation?

Gen. CROZIER. I found means by which I saved them from the disadvantages of the legislation.

Mr. KEATING. You did not suggest there was a way out of it when you issued the warning?

Gen. CROZIER. I did not. Mr. KEATING. You referred to this legislation that was pending and you warned them if the legislation was passed a certain situation would be created, and you did that for the purpose of getting them to protest to Senators and Representatives?

Gen. CROZIER. I did that for the purpose of allowing them to protest if they wanted to. Mr. KEATING. You are warning them that in case certain legislation was enacted a certain condition would be created, and instead of that you created an entirely different situation?

Gen. CROZIER. I found a way of saving them from it. Mr. KEATING. You think it is perfectly proper, do you, for the Chief of Ordnance of the United States Army to conduct himself in that fashion?

Gen. CROZIER. I do. Mr. KEATING. While legislation is pending in Congress?

Gen. CROZIER. I do.

Mr. NOLAN. I have a petition here from 190 of the unskilled workers of the Watertown Arsenal, protesting against the Taylor system and wanting it abolished; and I want to read a letter that I have received from the Secretary in submitting it:

PETITION APPENDIX.

To Our Worthy Congressman and House of Representatives:

The 190 unskilled and underpaid workers in this arsenal submit this "Appendix" to our petition of June 8, 1916.

By our phrase "the entire Taylor premium system" we mean the whole of the infernal imp, as constituted to crush humanity to the lowest depths of animal existence.

Since we are intelligent beings, and not cattle or even a part of the machine we operate, we have a right to be heard.

The flower of American youth was sacrificed for freedom from tyranny and slavery, yet are not our conditions worse to-day?

The Israelites in Egypt at the time of Moses complained of taskmasters and abuse; can we boast of better things?

The Egyptians may teach as they live, but we believe in the fatherhood of God and the brotherhood of man to man, and are sure His greatness can deliver us from this bondage.

Can a person be worse than having to work hard and starve at the same time? This is our attitude. For example, one of this committee of three has a family of five and another member has a family of seven to support on a wage of \$12 each per week. Is it not time the Government should hear the cries of their suffering servants trying to raise a family for the good of their country on food that costs less than 4 cents a meal for each person, faring worse than criminals in our prisons?

Is it not time we look to our worthy Congressmen for relief from this dreadful environment?

We do not receive \$1 a week more than the Government paid many years ago, when \$1 in its purchasing capacity was equal to \$3 to-day, according to the methods of living.

When this committee was called upon by our commanding officer to receive his reply to our requests for higher wages, we were told that we are paid as much as is paid in this vicinity for similar work. Yet we are under the impression that the civil-service examination should place us above the average consideration. The towns, cities, and contractors are paying to common laborers from \$15 to \$18 per week for 44 hours.

We called our commanding officer's attention to the fact that the Government should take the lead in being an ideal employer, and set

an example of paying living wages to its employees, which was ignored. Therefore we appeal to Congress for the worthy consideration that the Nolan bill be made a law the earliest moment during this session of Congress.

It is not preparedness parades but a proper system of life and contentment that creates real patriotism.

If we should be compelled by our Government to continue to starve while we work, we must necessarily speak to the Nation for relief. We are your servants in hope of justice.

JOHN GREENE,
NICHOLUS J. YOUNG,
FRED S. FRYE, Secretary,
Committee.

APPENDIX COMMENTARY.

If our worthy Representatives need more light on our "Appendix," our committee is pleased to give reasons why they oppose the long-petted idol of the management of this arsenal.

We contend that a system or systems, regardless of names, that do not offer equal opportunities to all, that give a few persons advantages at the expense of the many, is very unjust and merits our new name, "infernal imp," until our friends supply us with a better name, to wit, "annihilation."

The secretary will give a few extracts of a letter sent a few days ago to the Congressman of this district, Hon. F. W. DALLINGER.

This is our first example: When the time has been set on a job and another person is put to do the work, perhaps a little more efficient and the conditions more favorable, and he is cut, cut, and cut until very little is left for adverse circumstances, what of efficiency? And should a helper be called upon to assist under such condition he is made a double slave, being the slave of a slave for \$2 a day only, not more than enough for his own personal use nowadays, regardless of the special advice of our ex-President Roosevelt to raise large families—yes; on empty dinner pails.

We will take another example: When the "unskilled labor," so called, getting a wage of \$2 to \$2.24 a day, is put to do the work of mechanics, the only difference being in wage and premium, which is nearly half in favor of the mechanic, what of the boasted efficiency?

I asked a machinist that makes big premium what is meant by the "bonus system," to which he replied, "I do not know, unless it is the two-thirds premium that is taken out of our 'bones' to benefit the useless."

The writer some months ago was put to slushing the finished parts of a gun carriage in order for shipping. My pay was 25 cents per hour, and I was allowed 96 hours short time on the job, viz, 96 hours at 25 cents, making \$24. I received one-third of the whole amount, it being \$8. You will kindly bear in mind that the slushing premium slip called for slushing only. Yet afterwards I was compelled to do painting along with the slushing, all on the slushing premium slip, each part taking about half my time and energy, so that thereafter I only got about \$5 on the job instead of \$8, the balance going to another party. After complaining of this injustice I was soon removed from the erecting shop to the machine department, where I am still working for a wage "only" of \$2 a day, and am expected to support a family of five on that amount, and the price of living is still rising. To whom shall I look for advice?

Since I have been on this job several unmarried men, I am pleased to say, have been promoted to machine operators, getting an increase in wages, etc., and they should have very much more. But strange to say, as it is nothing has been done for the men supporting families. When transferred I was told that they required a wood man in the machine shop. So I am here ever since and practically starving because of my inefficiency. My wife, who is sick by the environment, has to do washing and beg to get along. What can the public think of the Taylor system of administration at this arsenal? For the system can only be known by its management.

Many things on this line should be exposed that condemn the system, and I know of nothing of mutual interest that commend it.

A man told me to-day because of sickness he was discharged after working here for 30 years. But friendly aid had him reinstated. Then in two or three months his pay was reduced to \$1.50 a day.

Four men were put to unload two cars of coke and one car of sand, and three of the men received premium on the job and the fourth man received none. Then the fourth and same person was put to unload a car of coal, which he did in five minutes less than short time, and he was told again he would not receive premium. This shows the administration of the system to us.

Now, if our worthy Congressmen can yield to the question, we will present our last example and let their good judgment decide as to which of the three names is the most appropriate for such a creature.

A poor man working in the yard was crushed by falling shot, breaking his leg in three places, etc., where he was left for over one hour in that mangled condition before receiving proper care or attention.

The safety-first notices are plenty, yet the rush and tear for premium makes danger imminent to all.

Our committee kindly submits best wishes to Congress for relief, desiring earnestly to have the "square deal" exchanged immediately for a "straight deal."

F. S. FRYE, Secretary,
106 Summer Street, Watertown, Mass.

WATERTOWN, MASS., June 8, 1916.

HON. JOHN I. NOLAN,
House of Representatives.

DEAR SIR: In reply to your letter, we, the undersigned, unskilled and underpaid workers in this Watertown Arsenal, petition for the Nolan bill to be made a law at the earliest moment. We also make an emphatic protest against the entire Taylor premium system as used in this arsenal, and earnestly petition to have it abolished, as stated in our letter to you May 29, 1916.

Thomas Leamy, Michael Lynch, M. F. Tureney, J. Doherty, M. J. Sheridan, C. Morrin, C. K. Spellman, D. Doherty, Owen Lacy, William T. Hezlett, William L. Greene, O. Peterson, O. Topalian, Timothy Scanlon, John Hehir, Harry Friendson, M. Walsh, C. Hill, F. A. Bailey, M. Kelly, J. Gilday, T. J. Wilson, Frederik L. Hoppermann, William F. Whalen, J. A. Ganley, J. Maloney, P. McKenoe, S. Obrine, H. Pitts, C. Sullivan, D. Callahan, J. A. Poppleton, W. M. Costello, James Blake, P. Kilbrin, M. Manning, A. Dittuler, P. Maguire, J. J. Pettit, R. Fallon, L. Chinli, J. O'Driscoll, F. B. Chaplin, J. H. Mulrean, H. T. Neville, Patrick Holden,

T. J. Keeler, John J. Burke, Eldridge Sherman, George A. Pennington, A. J. Grund, T. F. Kelly, Timothy Murphy, Thomas P. Dexter, Hon. W. J. Fitzgerald, Michael D. Skehan, J. E. Withrow, M. Murphy, M. Grosso, P. McDonald, J. Neell, Jo. Fey, J. Swift, Joe Finlyhan, J. McGhoghelan, T. Morran C. Beckwood, Frank J. Powers, M. J. Murphy, John F. Mollonophy, W. H. Billings, Israel Kritzman, John L. Gallagher, Cyril E. Rogers, James H. Burns, John J. Keefe, Jonny Mchan, J. F. Kelly, J. Gallagher, J. J. Murphy, C. Murphy, W. Lyons, J. Callaghan, T. Connaughton, W. J. Shea, M. J. Eagle, J. Kelley, T. Dunn, M. Tierney, P. Roche, J. Daly, J. Dennehy, Y. P. Regan, J. G. Furger-son, John Dixon, John De Sorey, Clarence Jones, Chas. Davis, James Kendall, Thomas M. Brogan, Giovehino Di Luzio, Van Carlton, Thomas L. Fanacy, Michael E. Sullivan, T. Mulholland, M. C. Brien, Stephen P. Connelly, John Hart, Francesco di Felice, Pasquale di Luzio, William J. Driscoll, J. E. Ryan, J. O'Brien, G. A. McDonough, I. Barnoth, James Shea, John Kugis, M. Finn, M. F. Calnan, J. J. Murphy, T. Flanagan, J. Manning, John J. Lehan, Thomas J. Lyons, J. J. Moran, T. J. Riley, I. T. Shea, Charles S. Bassett, Denis O'Brien, Louis Kolander, Owen C. Needham, Eddie St. John, C. H. Gammons, Peter Cunhoff, Peter Miller, James T. Lovely, Joseph W. Carter, J. J. Britt, J. J. Costello, William Fitzgerald, Victor Miller, J. J. Gaban, E. L. Eadie, W. W. Scherrer, D. H. Ross, T. J. Ward, P. P. Haverty, M. Egan, W. Burk, T. F. Phelan, James H. Pomfrey, George Thomas, George Furlong, J. T. O'Connor, B. W. Griffin, P. S. McCarty, John Greene, Arthur Leonard, B. F. Lord, Hugh H. McDonald, Fred S. Frye, G. E. Wahl, J. H. Fulz, D. F. Doolan, W. P. Gill, A. Davis, N. J. Young, J. Mulhern, M. Barry, M. H. Haverty, J. E. Leighton, P. Kelly, J. C. Dieschman, M. Farraber, Daniel O'Brien, Terrence Quirk, Martin Twohy, Peter McCafferty, George L. Veno, A. F. Franz, D. Lyons, J. Vahey, J. McLaughlin, A. R. Ross, J. B. Fitzpatrick, M. McDermott, D. J. Walsh, T. Breman, T. Griffin, P. R. L. Smith.

Mr. NOLAN. I tried to illustrate here the other day that this system is nothing more nor less than an opportunity on the part of the efficiency experts to wipe out the piecework system, that was obnoxious because it had a tendency to speed up the workers, but under the piecework system the employee got for the last piece upon which he was employed the same amount of money he got for the first piece, while under this bonus and premium system the task is 100 per cent, and if a man should do an extra 100 per cent he would receive 33½ per cent of the amount for the second 100 per cent that he received for the first 100 per cent, the employer or the Government in this instance taking 66½ per cent of his earnings. That is the bonus and premium system as illustrated under the Taylor system of scientific management and practiced in the Watertown Arsenal. I want to call attention to the fact that all of the propaganda that has been going throughout this country is due to the fact that 8 or 10 scientific-management experts and efficiency engineers have established a bureau in New York and have been collecting sums of money and circularizing the country, and 9 out of every 10 men, and 9 out of every 10 institutions, that have been petitioning Members of Congress do not know what the Taylor system is, never had it installed in their workshops, because the men will not work under it.

Mr. DALLINGER. Mr. Chairman, will the gentleman yield? Mr. NOLAN. Yes.

Mr. DALLINGER. I want to ask the gentleman how large a proportion of the employees in the Watertown Arsenal are those 190 of which he speaks?

Mr. NOLAN. This is the organization of the unskilled workers. One hundred and ninety unskilled workers sent this petition. We have petitions from the machinists, the molders, the blacksmiths, the pattern makers, and practically every trade in the arsenal, protesting against the introduction of this system.

The CHAIRMAN. The time of the gentleman from California has expired.

[By unanimous consent Mr. NOLAN was granted leave to extend his remarks in the RECORD.]

Mr. DALLINGER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. DALLINGER to the amendment by Mr. TAVENNER: Add at the end thereof the following words:

"The prohibitions contained in this proviso, however, shall not apply to the work done in any department of a Government arsenal where a majority of the employees of said department shall request the commanding officer of said arsenal in writing to establish in said department an efficiency system or to continue therein any efficiency system which may then be in operation in said department."

Mr. MANN. Mr. Chairman, I yield two minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Chairman, I have an arsenal in my district, the Watertown Arsenal, to which the gentleman from California [Mr. NOLAN] has just referred. I have spent a good deal of time during the last two or three months in trying to find out what are the real wishes of the men who work in that

arsenal and who live in my district, and I have tried various methods and have collected quite a lot of information. There are a good many men in the arsenal who believe in the Taylor system, or in some system of efficiency. On the other hand, there are other men who are opposed to it. It seems to me extraordinary that this Congress should pass an amendment in this form to prohibit any efficiency system in any arsenal, even if all of the men ask for it. My amendment provides that if a majority of the men in any department request in writing the commanding officer of that arsenal to have the system retained or a new system adopted, then it shall be done, and the prohibitions contained in the Tavenner amendment shall not apply. Nothing could be fairer than that. In those private concerns where efficiency methods have been inaugurated it has been done with the cooperation of the men, and where it has been done with the cooperation of the men it has been successful. The trouble with the Taylor system in some of these arsenals is that the men were never consulted in regard to it, and the result is there has been antagonism, the men have not cooperated, and no system can be successful without the hearty cooperation of the men. If this amendment is adopted, it gives the men in any department a chance to ask for it, if they so desire. If the other men do not want it, they need not have it. That is the whole substance of it. It seems to me that we ought to adopt some such amendment as this and not say in this grave crisis in the Nation's affairs that no efficiency system shall be allowed in Government arsenals, regardless of what the men who work in them desire. If this very fair amendment which I have offered is not adopted, I shall be compelled to vote against the amendment offered by the gentleman from Illinois [Mr. TAVENNER].

Mr. TAVENNER. Mr. Chairman, I desire to present this letter from a committee of machinists employed at the Watertown Arsenal, and have it read at the Clerk's desk.

Mr. FOCHT. Mr. Chairman, I would like to say to the gentleman from Illinois that I am very heartily in favor of all legislation that might be for the benefit or for the uplift of labor, and I would like to have the gentleman answer the proposition of the gentleman from Massachusetts [Mr. DALLINGER].

Mr. TAVENNER. I will yield to the gentleman—how many minutes?

Mr. FOCHT. I would like for the gentleman to answer it; the gentleman is advocating this.

Mr. TAVENNER. I will answer it. Mr. Chairman, I ask to have that letter read.

The CHAIRMAN. In the gentleman's time?

Mr. TAVENNER. In my time.

The Clerk read as follows:

OFFICE OF SECRETARY, 11 FAIRFIELD STREET,
Watertown, Mass., May 31, 1916.

HON. CLYDE H. TAVENNER, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: The undersigned committee, representing over 95 per cent of the machinists employed at the Watertown Arsenal, have been authorized by the employees concerned to advise Congress, through you, that the provisions of House bill 8665, or any clauses having a similar intent, incorporated in appropriation bills and providing for the abolition of elemental time study and the premium or bonus system of payment at the Watertown Arsenal, are favored by these employees.

It has been brought to our attention that an impression is prevalent in some quarters in Washington that the employees at the Watertown Arsenal do not object to the Taylor system. We wish to assure you that this is absolutely untrue. At least 95 per cent of the employees would have this system abolished to-morrow if it were possible, and common sense shop practice substituted in its place. It is true that a few individuals have taken it upon themselves to write Members of Congress, stating that they favor the system.

We are aware that the foremen at the arsenal have presented a form letter to a number of the workmen and have requested them to forward a copy of it on to Congress. Their wishes may have been complied with, but these are only exceptions.

A few of the employees who have been especially favored in securing liberal premiums on good jobs may be willing to fasten this system on all the rest of the employees in order to retain their advantage, but they have no authority to speak for anyone else but themselves.

We wish to advise you that our views are correctly represented by the attitude of the American Federation of Labor and through our personal representative, N. P. Allfas. While we have referred Members of Congress to an efficiency engineer by the name of Minor Chipman as an authority on the evil conditions existing at the Watertown Arsenal, we have not accepted his views as to what action should be taken to relieve the situation.

We are advised that he is opposing this legislation. He has no authority from us to do this, and we hope the distinction will be understood. Mr. Chipman has severely criticized the system in operation at the Watertown Arsenal. In this we agree with him; we do not, however, agree that the particular system which he may desire to have introduced is any better. We understand that he is also advocating scientific management and is in favor of the very things that we are so earnestly protesting against, namely, the elemental time study and the premium or bonus systems.

We deny that the premium system is of any financial advantage since we do not consider that we are getting the prevailing wage scale in private employ in this vicinity, unless the premium is included with our daily wage. Our daily earnings, including premium and all,

are no more than Government institutions in this vicinity are paying for straight daywork.

You can rest assured that at least 95 per cent of the employees at this arsenal will be glad to see your bill passed and the Taylor system discontinued for all time.

Thanking you for your earnest efforts in our behalf, we are,
Very respectfully, yours,

G. W. GREENWOOD,
H. H. BEATON,
A. LE ROY,

Committee of machinists employed at Watertown Arsenal.

Mr. TAVENNER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has used 3 minutes in the reading of the letter, making 18 in all used by the gentleman from Illinois.

Mr. TAVENNER. I would like to have the other side use some time.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by incorporating some letters and telegrams I have received on this subject.

The CHAIRMAN. Without objection, permission is granted. There was no objection.

Mr. GORDON. Now, Mr. Chairman and gentlemen of the House, I believe that this whole opposition to time study and premium payments as prescribed in the Taylor system is based upon a misapprehension. I have given some time and attention to a personal investigation of this question, and I am convinced that there is no legitimate objection to the Taylor system where I have seen it applied. I have seen it in operation, and I can not for the life of me see why any man who is willing to have his employer know, and to know himself, how much product he turns out in a given time should be opposed to this system. This is undertaking to enact into law the leveling system of socialism to an extent greater than any proposition that I have ever seen before a legislative body. Why if you have a number of men in your employ and one turns out more of a given product than the other should not he receive more money for his work?

Mr. TAVENNER. Will the gentleman yield?

Mr. GORDON. No. [Laughter.] I have only five minutes, and how can I yield? I would like to have the gentleman answer that question; he has not answered it yet, but answer it in his own time, of course. [Laughter.]

Now, the gentleman from Illinois [Mr. TAVENNER] starts his speech by saying that the object of the Taylor system is to speed up a man to the highest pitch and then require all the men to conform to the standard thus established. Now, I submit in all fairness, is there a man in this House who believes that statement is true?

Mr. KEATING. I do.

Mr. GORDON. Does the Government of the United States have in its employ to-day any foreman or superintendent who would use the men under him in that way? If it has, he ought to be discharged forthwith. I deny it absolutely. That is not the purpose of the Taylor system. If you want to stand over your men with a whip and compel them to work to the highest pitch, you do not need the Taylor system or any other system to do it; all you need to do is to stand there and watch them.

The object of this amendment is to prohibit all means and methods of time measurement and premium payments. The gentleman from California [Mr. NOLAN], the labor leader here, says that the men are not opposed to time measurement, that they are willing to have their employers know how much they do in a given time. That is all the Taylor system does. I can not for the life of me see why any honest man who works for a living should object to having his employer know how much work he does in a given time. If he does an honest day's work he will receive a day's pay. If he does more than the average man does he will receive more than a day's pay. Now, this system is in operation among many of the leading manufacturing establishments in the city of Cleveland, Ohio. I shall insert in the RECORD some letters from those gentlemen and others, and I have not received a single objection or protest from anyone in Cleveland against time measurement and premium payments. I have personally investigated it, and I undertake to say the largest cloak and clothing manufacturing establishment in the United States, in the city of Cleveland, applies this system. I have visited their plant and talked with their men, and I understand they pay the highest wages of any similar establishment in the United States, and they have that system. If there is any opposition to it there I have never learned of it. Not opposed to any time-measuring device? A time-measuring device is a method—I do not care whether you call it a stop

watch or any other kind of a watch—by which you determine how much time is required to turn out a given product or any constituent part of that product, and pay men on that basis for what they do. That is a time-measuring device. [Applause.] What is the objection to it?

The telegrams and letters referred to are the following:

CLEVELAND, OHIO, June 20, 1916.

WILLIAM GORDON,
Care of House of Representatives, Washington, D. C.:

We protest against adoption of Tavenner amendment to fortification bill.

V. D. ANDERSON Co.

CLEVELAND, OHIO, June 19, 1916.

HON. WILLIAM GORDON,
House of Representatives, Washington, D. C.:

We are strongly opposed to the enactment into law of such an assault upon the development of efficiency in public and private establishments as contemplated by resolution offered by Mr. TAVENNER in connection with fortifications bill, and ask you to vote against said resolution.

THE NATIONAL MALLEABLE CASTINGS Co.

CLEVELAND, OHIO, June 19, 1916.

HON. WILLIAM GORDON, M. C.,
Washington, D. C.:

We earnestly request you to oppose Tavenner amendment to fortifications bill.

SANDUSKY CEMENT Co.

CLEVELAND, OHIO, June 20, 1916.

HON. WILLIAM GORDON,
House of Representatives, Washington, D. C.:

Tavenner amendment to fortifications bill is dangerous legislation, harmful to industry, and should be defeated.

THE AMERICAN MULTIGRAPH Co.

CLEVELAND, OHIO, June 20, 1916.

WILLIAM GORDON,
Washington, D. C.:

We strongly protest against adoption of Tavenner amendment to fortifications bill; trust you will oppose it.

THE STANDARD WELDING Co.

CLEVELAND, OHIO, June 20, 1916.

WILLIAM GORDON,
House of Representatives, Washington, D. C.:

Protest against Tavenner amendment to fortification bill.

HYDRAULIC PRESSED STEEL Co.

NATIONAL CARBON Co.,
Cleveland, Ohio, June 13, 1916.

HON. WILLIAM GORDON,
Congressman from Ohio, Washington, D. C.

DEAR SIR: The Tavenner bill (H. R. 8665) and the Van Dyke bill (H. R. 8677) would, we believe, place a great handicap upon governmental activities. One of the reasons for our industrial progress is that private manufacturers are making use of the most approved and efficient methods, and any other course would place our industries out of the running in world competition. We would consider it most unfortunate if Congress should by these laws deprive the Federal Government of the benefit of methods which the industrial world looks upon with favor. Outside of the fact that this legislation would do an injustice to the more efficient mechanics, expenditures would also be increased in any preparedness program.

It is our hope that you will oppose the Tavenner and Van Dyke bills.

Very truly, yours,

NATIONAL CARBON Co.,
J. S. CRIDER,

Vice President and General Manager.

CLEVELAND, OHIO, June 20, 1916.

HON. WILLIAM GORDON,
House of Representatives, Washington, D. C.

SIR: It hardly seems necessary for us to write you and register our protest against the adoption of the Tavenner amendment to the fortifications bill, which is under consideration before the House of Representatives at the present time, as we do not believe that you favor the adoption of the Tavenner amendment at this time when industrial preparedness is receiving so much attention. We do not believe that there can be any danger of laws being favorably acted upon by the present House of Representatives that would so handicap this Government and establish precedent for other similar laws to follow later on.

Yours, very truly,

THE HILL CLUTCH Co.,
H. MORRISON,
Sales Manager.

EFFICIENCY SOCIETY,
New York, June 19, 1916.

To Members of Congress:

Under date of January 21, 1916, before his elevation to the Supreme Court, Mr. Louis D. Brandeis, an eminent advocate of the workers, wrote us as follows:

"Referring to the proposed congressional legislation to prohibit the introduction or use of time study and premium payments in Government establishments:

"In my opinion any such restriction upon the conduct of Government establishments would be highly inadvisable. The purpose for thus proposing the legislation is doubtless one which all of us would approve. Increased efficiency ought not to be purchased at the expense of health and other qualities essential to good citizenship and the general welfare, but no one can doubt that increased efficiency is essential to the public welfare; that we have not yet learned how best to secure that efficiency;

and that the most important element in securing efficiency is the knowledge of facts—to the ascertainment of which time study is a means.

"To prohibit time study and premium payment is as crude a method of affording to the workman proper protection as the proverbial 'burning of the house to roast the pig.'"

We respectfully request you to consider this in connection with the Van Dyke and Tavenner bills and appropriation riders.

Yours, truly,

A. W. KIMBER, *Secretary.*

THE GREAVES-KLUSMAN TOOL CO.,
Cincinnati, Ohio, June 19, 1916.

HON. WM. GORDON,
Washington, D. C.

DEAR SIR. We learn that an antiefficiency rider similar to the one placed on the naval appropriation bill will be introduced by Mr. TAVENNER as part of the fortifications bill to come before the House Tuesday, June 20. This measure would not be popular in Cincinnati.

A vote in Cincinnati shops by men operating under premium or bonus plans would be overwhelmingly in favor of their retention, and we believe this opinion prevails generally throughout the State of Ohio. Compensation must be based upon production.

Premium and bonus plans afford opportunity for each individual to increase his earnings in proportion to his merit. Ohio has always been a progressive State. Its industrial laws rank foremost amongst those of the States of the Union. Its manufacturers and its artisans cooperate in large measure for the betterment of each.

To write into the laws of the country a measure such as has been added to the naval bill and is proposed to be added to the fortifications bill, characterizing as criminal methods of compensation which are the result of years of study, both by employee and employer in this State, is to stultify the intelligence of both and would undoubtedly meet with their earnest disapproval.

We earnestly ask you to vote to strike out the Tavenner rider.

Very sincerely, yours,

S. H. RECK.

GERMAN-AMERICAN BUTTON CO.,
Executive Offices, Rochester, N. Y., June 21, 1916.

HON. WILLIAM GORDON,
Washington, D. C.

DEAR CONGRESSMAN: We want to appeal to you to oppose the legislation before Congress aimed to prevent the use of time study and the stop watch in Government work and premium payments to Government workmen. This proposal is based on absolute and utter misunderstanding. The stop watch or some time-measuring device is essential to the determination of rates that are really accurate and fair to the worker. It is used only to determine the rates. It is never held over the operator afterwards, and once rates are determined its use ceases.

Bonus and premium payments are a true recognition of efficiency and mean sharing with the worker the savings effected. Proposed legislation appears in Tavenner House bill, also Van Dyke post-office bill, and naval appropriation bill as reported. To approve this antiefficiency legislation would be a crime and surely a grave injustice to American labor. Workers in plants where rates are correctly established by scientific time studies and where proper bonus payments are given will all strongly approve and indorse their use.

Very truly, yours,

GERMAN-AMERICAN BUTTON CO.,
HENRY T. NOTES, *Treasurer.*

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAVENNER. Mr. Chairman, I desire to consume only one moment to bring out the fact with reference to the statements that every employee will receive exactly the same wage under the amendment I have offered. That is a mistaken impression. I will read from a statement of Col. Wheeler, the commandant at the Frankford Arsenal, who, when testifying before a special committee of the House three or four years ago, said:

We have at present 146 machinists, 1 receiving \$3.68 per day, 5 receiving \$3.52 per day, 27 receiving \$3.25 per day, 65 receiving \$3.04 per day, 33 receiving \$2.80 per day, 14 receiving \$2.56 per day, and 1 receiving \$2.40 per day.

Thus it will be seen that the arsenal workers are graded, the men in the different grades receiving a different scale. The pending amendment does not in any way interfere with this custom.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. TAVENNER. Yes, sir.

Mr. MADDEN. Does not the gentleman know a man by the name of Henry Ford in the United States?

Mr. TAVENNER. Yes, sir.

Mr. MADDEN. Has the gentleman made any investigation of the character of the time system he employs in the making of automobiles?

Mr. TAVENNER. I know something about it. He uses the good parts of it and not the man-killing parts. This amendment does not in any way affect the sane and reasonable features of efficiency systems. Standardization and the systemization are not in any way affected by this bill.

Mr. MADDEN. If my colleague will allow me to suggest—

Mr. TAVENNER. I have only a few minutes, and have given all remaining time to the gentleman from Colorado [Mr. KEATING]. The gentleman can get time from the other side, however.

Mr. CANNON. Will the gentleman allow me a question?

Mr. TAVENNER. I have not any more time.

Mr. CANNON. Will the gentleman allow me to ask him a question in good faith?

Mr. TAVENNER. I will yield for a brief question.

Mr. CANNON. I will be glad to know, inasmuch as I have listened with great interest to the gentleman, how it is ascertained that several men get \$3.60, if that is what they do get, and some machinists get only \$2.70?

Mr. TAVENNER. That is explained here, but I have not the time to read it. I understand that a man's production, steadiness in employment, sobriety, and general efficiency are taken into consideration in determining ratings. For instance, there are some men—old men who have worked for the Government a great many years—not able now, perhaps, to do as much work as when they were younger and stronger, and the commandant of the arsenal does not want to discharge them, and he puts them in the lowest grade and pays them at a lower rate than other men who are at the height of their usefulness.

Mr. CANNON. If the gentleman will allow me?

Mr. TAVENNER. I regret I can not yield any more. My time has been given to others.

Mr. CANNON. I wish to ask a question in good faith, in order to determine how I shall vote.

Mr. MANN. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE. Mr. Chairman, this amendment proposes to abolish an efficiency system which has been used by the Government, especially in the Watertown Arsenal, for over six years. That system has been approved by every Secretary of War, Republican and Democrat, that we have had since it was inaugurated. The present Secretary of War, Mr. Baker, is strongly in favor of it, as was his predecessor, Mr. Garrison. Now, I am opposed on principle to Congress interfering with the administration of a great department of the Government or with the methods of a great department of the Government, especially when those methods are approved by the greatest efficiency experts in the world. The head of a Government department is charged with the responsibility of conducting that department in an efficient manner, and when Congress comes in and wishes to interfere with the administration or the methods of a department it ought to be very positive that it is right.

Now, this question, Mr. Chairman, is a good deal a question of fact. What are the facts? Is this system a benefit to the Government or is it not? Is it injurious to the Government employee or not? The question is whether we can rely upon the heads of our great departments; the testimony of the superintendents of these shops; the testimony of the Secretary of War upon the facts regarding the use of the time-study and the premium system.

Now, the Secretary of War, Mr. Baker, has written the Speaker of this House that this system is working well in the Watertown Arsenal. He says that it would be a serious mistake to abolish it. He also says to the Speaker of this House, in a letter that has been published in the RECORD, that the men are not overworked, that their health has not been impaired in the least, that it does not injure the men in any way, but, on the contrary, that this system is beneficial to the men. He also testifies that every man in the Watertown Arsenal under this premium system is not only getting his day's wages the same as are provided by other shops, but he is getting on an average over \$10 a month more by reason of these premiums.

These are some of the facts the Secretary of War gives us, and Gen. Crozier, the head of the Ordnance Department, corroborates him. These facts can not be successfully contradicted. If we believe these Government officials when they say that the time study is working successfully and is beneficial to the Government in increasing the output and to the men in raising their wages, what good reason is there for Congress to abolish it?

What is a time study, and what is it used for? A time study is employed simply to ascertain the best way of doing a job. There may be three or four mechanics on similar jobs, all doing it in different ways. They put time watches upon them to see which is the best, the quickest, and most efficient way of doing that piece of work. The time study is employed often in determining not only the best way of doing the work but the machine best adapted to it. You can do the same piece of work on different machines. The time study is made of doing a piece of work on these different machines to see which machine is best adapted for that piece of work and upon which machine it can be done in the most efficient and quickest way. It is a serious thing to abolish all time study. In doing so you prevent getting the accurate knowledge that is necessary in order to obtain the cost of any article manufactured. In fact, the day plan is a time study, but when a certain work does not take a day, but so many minutes or hours, a time study is very necessary. You

take it in the paper mills. Here is a man who goes to work to operate a paper machine that costs \$75,000. The employer wants to know the man who can work the machine most efficiently, and so tries different men on it. One man can operate efficiently one machine and not another. If they are allowed to make a time study, they can easily find out the right man for the right machine, and thus place the man where the is most efficient.

Gen. Crozier says the use of the time study has not resulted in throwing men out of employment, but in shifting men about, and by means of it he has been able to get the right man for the right job and has thereby increased the output of his arsenals nearly 100 per cent. What is the premium system? The premium system simply provides that if a man does more than just simply an average day's work he is entitled to get pay for it.

Mr. JOHNSON of Washington. Is not the premium or bonus system in nearly all cases offset by a system of penalties and fines?

Mr. BROWNE. Not in the Watertown Arsenal. I want to say here that the Watertown Arsenal has been investigated two or three times, and no investigating committee has said that we ought to abolish this system that this bill proposes to abolish. And when in the last Congress we passed a law which we thought would abolish the time study and the premium system in the Watertown and other arsenals, it caused great dissatisfaction among the men themselves. I have the testimony here of Gen. Crozier to prove this statement. A large petition, signed by several hundred workmen, who were against the abolition of the premium system, was presented to him asking him to retain the premium system. This petition can be found in my minority report on the Tavenner bill, pages 39 and 40.

If you abolish the premium system, you simply offer no incentive to a man to do more than an average day's work, no matter how strong and capable he may be. What is the result of that? If a man does not get any pay for doing his best, he simply works more slowly, and, as a result, the slowest man on your job sets the pace for your whole shop. In my opinion the only hope for labor, the only hope for shorter hours and increased wages, is in efficiency, increasing the output of an establishment. That was shown in the Watertown Arsenal. When Gen. Crozier adopted this system over six years ago, he increased the output very greatly. He claims he increased the output 100 per cent. As a result, the men are getting premiums, an average premium of over \$10 a month. The men are also getting an 8-hour workday and 15 days' leave of absence with full pay and 13 Saturday afternoons off, besides the usual legal holidays. This does not look like oppression.

My friends say that Gen. Crozier and the Secretary of War, if they are allowed to use the time-study and premium systems, systems that are used by private manufacturers all over the land to the satisfaction of themselves and their employees, they are going to oppress the laboring men working under them. If the men in those high positions were mean enough to oppress the laboring man and abuse a system of that kind, here is a safeguard; we already have a law in which we provide for arbitration. Any man in the Watertown Arsenal or any of the other arsenals, if he has a grievance, can have his grievance placed before an arbitration board and can have it arbitrated there. If he does not like the decision, he can appeal to Gen. Crozier. If he does not like Gen. Crozier's decision, he can appeal to the Secretary of War. And I want to say right here, Mr. Chairman, that in the six years that they have had the time study and the premium system in the Watertown Arsenal there has not been a single appeal on the ground that the men have been overworked or overspeeded or that the time-study or premium system were oppressive. The only argument made against the premium system by the men who oppose it on this floor is that the premium that the Government offers for efficiency is going to overstimulate the laboring man. Let us look at that for a minute. If a premium is going to overstimulate a laboring man and make him work too hard, would not that same man, if he was working for himself, have the same incentive to hurry up and speed up as he would if he was working for a premium? [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAVENNER. Mr. Chairman, how much time is remaining on this side?

The CHAIRMAN. Nine minutes.

Mr. MANN. And how much on this side?

The CHAIRMAN. Five minutes.

Mr. TAVENNER. I yield one minute to the gentleman from Minnesota [Mr. VAN DYKE].

Mr. VAN DYKE. Mr. Chairman, I simply want to direct the attention of the House to a speech found in the CONGRESSIONAL RECORD of June 3, made by myself upon this subject as

it relates to the Post Office Department. It has been tried out in that department and found to be wanting. On a test taken on Friday, October 15, 1915, out of a total of 206 men only 72 measured up to the standard and 134 fell below the standard. That test was taken at Cincinnati.

I do not believe it is the purpose of Congress to enact legislation that will allow economy in any branch of the service when the very best service to the public is not obtained. It is only a few years ago that in this same branch of the service speed tests were put into operation. This was tried out and found wanting. For reasons hereinbefore stated, it was found that it was a very impractical proposition.

By an order effective May 25, 1915, signed by Mr. J. P. Johnston, the general superintendent of the Railway Mail Service, the "speed test" was officially rejected.

This order of the general superintendent was issued following a unanimous recommendation made by all of the division superintendents of the Railway Mail Service. The division superintendents in conference adopted a resolution advising that for service reasons the "speed test" be discontinued.

One of the division superintendents who participated in this conference made the following statement:

After considering the question thoroughly, we decided that it was for the best interests not only of the service but of the clerks as well that the speed tests be abolished as a part of our efficiency rating system.

Mr. TAVENNER. Do the other side wish to consume any more of their time just now?

Mr. MANN. Will there be only one more speech over there?

Mr. TAVENNER. One more.

Mr. MANN. I yield the remainder of my time, five minutes, to my colleague [Mr. MADDEN].

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized for five minutes. [Applause.]

Mr. MADDEN. You can not standardize men by law, and you ought not to try to do it. There ought not to be anything done to prevent men from making the best they can of themselves. [Applause.] When you take away from a man the incentive to make progress you stop the wheels of enterprise, and this law or any other law similar to it ought not to be enacted, for it will do just that. I asked my colleague [Mr. TAVENNER] if he knew a man named Henry Ford and whether Henry Ford applied some system to ascertain what it costs him to make automobiles. He would not let me get that into the question. I will tell you what Henry Ford does. He puts his automobiles on an endless chain, and the men who assemble them must work just as fast as the chain moves. Yet he pays the highest wages that are paid by any man who employs labor. There is no objection to Henry Ford's system by my colleague; no, not a bit. Why should there be any objection to the system employed by the Government of the United States? Once I worked for 50 cents a day myself. I worked at a trade. If I had been compelled then, as you seek to compel men now, not to try to make progress, I would still be working at the trade. [Applause.] You want to make every man get the same standard of wages. You do not allow an employer to pay one man less than another is paid. The man who can do the job in 6 hours does not work half as hard as the man who works 8 and even 12 hours to do the same job. I know that, because I have tried it. The man who can do the job in 6 hours has a scientific knowledge of his business and he does not have to work hard. He uses his brain; but the other man has not the capacity and can not become an expert, hence he must work hard because he does not possess the scientific knowledge and can not acquire it. Now, the men who have made their mark in the world are the men who have used their heads and who have not been restricted in their right to use them. Do you want progress among the human race? All right; leave them free to compete with each other, and let the best man win. I could not run a foot race with some of you men, but I might be able to beat you in some other way. Now, in the line where I am superior to you I ought to have a right to take advantage of my superiority. In the line where you are superior to me you ought to have that same right, and there ought not to be any statute law written to prevent men from making progress. Why, you will have them all on a level. You will send them back to the Paleozoic age, where everybody was a savage, where civilization was unknown, and where progress was never thought of. What makes men great? It is their ability to do things better than anybody else. What makes a man valuable? His value depends entirely upon his ability to do a thing that somebody else can not do, or to do it better than somebody else does it, or to do it more cheaply than somebody else does it.

And that does not mean that he is a slave; not at all. It means that he is able to keep pace with the onward march of

civilization and is able to successfully compete with those who are engaged in the same line of endeavor that he is from all over the world. I want to say to you that legislation of this kind is un-American and ought not to be adopted. [Applause.] You do not help labor by the passage of such legislation; you hurt it. Every man should be encouraged to better his condition, to elevate himself. You can not make men by law. You should not by law prevent them from making themselves. I want to see ability recognized wherever found, whether in the sewer, on the farm, in the machine shop, in the Congress, or in the White House. [Applause.]

Mr. TAVENNER. Mr. Chairman, I yield eight minutes to the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Chairman, I would call the attention of the House to the fact that most of those who are opposing the amendment offered by my friend from Illinois [Mr. TAVENNER] want to use the stop watch on other men, and that those who are supporting the amendment have had the stop watch used on them. That is the issue, my friends, clear and distinct.

Back of the opposition to this amendment stands Mr. J. A. Emery, of the National Association of Manufacturers. During the last Congress, after the Mulhall investigation had suspended Mr. Emery's activities, this identical amendment was placed on the Army and Navy bills without a protest. This year, Mr. Emery, acting for the National Association of Manufacturers, has stirred up opposition to this proposition.

In the time allotted to me I can not do more than answer one or two suggestions which have been submitted. Let me say, first of all, that there is nothing in this amendment which prevents the adoption of an efficiency system—absolutely nothing. The only thing this amendment does is to prevent the use of a stop watch and the premium and bonus system; and when gentlemen tell you that it prevents the adoption of an efficiency system in any branch of the Government service, they are either attempting to deceive you or they do not know what they are talking about.

As evidence of that, let me call your attention to the fact that the Navy Department in the navy yards of this country has an efficiency system, which I submitted to this House a few days ago, covering 16 pages of printed matter, and not a word in it about a stop watch or the premium or bonus system. A great many efficiency engineers declare that the use of the stop watch on a human being does not make for efficiency, but, on the contrary, makes for inefficiency, that it destroys the human machine.

The distinguished gentleman from Illinois [Mr. CANNON] said that his vote depended on the question of how you could determine whether a man was worth \$2.50 or \$3.50 or \$4 unless you used a watch. If his vote depends on that, we have his vote right now. There is not an efficient foreman in this country, there is not an efficient superintendent in this country, who does not now in actual practice grade his men. There is nothing in this amendment which prevents one workman getting more than another workman in the same shop. That proposition would be determined, as it has been for centuries, by efficient superintendents, guided by the skill and productivity of employees, determining that John Smith should have \$2.50 a day, Mike Kelly \$3 a day, and some one else \$3.50 a day. That is the common practice among employers all over the land.

Now, my friend the gentleman from Ohio [Mr. GORDON] has referred to the cloak makers of Cleveland. He has investigated their condition, he says, but I wonder if he knows that the men who used to work in the cloak industry in Cleveland attempted to form unions and were driven out by the advocates of the stop-watch system and their places taken by women?

Mr. GORDON. I do not, and it is not true.

Mr. KEATING. It is, and if the gentleman will investigate it he will ascertain those facts.

Mr. GORDON. But I know better.

Mr. BROWNE. Will the gentleman yield for a question?

Mr. KEATING. No; I have not the time. The gentleman from Massachusetts offered an amendment providing that if the employees in the arsenal shall petition for the "stop-watch" and premium and bonus systems they shall be granted. I am opposed to that proposition being tacked onto this amendment, and I will tell you why.

In January, 1915, when we attached the antistop-watch riders to the Army and Navy bills Gen. Crozier wired to the commandant of the Frankford Arsenal and told him to suspend the payment of all premiums and bonuses. That was almost six months before the law took effect, and before it had been passed by the Senate of the United States.

It has been testified to on the floor of this House by a distinguished Member of this body that the foremen in that arsenal went to women who had been getting \$1.45 and \$1.75 a day under

the premium system by exerting themselves to the limit of human endeavor and told them that if these riders became law their salaries would be cut to \$1.16 a day. "And," said the foreman, "you will have to turn out just as much as you did when you were paid \$1.50 or \$1.75 a day."

It was under that kind of pressure that the employees of the arsenal sent to Congress the protest that the gentleman from Pennsylvania has read here. After the antistop-watch rider had become law this same Gen. Crozier boasted before the Labor Committee that he had discovered a scheme by which he could nullify the evident intent of Congress. If you adopt the amendment offered by the gentleman from Massachusetts, Gen. Crozier will put the screws to every employee in every arsenal under his jurisdiction and force them to sign petitions asking for the installation of the stop-watch system.

I am not willing that we should give Gen. Crozier a further opportunity to oppress the men and women who are subject to his orders.

I want Congress to write into these appropriation bills provisions which are so clear they can not be evaded.

The CHAIRMAN. The time of the gentleman from Colorado has expired. All time has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that both amendments may be again reported.

The Clerk again reported the amendments.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. KEATING) there were—ayes 92, noes 88.

Mr. KEATING. I demand tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from Colorado [Mr. KEATING] and the gentleman from Massachusetts [Mr. DALLINGER].

The committee again divided; and the tellers reported—ayes 91, noes 95.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 111, noes 94.

So the amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, 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. 14303, the fortifications appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Before the votes are taken on the fortifications appropriation bill and the amendments thereto, with the consent of the House the Chair desires to make two or three remarks. There are three rules in this House that are habitually violated, generally, the Chair thinks, without any intention of doing so. One of them is that a Member from his seat shall not inject remarks into the speech of the gentleman who has the floor. To do so works for bad order. Half the time the Member who is making the speech is so busy making it that he does not catch the exact remark that the man sitting in his seat makes, and it does not give the Member who has the floor a fair chance. The Chair intends to enforce that rule rigidly from now on, no matter who violates it. [Applause.]

Another rule of the House is that Members shall not crowd about the Clerk's desk when the roll is being called. Members keep coming up and disturbing the Clerk during a roll call, asking whether they are recorded, or how they are recorded, or desiring to be recorded when they have no right to be recorded. It casts suspicion upon the integrity of the proceedings.

Third, Members ought not to put their feet on top of the benches in front of them. It makes a bad impression on everyone.

Is a separate vote demanded on any amendment?

Mr. MANN. Mr. Speaker, I ask for a separate vote on the Tavenner amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en grosse. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on agreeing to the Tavenner amendment.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered. The question was taken; and there were—yeas 197, nays 117, answering "present" 14, not voting 106, as follows:

YEAS—197.

Abercrombie	Dooling	Kincheloe	Rucker
Adamson	Doolittle	King	Russell, Mo.
Alken	Dowell	Lazaro	Sabath
Alexander	Dupré	Lenroot	Schall
Almon	Eagan	Leshner	Scott, Pa.
Anderson	Ellsworth	Lever	Shackleford
Ashbrook	Elston	Linthicum	Shallenberger
Aswell	Estopinal	Littlepage	Sherwood
Austin	Fatley	Lloyd	Shouse
Ayres	Farr	Lobeck	Siegel
Bailey	Ferris	London	Sims
Bell	Finley	McClintic	Sinnott
Borland	Foster	McCracken	Stegall
Britt	Fuller	McCulloch	Steele, Iowa
Brumbaugh	Gallagher	McDermott	Stephens, Cal.
Buchanan, Ill.	Gandy	McGillcuddy	Stephens, Tex.
Buchanan, Tex.	Gard	McKellar	Sterling
Burke	Godwin, N. C.	McLemore	Stone
Furnett	Good	Mapes	Sutherland
Byrnes, S. C.	Goodwin, Ark.	Martin	Sweet
Byrns, Tenn.	Gray, Ala.	Mays	Swift
Caldwell	Gray, Ind.	Meeker	Switzer
Campbell	Green, Iowa	Morgan, Okla.	Taggart
Candler, Miss.	Hadley	Moss, Ind.	Talbot
Cantrill	Hamlin	Murray	Tavener
Caraway	Hardy	Neely	Taylor, Ark.
Carew	Harrison	Nelson	Taylor, Colo.
Carlin	Haskell	Nicholls, S. C.	Thomas
Carter, Mass.	Hastings	Nolan	Thompson
Carter, Okla.	Hawley	North	Tillman
Cary	Hayden	Oldfield	Tinkham
Casey	Heffin	Oliver	Towner
Chandler, N. Y.	Helgesen	Overmyer	Tribble
Cline	Helvering	Park	Van Dyke
Collier	Hensley	Phelan	Vare
Connelly	Holland	Porter	Venable
Conry	Hollingsworth	Quin	Vinson
Cox	Howard	Rainey	Watkins
Crisp	Huddleston	Raker	Whaley
Crosser	Hughes	Ramseyer	Williams, T. S.
Cullop	Hulbert	Randall	Wilson, Fla.
Curry	Hull, Iowa	Rauch	Wilson, Ill.
Davis, Tex.	Igoe	Rayburn	Wilson, La.
Decker	Jacoway	Reavis	Wingo
Denison	James	Reilly	Wise
Dent	Johnson, Wash.	Ricketts	Woods, Iowa
Dickinson	Keating	Roberts, Nev.	Young, Tex.
Dies	Kennedy, Iowa	Rodenberg	
Dill	Kettner	Rouse	
Dixon	Key, Ohio	Rube	

NAYS—117.

Anthony	Focht	Kitchin	Scott, Mich.
Bacharach	Fordney	Kreider	Sherley
Beakes	Foss	La Follette	Sisson
Beales	Frear	Langley	Sloan
Bennet	Gardner	Lehlbach	Smith, Mich.
Black	Garland	Lord	Snell
Browne	Garner	McArthur	Snyder
Browning	Garrett	McKenzie	Sparkman
Burgess	Glynn	McLaughlin	Stafford
Butler	Gordon	Madden	Stedman
Cannon	Gould	Magee	Steele, Pa.
Capstick	Greene, Mass.	Mann	Stephens, Miss.
Chlperfield	Greene, Vt.	Matthews	Stephens, Nebr.
Clark, Fla.	Hamilton, Mich.	Miller, Del.	Stiness
Coady	Hay	Mondell	Temple
Copley	Heaton	Montague	Tilson
Costello	Hernandez	Moore, Pa.	Timberlake
Crago	Hicks	Moores, Ind.	Treadway
Cramton	Hill	Nichols, Mich.	Voistead
Dale, Vt.	Hinds	Norton	Walsh
Dallinger	Hood	Oakey	Wason
Darrow	Hopwood	Olney	Watson, Pa.
Dempsey	Howell	Page, N. C.	Watson, Va.
Dillon	Humphreys, Miss.	Paige, Mass.	Webb
Dyer	Husted	Parker, N. J.	Wheeler
Edmonds	Hutchinson	Rogers	Wood, Ind.
Emerson	Johnson, S. Dak.	Rowe	Young, N. Dak.
Fairchild	Kearns	Russell, Ohio	
Fess	Keister	Sanford	
Flood	Kelley	Saunders	

ANSWERED "PRESENT"—14.

Booher	Gregg	McKinley	Steenerson
Dewalt	Guernsey	Padgett	Tague
Fitzgerald	Humphrey, Wash.	Sears	
Glass	Lee	Slemp	

NOT VOTING—106.

Adair	Danforth	Graham	Kennedy, R. I.
Allen	Davenport	Gray, N. J.	Kent
Barchfeld	Davis, Minn.	Griest	Kiess, Pa.
Barkley	Doremus	Griffin	Kinkald
Barnhart	Doughton	Hamill	Konop
Blackmon	Driscoll	Hamilton, N. Y.	Lafean
Bowers	Drukker	Hart	Lewis
Britten	Dunn	Haugen	Lieb
Bruckner	Eagle	Hayes	Libel
Callaway	Edwards	Helm	Lindbergh
Charles	Esch	Henry	Loft
Church	Evans	Hillard	Longworth
Coleman	Fields	Houston	McAndrews
Cooper, Ohio	Flynn	Hull, Tenn.	McPadden
Cooper, W. Va.	Freeman	Johnson, Ky.	Maher
Cooper, Wis.	Gallivan	Jones	Miller, Minn.
Dale, N. Y.	Gillett	Kahn	Miller, Pa.

Moon	Parker, N. Y.	Roberts, Mass.	Stout
Mooney	Patten	Rowland	Suloway
Morgan, La.	Peters	Rowland	Sumners
Morin	Platt	Sells	Walker
Morrison	Pou	Slayden	Ward
Moss, W. Va.	Powers	Small	Williams, W. E.
Mott	Pratt	Smith, Idaho	Williams, Ohio
Mudd	Price	Smith, Minn.	Winslow
Oglesby	Ragsdale	Smith, N. Y.	
O'Shaunessy	Riordan	Smith, Tex.	

So the amendment was agreed to. The Clerk announced the following pairs: On the vote: Mr. GRAHAM (against) with Mr. GALLIVAN (for). Mr. MORRISON (against) with Mr. HUMPHREY of Washington (for). Mr. SEARS (against) with Mr. SCULLY (for). Mr. SMITH of Idaho (against) with Mr. BLACKMON (for). For the session: Mr. DEWALT with Mr. McFADDEN. Mr. LIEBEL with Mr. ROWLAND. Until further notice: Mr. FITZGERALD with Mr. GILLET. Mr. HART with Mr. POWERS. Mr. HILLIARD with Mr. DRUKKER. Mr. HULL of Tennessee with Mr. KIESS of Pennsylvania. Mr. GLASS with Mr. SLEMP. Mr. RIORDAN with Mr. WARD. Mr. SMITH of Texas with Mr. GRIEST. Mr. PADGETT with Mr. LAFEAN. Mr. HOUSTON with Mr. GUERNSEY. Mr. PRICE with Mr. MUDD. Mr. GREGG with Mr. STEENERSON. Mr. MORGAN of Louisiana with Mr. COOPER of West Virginia. Mr. BOOHER with Mr. CHARLES. Mr. TAGUE with Mr. KENNEDY of Rhode Island. Mr. BARKLEY with Mr. MILLER of Minnesota. Mr. O'SHAUNESSY with Mr. SMITH of Minnesota. Mr. ADAIR with Mr. SELLS. Mr. McANDREWS with Mr. PRATT. Mr. GRIFFIN with Mr. DAVIS of Minnesota. Mr. DRISCOLL with Mr. BRITTEN. Mr. DALE of New York with Mr. ROBERTS of Massachusetts. Mr. HELM with Mr. FREEMAN. Mr. DOREMUS with Mr. BARCHFELD. Mr. BARNHART with Mr. PLATT. Mr. SLAYDEN with Mr. McKINLEY. Mr. POU with Mr. MORIN. Mr. BRUCKNER with Mr. MOONEY. Mr. MOON with Mr. COLEMAN. Mr. DAVENPORT with Mr. HAMILTON of New York. Mr. EVANS with Mr. HAYES. Mr. JONES with Mr. KINKAID. Mr. OGLESBY with Mr. BOWERS. Mr. FIELDS with Mr. COOPER of Ohio. Mr. WM. ELZA WILLIAMS with Mr. SULLOWAY. Mr. PATTEN with Mr. WILLIAMS of Ohio. Mr. RAGSDALE with Mr. KAHN. Mr. SMALL with Mr. GRAY of New Jersey. Mr. SMITH of New York with Mr. COOPER of Wisconsin. Mr. WALKER with Mr. DUNN. Mr. STOUT with Mr. MILLER of Pennsylvania. Mr. SUMNERS with Mr. DANFORTH. Mr. LEWIS with Mr. HAUGEN. Mr. HAMILL with Mr. MOTT. Mr. DOUGHTON with Mr. PARKER of New York. Mr. FLYNN with Mr. MOSS of West Virginia. Ending July 22: Mr. CALLAWAY with Mr. PETERS. Ending June 26: Mr. LEE with Mr. WINSLOW. Mr. ALLEN with Mr. LONGWORTH. Mr. TAGUE. Mr. Speaker, I am paired with the gentleman from Rhode Island, Mr. KENNEDY. I voted "aye." I desire to withdraw that vote and answer "present." The name of Mr. TAGUE was called, and he answered "Present." Mr. GLASS. Mr. Speaker, I am paired with my colleague from Virginia, Mr. SLEMP. I voted "no." I desire to withdraw my vote and answer "present." The name of Mr. GLASS was called, and he answered "Present." Mr. DEWALT. Mr. Speaker, I am paired with my colleague, Mr. McFADDEN, who is ill. I voted "no." I desire to change my vote and answer "present." The name of Mr. DEWALT was called, and he answered "Present." The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading.

The bill was ordered to be engrossed and read a third time; was read the third time.

Mr. CALDWELL. Mr. Speaker, I move to recommit the bill, with instructions to report the same back forthwith, with the following amendment.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CALDWELL. I am opposed to the bill.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CALDWELL moves to recommit the bill, with instructions to report the same back forthwith with the following amendment:

"Page 3, line 17, after the figures '\$1,400,000' insert: 'Provided, That nothing herein shall be construed as authorizing the payment of any money for land on Rockaway Peninsula, N. Y., to which the United States has title or a claim of title until the same has been adjudicated adversely to the United States; And provided further, That no more than \$2,000 per acre shall be paid unless a larger sum shall have first been determined to be the value thereof in a condemnation award.'"

The SPEAKER. The question is on the motion to recommit.

The question was taken and the Speaker announced the yeas seemed to have it.

Mr. CALDWELL. Mr. Speaker, I call for the yeas and nays.

The SPEAKER. The gentleman demands the yeas and nays. Nine gentlemen have arisen, not a sufficient number, and the yeas and nays are refused. The question is on the passage of the bill.

Mr. SHERLEY. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 165, noes 9.

So the bill was passed.

On motion of Mr. SHERLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

H. SNOWDEN MARSHALL.

The SPEAKER. The Chair directs the reporter to record the fact to go in the RECORD that the Speaker signs this warrant for H. Snowden Marshall in the presence of the House.

The Chair does not think it necessary but some gentlemen did.

EXTENSION OF REMARKS.

Mr. OLNEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the efficiency of the Department of Commerce.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD on the subject of the efficiency of the Department of Commerce. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, on the request of Mr. SUTHERLAND, Mr. Moss of West Virginia was granted indefinite leave of absence on account of illness.

NATIONAL PARK, TERRITORY OF HAWAII.

Mr. FERRIS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Oklahoma [Mr. FERRIS] rise?

Mr. FERRIS. I desire to call up the bill H. R. 9525, the Hawaiian park bill, to ask to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to call up the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9525) to establish a national park in the Territory of Hawaii.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Chair announced the following conferees: Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. LENROOT.

SUNDRY CIVIL BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15836, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15836, the sundry civil appropriation bill, with Mr. HAY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, when the committee rose Monday evening tellers had been ordered on a vote on an amendment offered by the gentleman from New York [Mr. SANFORD].

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 65, after line 6, insert "For the improvement of Government-owned roads within the arsenal grounds, \$10,000."

Mr. FITZGERALD. Mr. Chairman, tellers had been ordered on that.

The CHAIRMAN. The gentleman from New York, Mr. SANFORD, and the gentleman from New York, Mr. FITZGERALD, will take their places as tellers.

The committee divided; and the tellers reported—ayes 59, noes 63.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Repairs of arsenals: For repairs and improvements at arsenals, and to meet such unforeseen expenditures as accidents or other contingencies during the year may render necessary, including \$150,000, or so much thereof as may be necessary, for machinery for manufacturing purposes in the arsenals, \$300,000.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

QUARTERMASTER CORPS.

Military posts: For the construction and enlargement at military posts of such buildings as in the judgment of the Secretary of War may be necessary, including the installation therein of plumbing and of heating and lighting apparatus; but no part of this sum shall be used for the purchase of land for construction of buildings at Coast Artillery posts, nor for the establishment of any disciplinary barracks, \$127,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I hope that what I say will not precipitate any partisan debate. Of course we have to supply barracks for soldiers. Whether the allowance is sufficient, of course I do not undertake to say. I am not sure where the soldiers will be during the next fiscal year.

I have in my hand one of the afternoon papers, the Washington Times, making a statement which, I think, is worthy to be called to the attention of the House and to the country. It is a little article following a conference with President Wilson to-day by Postmaster General Burleson. Burleson stated that this Government had not yet learned who is to blame for the Carrizal fight between the Carranzistas and the American troops. Until that is determined, he said, "no course of action can be decided upon."

It says:

Although Burleson declared he had not talked anything but politics with the President, he and Secretary of War Baker were in the President's office at the same time, and upon leaving the White House Burleson said—

And I am assuming, at least, for the purpose of calling attention to the matter, that what Burleson is reputed to have said—and it is put in quotation marks in the article—may be somewhere near correct. Burleson said:

We have not yet been informed who is to blame for this latest Mexican trouble. If it is learned that Americans were to blame, that Americans precipitated the fight, then I think we should have the courage to admit it. If the Mexicans were to blame—well, then, that would mean more talk.

If the Americans were to blame, we will apologize; if the Mexicans were to blame in murdering our troops, we will continue to talk. [Applause on the Republican side.]

The Clerk read as follows:

Disposition of remains of officers, soldiers, civilian employees, etc.: For interment, or of preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers including acting assistant surgeons, and enlisted men of the Army active list; interment, or of preparation and transportation to their homes, of the remains of civil employees of the Army in the employ of the War Department who die abroad, in Alaska, in the Canal Zone, or on Army transports, or who die while on duty in the field or at military posts within the limits of the United States; interment of military prisoners who die at military posts; removal of remains from abandoned posts to permanent military posts or national cemeteries, including the remains of Federal soldiers, sailors, or marines, interred in fields or abandoned private and city cemeteries; and in any case where the expense of burial or shipment of the remains of officers or enlisted men of the Army who die on the active list are borne by individuals, where such expenses would have been lawful claims against the Government, reimbursement to such individuals may be made of the amount allowed by the Govern-

ment for such services out of this sum, but no reimbursement shall be made of such expenses incurred prior to July 1, 1910, \$57,500.

Mr. MANN. Mr. Chairman, I move to amend, on page 70, line 17, by striking out the word "expense" and inserting the word "expenses."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk read as follows:

Gettysburg National Park: For continuing the establishment of the park; acquisition of lands, surveys, and maps; constructing, improving, and maintaining avenues, roads, and bridges thereon; fences and gates; marking the lines of battle with tablets and guns, each tablet bearing a brief legend giving historic facts and compiled without censure and without praise; preserving the features of the battle field and the monuments thereon; compensation of civilian commissioners, clerical and other services, expenses, and labor; purchase and preparation of tablets and gun carriages and placing them in position; and all other expenses incidental to the foregoing, \$42,500.

Mr. BEALES. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 73, line 12, strike out the figures "\$42,500" and insert "\$57,500, of which \$15,000 shall be expended to improve unfinished portions of roadway within the limits of the park."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BEALES. Mr. Chairman, the amount of money I ask for in addition to the amount appropriated in the bill was the amount I asked for in the early days of the session. It is for the Emmittsburg Road and the Taneytown Road. It has the approval of the chairman of the commission and the Secretary of War, and was reported to the House and put upon the Unanimous Consent Calendar. There seems to be an objection to this bill passing under unanimous consent, for the reason that it carries with it an appropriation. I ask therefore an amount.

Mr. BAILEY. What roads are these?

Mr. BEALES. They are the Emmittsburg Road and the Taneytown Road, within the borders of the national park, and have been given to the United States Government by the State of Pennsylvania.

Mr. BAILEY. What is the length of these roadways?

Mr. BEALES. Thirty-five hundred feet on each one to the limits of the national park.

Mr. BAILEY. And further, if this \$15,000 were appropriated, would it not complete the drive?

Mr. BEALES. It would complete the road to where the State of Pennsylvania takes it up and makes a macadam road out of it. This portion of the road for which I have asked the appropriation has already been ceded to the United States Government by the State of Pennsylvania.

Mr. BENNET. Do I understand the gentleman to say that this matter was considered by the Committee on Military Affairs and then favorably reported to the House?

Mr. BEALES. Yes, sir; and has the approval of the Secretary of War.

Mr. BENNET. And the commissioners who have charge of this park?

Mr. BEALES. Yes, sir.

Mr. FITZGERALD. Under the law the commission has absolutely the say as to how this money should be expended, and any such attempt as this is legislation and is subject to a point of order.

The CHAIRMAN. The Chair would like to ask the gentleman from New York what authority he has for saying it would be out of order to appropriate the sums, putting a limitation on the appropriation?

Mr. FITZGERALD. I think it would control the discretion, as this does, of the authority that has the expenditure of the money.

Mr. HAY. That would apply to every sum that was appropriated. If that is true, it would not direct an appropriation bill in the expenditure of any particular sum. If there was an appropriation made of a lump sum, the Chair would like to see what authority the gentleman from New York may have.

Mr. FITZGERALD. I have not any authority just now.

The CHAIRMAN. The Chair overrules the point of order. Does the gentleman from New York want to submit an authority?

Mr. FITZGERALD. I think there is authority to that effect. I will look and see.

The CHAIRMAN. The Chair will give the gentleman an opportunity.

Mr. FITZGERALD. I will reserve it while the gentleman is making his statement.

Mr. MONDELL. It occurs to me the item is not subject to a point of order. If the Chair will note—

The CHAIRMAN. The Chair so far agrees with the gentleman from Wyoming, unless the gentleman from New York can cite some authority that will change the opinion of the Chair.

Mr. MONDELL. Very clearly this committee has authority to construct, improve, and repair roads within the boundaries of this national park. The item to which this is an amendment provides for the acquisition of land and for surveys, maps, constructing, improving, and maintaining avenues, roads, and bridges; and the Chair is entirely familiar with the rulings which make it in order to provide that of an appropriation made for a variety of purposes a certain amount may be used for some specific purpose.

Mr. FITZGERALD. If the Chair will look at section 3854, Volume IV, Hinds' Precedents, those are the authorities that apply. This amendment is mandatory. This is an affirmative direction to spend a certain amount on a certain road.

The CHAIRMAN. The gentleman from New York must be perfectly familiar, as the Chair is, with numerous provisions in appropriation bills providing that a certain amount of an appropriation shall be spent for a certain purpose, and the Chair never has known a provision of that sort to be held subject to a point of order. The Chair overrules the point of order. The question is on the amendment.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be agreed to. The estimate submitted by the Gettysburg National Commission for maintenance and for the work essential in the park during the next fiscal year have all been allowed by the Committee on Appropriations. Every dollar asked by that commission has been included in the bill. This matter could not have been of such importance or desirability as to necessitate our action, because the commission did not request it. In view of the fact that no information has been submitted and the commission did not ask for the money, I hope the amendment will not be agreed to.

Mr. BEALES. Mr. Chairman, in reply to the gentleman from New York, I wish to state that the commission in charge of the national park at Gettysburg made a request for this amount of money for these roads and asked me to introduce a bill in the House, which I did, and a favorable report upon it has been made by the Secretary of War.

Mr. MANN. Mr. Chairman, I presume it was the Committee on Military Affairs that reported the bill. The gentleman from Pennsylvania [Mr. BEALES] introduced it. That bill provided that this improvement should be made and that the money for it should be appropriated. I suppose that bill went to the Committee on Military Affairs. It was reported to the House by the proper committee. It came up once or twice in the House on the Calendar for Unanimous Consent. I do not think anybody else except myself was prepared to object to it. I asked to have it passed over because I thought if an appropriation were to be made, it ought to be made in the sundry civil appropriation bill, where it belongs. That is, an appropriation for this purpose ought to be made in this bill and not in a separate bill. I supposed that the Committee on Appropriations were willing, because, as far as I knew, they had no objection to the passage of that special bill.

Mr. FITZGERALD. There is no very pressing need for it. Commissions and heads of departments will approve any proposition submitted to them for the spending of money, but when they are required to submit estimates in accordance with law for the moneys that should be requested from Congress for necessary purposes during the fiscal year, they then do not ask for money which it is not highly important that they should have. Of course if they are asked whether they approve a proposed expenditure, they say yes. Now, they did not ask for this money in their estimates. Congress has treated the Gettysburg National Park very generously and never refused any money that that commission asked from Congress and said was necessary. I think we ought not to force money upon them for the purpose of approving requests which they never made until a Member of Congress suggested to them that it would be a good thing to appropriate the money. We can not conduct the business of the Government in that way. If we did, we could not raise enough money to pay the bills that would be imposed upon us.

Mr. MANN. Now, if I may use a little of my time—

Mr. FITZGERALD. We need the money for other purposes.

Mr. MANN. I am glad to yield to the gentleman.

Mr. FITZGERALD. I will give the gentleman my time.

Mr. MANN. I have the floor. The Committee on Military Affairs, having jurisdiction of this bill, reported it favorably. It would have passed, so far as the Committee on Appropriations are concerned—

Mr. FITZGERALD. I think the gentleman is mistaken. I had to be away, and I asked the gentleman if he was going to object

to it, and he said he was. If not, I should have had somebody else object to it.

Mr. MANN. Oh, the gentleman had nothing to do with it.

Mr. FITZGERALD. That happened, at any rate.

Mr. MANN. I supposed the gentleman was perfectly satisfied to let this bill pass. I thought the gentleman came to me to remove my objection to the bill.

Mr. FITZGERALD. Did the gentleman ever know me to prevail upon him to withdraw his objection to any bill?

Mr. MANN. It was a proper matter for the Committee on Appropriations to include in the sundry civil bill. I supposed that the gentleman was in favor of exercising jurisdiction and of having this item included in the sundry civil bill on the floor, and I suggested to the gentleman from Pennsylvania [Mr. BEALES], the author of the bill, that the proper way to do was to offer an amendment on the sundry civil bill. I am taken utterly by surprise by the attitude of the gentleman from New York now.

Mr. KREIDER. Mr. Chairman, it seems to me that this controversy is entirely as to the method to be pursued to secure the necessary funds to build these roads through the Gettysburg National Park. There seems to be no question about the necessity of the roads nor about the amount to be appropriated. The objection seems to be because the gentleman from Pennsylvania [Mr. BEALES] introduced a bill instead of having the commission include this amount in their estimate which was handed to the Committee on Appropriations. I do not believe we ought to split hairs on the method when the funds are actually needed for proper and necessary improvements. It is not likely that the commissioners of the park would have asked for this appropriation had they not seen the absolute need of it. I believe that the membership of this House are sufficiently acquainted with the national park at Gettysburg so that they should not reject this amendment. I can not see any good reason why the gentleman from New York [Mr. FITZGERALD] should oppose the amendment simply upon the ground that the commissioners did not ask for the appropriation when they made their estimates, which would have secured the inclusion of the appropriation in this bill. I hope the amendment will be adopted and the money forthcoming, so that the road can be built for the improvement of this park, which is one of the sacred spots in the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. BEALES].

The question was taken; and on a division (demanded by Mr. BEALES) there were—ayes 18, noes 23.

Accordingly the amendment was rejected.

Mr. BEALES. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the amendment that has just been disposed of.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read as follows:

ENGINEER DEPARTMENT.

Yellowstone National Park: For maintenance and repair of improvements, \$135,000, including not to exceed \$7,500 for maintenance of the road in the forest reserve leading out of the park from the east boundary, and not to exceed \$10,000 for maintenance of the road in the forest reserve leading out of the park from the south boundary, to be expended by and under the direction of the Secretary of War: *Provided*, That no portion of this appropriation shall be expended for the removal of snow from any of the roads for the purpose of opening them in advance of the time when they will be cleared by seasonal changes.

Mr. FITZGERALD. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 74, at the end of line 3, insert the following: "And including not exceeding \$5,000 for purchase, operation, maintenance, and repair of motor-driven and horse-drawn vehicles to be used for inspection of roads and road work."

The committee amendment was agreed to.

The Clerk read as follows:

For improvement, care, and maintenance of various reservations, including maintenance, repair, and operation of two motor-propelled passenger-carrying vehicles to be used only for official purposes, \$30,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 76, line 9, after the word "repair," insert the word "exchange," and after the word "of" at the end of that line insert the words "one horse-drawn and."

The committee amendment was agreed to.

The Clerk read as follows:

For improvement and maintenance of Judiciary Park, \$2,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I noticed the other day that some law officer of the Government—I suppose the proper one; I do not remember

whether it was the Attorney General or not—in reference to the Smithsonian grounds, held that they were not public grounds in the city of Washington. The Superintendent of Public Buildings and Grounds submitted to the Attorney General, or some other law officer of the Government, the question whether the Smithsonian grounds were under his control and came within the law that prohibited the erection of public buildings on these grounds without the consent of Congress. The decision was that the grounds did not come within the prohibition; that the Smithsonian Regents could do what they pleased on the grounds. I had supposed that the Smithsonian grounds were public grounds. We appropriate for their maintenance, and I supposed that we appropriated for their maintenance under the care and control of the Superintendent of Public Buildings and Grounds, but possibly it is through the Smithsonian Institution.

Mr. FITZGERALD. I am not familiar with the decision to which the gentleman refers. I have assumed that the Smithsonian grounds were a part of the Mall and that they were under the control of the Superintendent of Public Buildings and Grounds. The parkway act relative to the District, as I recall, makes all public places a part of the park system and under the care of the Superintendent of Public Buildings and Grounds.

Mr. MANN. There is no doubt that a decision was rendered. The question arose in connection with the desire of the Smithsonian Institution to erect an art gallery, I think.

Mr. FITZGERALD. For the Frear art collection?

Mr. MANN. Yes; and the matter came before Col. Harts, who submitted it to the law officer of the Government.

Mr. FITZGERALD. My recollection is that the Secretary of the Smithsonian Institution on several occasions when discussing the proposition of a building for the Frear collection expressed the hope that Congress would consent that the building which Mr. Frear intended to make provision for his collection would be located on a site within the Smithsonian grounds.

Mr. MANN. And very likely Congress would have readily consented; but, not having that trustful faith in Congress which all officials ought to have, the Secretary of the Smithsonian Institution or some one else, instead of asking the consent of Congress, asked and obtained an opinion that the consent of Congress was not required and that we had nothing to do with it. I do not know whether the same thing is true of the Agricultural grounds or not.

Mr. FITZGERALD. There is a provision in the sundry civil act approved August 24, 1912, as follows:

Hereafter there shall not be erected on any reservation, park, or public grounds of the United States within the District of Columbia any building or structure without express authority of Congress.

Mr. MANN. I understand, that is what I say, the law officer of the Government has held that the Smithsonian grounds did not come within that prohibition, and yet they ask us to pay the expense of maintaining them as public grounds. Let the Smithsonian Institution wake up and either fish or cut bait. If they have the jurisdiction, let them raise the money as they can.

Mr. FITZGERALD. We have absolute control over the grounds.

Mr. MANN. I do not know whether we have or not. I think the Attorney General's office decided that we did not have. Of course, we always have sufficient jurisdiction over any grounds to appropriate money for their care and maintenance.

Mr. FITZGERALD. We have too much jurisdiction in that direction. I have not seen the decision to which the gentleman refers.

Mr. MANN. The question has arisen and been disposed of since this bill was reported.

Mr. FITZGERALD. I know at different times the Secretary of the Smithsonian Institution discussed the fact that Mr. Frear intended to donate his very valuable collection to the Smithsonian Institution, and intended to make provision to construct a building to house the collection. The belief was that Congress would very gladly donate a place for the erection of the building.

Mr. STEPHENS of Texas. Mr. Chairman, I move to strike out the last word, for the purpose of getting further information relative to the Mall. I notice that on the ground formerly occupied by the old Sixth Street Station, the building which was removed a few years ago by President Roosevelt, there are certain kinds of playgrounds there.

Mr. FITZGERALD. Public tennis courts.

Mr. STEPHENS of Texas. What authority have the people who use them to have the courts established there?

Mr. FITZGERALD. Those are public tennis courts, provided by the Superintendent of Public Buildings and Grounds under the authority which he has.

Mr. STEPHENS of Texas. The gentleman is aware that after that station was removed there was quite an embankment

upon the grounds, which was put there by the railroad company under an agreement, an old law, when the buildings were erected by permission of the United States Government on these grounds, and my understanding has always been, though I have not examined the law closely, that those grounds were to be restored to their original condition at some subsequent time. They certainly have not been restored. There is an embankment there five or six hundred feet long and several feet high, which constitutes an embarrassment, or, rather, places the grounds in a very awkward situation. I think the grounds should be restored to their original condition when the buildings were put there by the railroad company.

Mr. FITZGERALD. That is a matter of administration. I know that possibly those things would be more efficiently attended to if I were doing it.

Mr. STEPHENS of Texas. Does the gentleman know of any law by which that station was removed, or what became of it, or what authority existed at the time for its removal?

Mr. FITZGERALD. It was removed by order of the President. That was a very notable incident in the history of the Republic. The President of the United States by Executive order directed that that public building should be demolished, although no law giving him any authority to do so existed.

Mr. STEPHENS of Texas. Should not the embankments about there at the same time also have been removed, so as to restore the grounds to their original condition?

Mr. FITZGERALD. I can not enter into that question.

Mr. STEPHENS of Texas. I was trying to extort an opinion from the gentleman.

Mr. FITZGERALD. That is a matter of what the executive officers should do. All I can do is to keep them from getting too much money, without finding fault because they do not expend it. I am not familiar with that matter, I will say to the gentleman from Texas, and do not know whether the railroad company is under obligation to remove that embankment or not. The tennis courts which are now occupying the site of the old station have been placed there out of an appropriation carried in this bill by the Superintendent of Public Buildings and Grounds and as a part of a movement to utilize certain of the public reservations for recreation purposes, and it was deemed that that would be a use that would be desirable.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JAMES. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon the subject of pensions.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

For care and maintenance of Potomac Park, \$15,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. Why is this particular appropriation in line 21 for the care and maintenance of Potomac Park carried in the sundry civil appropriation bill instead of the District appropriation bill?

Mr. FITZGERALD. The appropriations for the care of all of the public parks in the District of Columbia are carried in this bill because they are under the Superintendent of Public Buildings and Grounds. The property belongs to the United States.

Mr. BENNET. There are certain parks, such as Dupont Circle and McPherson Square, that I have in mind, and I would like to know if there is any distinction as to them and if it is the fact that they do not belong to the United States while this park does?

Mr. FITZGERALD. They all belong to the United States, and they are all in this bill.

Mr. BENNET. But such parks as I have named, Dupont Circle and McPherson Square, do not belong to the United States?

Mr. FITZGERALD. They do belong to the United States, and they are carried in this bill. Some of the smaller ones are not named specifically, but there is a general appropriation. Lafayette Park and Garfield Park are named.

Mr. BENNET. Take Rock Creek Park. Is it because that is not owned by the Government that it is in the District bill?

Mr. FITZGERALD. The title to Rock Creek Park is also in the United States, but it is carried in the District bill.

Mr. BENNET. Is there any particular reason?

Mr. FITZGERALD. We carry in this bill the parks that are under the control and jurisdiction of the Superintendent of Public Buildings and Grounds.

Mr. BENNET. Is that governed by some statute?

Mr. FITZGERALD. There is a statute which designates what part of the parking system is under the control of that officer.

Mr. BENNET. I simply was struck by the fact that apparently all of this is in the District of Columbia, and that there was a District of Columbia appropriation bill.

Mr. FITZGERALD. It is all under the Superintendent of Public Buildings and Grounds, who is an Army engineer, and who has control. The policing of them is carried in the legislative bill. Of course, the cost of them is borne one-half by the District and one-half by the United States.

Mr. BENNET. So that the fact that they are put in the sundry civil appropriation bill does not relieve the District of paying for one-half of the cost?

Mr. FITZGERALD. Not at all. There is a special provision that requires that expense to be borne half and half.

The Clerk read as follows:

For care and improvement of the portion of Potomac Park east of the railroad embankment, \$15,000.

Mr. HULBERT. Mr. Chairman, I move to strike out, page 77, line 2, the figures "\$15,000" and insert in lieu thereof the figures "\$40,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 77, line 2, by striking out "\$15,000" and inserting "\$40,000."

Mr. HULBERT. Mr. Chairman, the only purpose of this amendment is to accelerate the work of the improvement of Potomac Park east of the railroad embankment. I understand that \$25,000 additional can be very profitably used this year. I do not care to discuss the amendment, but will ask unanimous consent to extend my remarks in the RECORD.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. HULBERT. Yes.

Mr. STAFFORD. Will the gentleman inform the committee what is the extent of the park that is east of the railroad embankment which will be affected by this improvement?

Mr. HULBERT. Well, that would be entirely in the discretion of the engineer.

Mr. STAFFORD. No; I am inquiring as to the extent of the area of Potomac Park that is east of the railroad embankment.

Mr. HULBERT. All of East Potomac Park is that portion which is east of the railroad embankment.

Mr. STAFFORD. I thought that was already improved, and that the area south was that which needed most improvement.

Mr. HULBERT. Well, of course, as you go east on East Potomac Park along the driveway there is a good deal of the park that has not been improved. The retaining wall has been practically constructed all the way along. The greensward is in a much better condition toward the railroad embankment than to the east end of this park. Toward that end the trees, shrubbery, and grass and, in some places, the weeds have grown wild, and I suppose it is for that part of the park that this \$15,000 was appropriated. I understand, however, that the work has not been progressing as rapidly as it was desired it should, and that the purpose in view, of accelerating the improvements because ultimately, I take it, the entire provision, as recommended by the War Department in House Document 1038, is going to be adopted and that an additional \$25,000 will be no great burden on the Government, and it will enable the performance of an amount of work for that particular park that can be expeditiously and economically done during the coming year.

Mr. STAFFORD. Will the \$25,000 additional permit the dredging of the contemplated lagoons or the erection of the stadium and the other improvements contemplated for this park?

Mr. HULBERT. I do not know; it would be in the discretion of the Superintendent of Public Buildings and Grounds.

Mr. STAFFORD. I thought as the gentleman has taken this interest in the matter he would have some definite information as to what work was contemplated by the additional appropriation.

Mr. HULBERT. This \$25,000 would be expended by Col. Harts in the exercise of his discretion.

Mr. STAFFORD. It would not go very far toward excavating the contemplated lagoons or the building of the proposed stadium?

Mr. HULBERT. Not a great ways, but it would be encouraging. I wish the circumstances of our finances were such that a substantial appropriation could be made and made directly applicable to the beginning of the erection of the stadium proper.

Mr. STAFFORD. When we are voting \$20,000,000 for an armor-plate plant and \$20,000,000 for a nitrate plant and \$20,000,000 or \$30,000,000 for shipbuilding, does not the gentleman think we could proceed with this much-needed improvement by increasing that amount?

Mr. HULBERT. I not only think so, but I will point out to the gentleman, if I may, that these needed improvements combine essential elements that you do not find in anything else that has come before the House. In the first place, the improvement of East Potomac Park not only gives Federal recognition to athletics, which we have been the one great country to neglect to date—not only gives great stimulus to the up-building of the American youth by encouraging him in athletic competition, but if you will provide us with the means we have been asking for at East Potomac Park by 1920—

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULBERT. I ask unanimous consent for an extension of five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. HULBERT. If you will give us the improvements which we ask for, as a delegate to the Amateur Athletic Union of the United States of America, metropolitan district, I feel sure that we will be successful in bringing to this country at that time the Olympic games, which are not being held this year because they were appointed to be held in Berlin and, of course, it is realized that it is impossible to hold them there or anywhere else this year as there would be so few competitors from the few neutral nations that it would not be worth while to hold those games, and if we were to bring the next great Olympiad here in 1920 we would be performing a great aid to humanity, because you would bring here at the close of the war—and we hope the great European conflict will be over by that time—the representatives of every nation now engaged in the war which is raging over there, and certainly nothing could be more commendable than such an effort at that time. It would assist in reuniting the bonds of international fraternity which have been so torn asunder in this bloody conflict. [Applause.]

Mr. BENNET. Will my colleague yield?

Mr. HULBERT. I will.

Mr. BENNET. Does not my colleague hope that at least some part of this \$25,000 will be expended by Col. Hart in advancing the building of that stadium?

Mr. HULBERT. I hope so.

Mr. BENNET. Then I am for the amendment.

Mr. HULBERT. I thank the gentleman. I wish more of my colleagues would evidence the same spirit and vote for it.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be adopted. If it is adopted, not a penny can be expended on account of a stadium. This bill carries \$5,000 more than is provided for the current year. This money is for the purpose of setting out trees and furnishing flower beds, and so forth, to East Potomac Park. East Potomac Park has been the special care of the Committee on Appropriations, which originated and developed and built it up. However desirable it may be to build a stadium for public games, there are many other more essential things to be done before that is commenced. This is not the time for its consideration. After careful thought the committee recommended what would be a liberal sum of money for the purpose for which it can be used. It is not suggested even by the man in charge of this work that \$40,000 be appropriated.

Mr. STAFFORD. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. STAFFORD. Will the gentleman inform the committee what improvements will be covered by the \$15,000 here appropriated?

Mr. FITZGERALD. Setting out trees and planting a part of the park east of the embankment, and nothing else.

Mr. STAFFORD. Will it get rid of the weeds and underbrush that covers most of the park at the south?

Mr. FITZGERALD. That is a reason for it. It can not be done in one year. It could not be done wisely and economically by being done at once.

Mr. STAFFORD. The gentleman does not contend that they could not get rid of the weeds in one year?

Mr. FITZGERALD. The first thing done was to extend the road around that portion of the park. Then the trees have been set out, and then plans have to be promulgated as to how the balance should be laid out. We treat these parks very liberally and very generously, and it would be a great mistake to try to force the development of this park in a manner that would not be best for the ultimate improvement of it. I hope the amendment will not be agreed to.

The CHAIRMAN (Mr. Cox). The question is on the amendment offered by the gentleman from New York [Mr. HULBERT].

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. HULBERT. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 24, noes 20.

Mr. FITZGERALD. Mr. Chairman, I ask for tellers.

Tellers were ordered; and Mr. HULBERT and Mr. FITZGERALD took their places as tellers.

The committee again divided; and there were—ayes 39, noes 33.

Mr. FITZGERALD. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. Evidently there is not a quorum present, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Adair	Foss, Ill.	Kincheloe	Pou
Austin	Freeman	Kinkaid	Powers
Barchfeld	Gallivan	Konop	Pratt
Barnhart	Gillet	Lafean	Price
Blackmon	Glynn	Lee	Reavis
Britten	Graham	Lehbach	Roberts, Mass.
Browne	Gray, N. J.	Lever	Rodenberg
Bruckner	Green, Iowa	Lewis	Rouse
Brunbaugh	Griest	Lieb	Rowland
Callaway	Griffin	Liebel	Rucker
Campbell	Hamill	Lindbergh	Saunders
Candler, Miss.	Hamilton, N. Y.	Linthicum	Scott, Pa.
Charles	Harrison	Loft	Scully
Chiperfield	Hart	Longworth	Sears
Coleman	Hastings	McAndrews	Slayden
Cooper, W. Va.	Hayes	McDermott	Stemp
Cooper, Wis.	Helm	McFadden	Sloan
Copley	Henry	McKellar	Small
Cullip	Hilliard	McKinley	Smith, Minn.
Dale, N. Y.	Hollingsworth	Maher	Sparkman
Dale, Vt.	Houston	Miller, Del.	Steenerson
Danforth	Howell	Miller, Minn.	Stephens, Miss.
Davis, Minn.	Husted	Morgan, La.	Stout
Doelling	Hutchinson	Morin	Sulloway
Doremus	James	Moss, Ind.	Summers
Doughton	Johnson, Ky.	Moss, W. Va.	Walsh
Driscoll	Johnson, S. Dak.	Mott	Ward
Drukker	Johnson, Wash.	Mudd	Webb
Dunn	Jones	Neely	Williams, W. E.
Edwards	Kahn	O'Shaunnessy	Williams, Ohio
Esch	Keating	Overmyer	Wilson, Ill.
Fairchild	Kelster	Parker, N. Y.	Winslow
Ferris	Kennedy, R. I.	Patten	Wood, Ind.
Fields	Kent	Peters	Young, N. Dak.
Flood	Key, Ohio	Platt	
Flynn	Kless, Pa.	Porter	

The committee rose; and the Speaker having resumed the chair, Mr. Cox, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, finding itself without a quorum, he caused the roll to be called, when 290 Members, a quorum, answered to their names, and he reported the names of the absentees to be entered in the Journal, under the rule.

The SPEAKER. A quorum being present, the committee will resume its session.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from New York [Mr. HULBERT].

Mr. BENNET. I ask unanimous consent that the amendment may be reported.

The CHAIRMAN. Without objection, the Clerk will report the amendment again.

The Clerk read as follows:

Page 77, line 2, strike out "\$15,000" and insert "\$40,000."

Mr. BENNET. I move to strike out the last word, for the purpose of asking—

Mr. FITZGERALD. I make the point of order that debate is not in order. The committee is dividing.

The CHAIRMAN. The committee is dividing. Debate is not in order.

Mr. MANN. There was no vote at all, because there was no quorum, and the Chair held that there was no vote. Debate is not closed until the negative vote is taken. Now, while we went through the motions of taking a vote, that was all set aside, for the reason that there was no quorum present. Debate has not been closed on this amendment.

Mr. FITZGERALD. It has been closed. The committee divided, and then a demand was made for tellers. The debate had already been ended.

Mr. HULBERT. Mr. Chairman, we are involved in a case—

The CHAIRMAN. The Chair is inclined to think that debate has been exhausted.

Mr. MANN. The Chair is very much in error, then.

Mr. FITZGERALD. I think the Chair is correct.

Mr. MANN. Debate was exhausted, except on a motion to strike out the last word.

Mr. FITZGERALD. All debate is exhausted. We were dividing on the amendment.

Mr. MANN. Debate is in order, under parliamentary rules, after the affirmative vote is taken.

Mr. FITZGERALD. There was both an affirmative and a negative vote.

Mr. MANN. Oh, but that was all set aside, because there was no quorum present. That is the reason we are taking the vote over again. The whole proceeding was set aside, because the point of no quorum present was made by the gentleman from New York [Mr. FITZGERALD], which set aside the vote and vacated it.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. FITZGERALD. I do insist on it.

The CHAIRMAN. The present occupant of the chair may be in error, but he sustains the point of order.

Mr. HULBERT. Mr. Chairman, I desire to submit a request. This amendment is predicated on the theory of sportsmanship, and I ask unanimous consent—

Mr. FITZGERALD. I object to any debate.

Mr. HULBERT. I am rising for the purpose of asking unanimous consent. I ask unanimous consent that I may have one minute, for the purpose of making a statement applicable to the amendment.

Mr. FITZGERALD. Well, I object.

The CHAIRMAN. The gentlemen from New York will take their places as tellers.

The committee again divided; and the tellers reported—ayes 99, noes 101.

Accordingly the amendment was rejected.

The Clerk read as follows:

To continue construction of necessary retaining walls in Meridian Hill Park, and grading incident thereto, \$25,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This is an item of \$25,000 to continue the construction of retaining walls for Meridian Hill Park. If there is a useless expenditure of money going on in Washington anywhere it is in the construction of that fence, uglier than a mud fence, on Sixteenth Street, as a retaining wall for Meridian Hill Park. But I suppose that, the House having just refused to make an appropriation of \$25,000 for the improvement of a park where it would have been of great service, will proceed to spend \$25,000 to erect what one might properly call a mud fence along on Sixteenth Street, where every dollar put into it adds to the ugliness of it. It does not do any good. The stone wall is of no value. You might just as well put a pig in a parlor as to put this retaining wall on Sixteenth Street.

Mr. MONDELL. Mr. Chairman, I am pleased to see that we have an addition to the art commission in the person of the gentleman from Illinois. The gentleman from Illinois is no more pleased with the Meridian Hill Park wall than the art commission is with some other work that the committee has inaugurated. Most of us think the building of that wall along the high embankment of Meridian Hill Park is a very great improvement. The only other thing that could have been done would have been to have cut the hill down some 20 or 25 feet at the highest point, which would have involved some expensive terracing. I am not sufficiently versed in that sort of thing so that I would want to make a decision as between the terracing and the wall, but I think when the wall is completed, and the other work for the development of the park, it will make a very handsome improvement, and I think when it is all completed the gentleman from Illinois himself will feel better about it than he does now.

Mr. MANN. I hope so. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MANN. Does the gentleman know how high the wall projects above the level of the ground at the north end?

Mr. MONDELL. I do not know that I do.

Mr. MANN. I did not suppose the gentleman had seen it. If he had, he would agree with me.

Mr. MONDELL. I have seen it. Does the gentleman know how high it is?

Mr. MANN. Yes.

Mr. MONDELL. How high?

Mr. MANN. About 3 feet.

Mr. MONDELL. Above the ground?

Mr. MANN. Above the level of the ground.

Mr. MONDELL. At the upper end of the park?

Mr. MANN. Yes.

Mr. MONDELL. It is higher than that, and I am willing to agree with the gentleman that up at the upper end of the park, the last 200 feet, after they get onto the top of the hill, there is ground for a difference of opinion as to whether that wall ought to have been built, but the gentleman was criticizing the entire wall,

Mr. MANN. And this appropriation is for that purpose. I did criticize the entire wall because it is so ugly.

Mr. MONDELL. They might have it painted.

Mr. MANN. Any kind of paint would improve it, but that is not the way to construct a wall.

Mr. SIMS. I want to ask the gentleman from Wyoming one question. The gentleman will remember that when Congress was induced to buy that hill to make a park, one of the arguments was that Rock Creek Park was too low and too far from heaven, and this was the highest point about Washington, and therefore nearer heaven than any other point in Washington, and it was bought because it was so high. I hope no gentleman will want to grade it down, because that would destroy the very foundation of the argument for its purchase.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RIORDAN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 13670. An act amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," relating to the authorization of fleet submarines;

H. R. 15007. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana;

H. R. 15006. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana;

H. R. 13669. An act to authorize the county of Wabash, in the State of Indiana, to construct a bridge across the Wabash River, at the city of Wabash, Ind.;

H. R. 7613. An act to authorize the Terral Bridge Co. to construct a bridge across the Red River, near Terral, Jefferson County, Okla.;

H. R. 393. An act to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes; and

H. R. 11286. An act for the issuance of a patent for certain Government land to Benjamin F. Robinson and John Dows.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1840. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909; and

S. 733. An act providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 15282) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13383) entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917," 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. OVERMAN, Mr. LEA of Tennessee, and Mr. JONES as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For improving the site of the old high-service reservoir, at the southeast corner of Wisconsin Avenue and R Street NW., which is made a part of the park system of the District of Columbia, under the Chief of Engineers, United States Army, \$5,000.

Mr. BENNET. Mr. Chairman, I reserve a point of order. I want to know why this particular piece of ground should be made a part of the park system.

Mr. FITZGERALD. It is an abandoned reservoir located in the northern part of the Georgetown section. With an expenditure of \$5,000 it can be made a very attractive park. Provision is made to include it in the park system so as to put it under the care of the Superintendent of Public Buildings and Grounds.

Mr. BENNET. Are there any buildings on the place?

Mr. FITZGERALD. No; there is an old reservoir, very high, in the center, with quite a considerable lot of land around it. If improved, it will be a desirable place for the residents adjacent to this land.

Mr. BENNET. Will it make a real breathing place for the people?

Mr. FITZGERALD. Yes; and there are no small parks in that section.

Mr. BENNET. I withdraw the point of order.

The Clerk read as follows:

One half of the foregoing sums under "Buildings and grounds in and around Washington" shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Mr. HULBERT. Mr. Chairman, I move to strike out the last word. While the amendment offered to page 77, line 2, to increase the appropriation for Potomac Park east of the railroad embankment failed of passage, I desire to congratulate the committee on the fact that they have by the provision at the top of page 78, appropriating \$50,000 for a field house, recognized the necessity for undertaking the general plan of improvement recommended by the War Department in House Document 1038 and provided for in H. R. 14905. In that connection I desire to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HULBERT. The matter referred to is as follows:

AMATEUR ATHLETIC UNION OF THE UNITED STATES,
OFFICE OF SECRETARY-TREASURER,
New York, May 8, 1916.

To those interested in recreation and outdoor sports:

The Amateur Athletic Union of the United States desires your cooperation in a movement for a national recreation ground and stadium in East Potomac Park, Washington, D. C., the preliminary plans for which have been prepared by the War Department under the direction of Col. William W. Harts, United States Army. The Hulbert bill, of which a facsimile is shown on fourth page, provides for the construction of a national playground, with facilities for all pastimes, including a stadium. It will be a credit to our country and provide a place for holding national championships in all sports.

The accompanying diagram and detailed description shows how comprehensive is the plan for which an appropriation of \$1,545,397 is recommended. You are earnestly requested to endorse this plan, and write or telegraph to your Congressman and Senator immediately, urging a favorable vote upon it.

Yours, very truly,

GEO. J. TURNER, President,
FREDERICK W. RUBIN,
Secretary-Treasurer.

P. S.—A hearing on this bill will be held at Washington, D. C., before the congressional Committee on Appropriations, of which Congressman FITZGERALD of Brooklyn is chairman, on May 12, at 2 p. m.

A bill (H. R. 14905) for the improvement of East Potomac Park as a public recreation ground.

Be it enacted, etc., That the sum of \$1,545,397 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be made available as requested and to be expended under the direction of the Secretary of War for the improvement of East Potomac Park as a public recreation ground, in accordance with the comprehensive plan approved by the War Department and set forth in House Document No. 1038, Sixty-fourth Congress, first session.

Transportation: Extension of the city car lines into the ground, with loops at the stadium and the boat harbor, near the field house. Stadium loop will be used on large occasions only. Ferries at the boat harbor and at stadium communicate with South Washington.

Stadium: The center portion has concrete seats for 6,000 persons, the two wings temporary wooden seats for 8,000 more.

On large occasions circus seats can be placed around the open end on the stadium to further increase the seating capacity.

The back slopes on the stadium are covered with trees, which furnish shade to the seats when the sun is low.

A one-third-of-a-mile running track with a 220-yard straightaway is partly inclosed by the stadium.

Bathing pools: Two sand-beach bathing pools of 1½ acres each, with locker houses accommodating 500 bathers at one time.

Wading pool: Between the bathing pools and near a 2-acre grove having swings, etc. Accommodation is thus provided for a large number of children.

Football: Two fields adjoin the stadium; they can be used for minor sports also.

Baseball: Thirteen fields are so arranged that most of them are provided with shade for the spectators; the backstops are made removable.

Parade ground: Sixty acres in extent and overlooked by the stadium.

Boat harbor: For the safe accommodation of canoes and other small craft, most of which would be kept in the four boathouses upon its banks; the one on the left would be a renting boathouse.

A channel connects with the Potomac River; it keeps the boathouse fresh and separates the quiet from the noisy sports.

Field house: Opposite the boat harbor and overlooking the golf course; it is provided with baths, lockers, and toilets, and has luncheon facilities and ample porches.

Croquet and Roque: Ten croquet and three roque courts located between the field house and the boat channel; spectators' seats are located between the courts.

Basket ball: Four courts between the field house and the tennis courts.

Tennis courts: Thirty-one courts located at the southernly side of the field house and boat harbor. They are inclosed by wire cages and provided with seats for spectators.

Croquet: There is a permanent field located near the river end of the boating channel.

Golf: One hundred acres, comprising an 18-hole course and a 9-hole course.

Straightaway for horses: One-half mile long and located on the Potomac side of the golf course.

Soft driving road: One and a half miles, between the boat channel and Lookout Point.

Park drives: Three and a half miles of border and cross drives.

Automobile parking: Parking spaces for 500 automobiles, located as follows: Between the railroad and the stadium, adjoining the football field, wading pool, boathouses, tennis courts, straightaway for horses, and at Lookout Point.

Horse shelter: Near the automobile park at Lookout Point.

Lookout Point: The southernmost point of the recreation grounds; provided with boat landings and shaded seats.

Picnic grounds: In the many groves about the grounds.

THE HULBERT STADIUM BILL.

[Extract from hearings before subcommittee of House Committee on Appropriations, consisting of Messrs. JOHN J. FITZGERALD (chairman), SWAGAR SHERLEY, WILLIAM P. BORLAND, FREDERICK H. GILLET, and FRANK W. MONDELL, in charge of sundry civil appropriation bill for 1917, on the subject of H. R. 14905, a bill for the improvement of East Potomac Park, Washington, D. C., as a public recreation ground, May 12, 1916.]

STADIUM IN EAST POTOMAC PARK.

STATEMENT OF HON. MURRAY HULBERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK.

The CHAIRMAN. Gentlemen, you are here, I understand, upon the improvement of Potomac Park east of the railroad embankment. Do you wish to make a statement?

Mr. HULBERT. Mr. Chairman, this is a hearing on H. R. 14905, and I want to thank the chairman and the gentlemen of the committee for their consideration in having thus early given us a hearing upon the matter. Having the privilege of discussing the subject when the matter comes up on the floor, I do not desire to trespass upon the time of the gentlemen who have, at considerable inconvenience, come here from Baltimore, New York, and other cities, and unless the committee desires to hear Col. Harts, I shall content myself with simply introducing the gentlemen who have been good enough to appear here in support of this measure.

STATEMENT OF MR. GEORGE J. TURNER, PRESIDENT AMATEUR ATHLETIC UNION OF THE UNITED STATES.

Mr. TURNER. Mr. Chairman, I only have a very few words to say. It gives me great pleasure to appear before your committee in behalf of Congressman HULBERT's stadium bill, and I sincerely hope you can see your way clear to recommend the passage of this measure. The erection of this stadium will be of great interest to all athletes and all lovers of athletic sports in the United States. Gentlemen, I shall not take up any more of your time because I know there are a number of gentlemen present who would like to speak a good word for this bill, and I want to thank you for the privilege of appearing before your committee.

Mr. HULBERT. Mr. Chairman, may I now introduce Mr. Justice Weeks, of the New York Supreme Court?

STATEMENT OF HON. BARTOW S. WEEKS, OF NEW YORK.

Mr. WEEKS. Mr. Chairman, I have some difficulty in determining exactly what I should say to your committee in favor of a measure which it would seem to me must so naturally appeal to all of you without anything being said in its favor. In the first place, it is manifestly a most proper and suitable development of a property here in Washington, in the Capital of the Nation, along lines which are modern and very important and necessary at the present time; a development of the recreation feature, an opportunity for the children and youth of large cities to have the green fields and the fresh air, and in that respect it presents a live issue—if I may so describe it—that appeals to everyone in the United States, especially those who live in the crowded cities where they have not those opportunities, and equally to those who come from the districts where they have the green fields easier of access and who appreciate how much those in the cities lose because of the fact that that privilege is denied them so frequently. But this represents more than that. It represents an effort—and it is especially on that behalf that I am speaking here as one of the American Olympic committee, and as representing the Amateur Athletic Union of the United States—to develop along the lines of athletic improvement an opportunity for the United States in the future, possibly in 1920, to open its arms to a friendly contest in connection with the Olympiad of 1920.

As you are all familiar, undoubtedly, some years ago there was a revival of the old Olympic games under the auspices of the international Olympic committee, and those games have been held, and another one was to have been held in Berlin in 1916, this year. Of course, that Olympiad now can not be held; but in 1920 another one should be held, and where is there a more fitting place to hold it than in the Capital of the United States of America? There speaks the language of our great Nation. It will afford an opportunity for the warring nations to meet in friendly rivalry in a neutral country, and there we can have a stadium, if this park is developed, that would be an incentive to all the nations of the world, and from that point of view I think it is especially important. Of course, the development may not all be made at once, but this gives a starting point or a center to which the efforts of those who are interested in the Olympic games can be directed.

Now, you may not all be familiar with the scope of the Amateur Athletic Union and with its influence. We have in the American Athletic Union nearly 20,000 young men registered and recorded as amateur athletes, spread over the entire United States. Our membership includes about 550 clubs with a total membership of certainly over one-half a million men. The investments of these various clubs mount up into the millions of dollars, and all of that is the development of a competitive desire in the improvement of the physical manhood. It all tends to the general improvement of the man in the belief that thereby you generally improve his citizenship. And so, speaking for them as well as for the Olympic committee and in the interest of the great field of recreation development that has spread and is spreading through this country, we urge upon you, especially, that you give the most favorable consideration to the opportunity afforded here in the Capital of the United States for the development of this playground.

The CHAIRMAN. Judge, has any municipality such a stadium?

Mr. WEEKS. None; such stadiums as we have are all college stadiums. The nearest approach to a municipal stadium is the Lewisohn Stadium in connection with the College of the City of New York; and, unfortunately, up to the present time that stadium has not been opened for general purposes. It is still restricted to the use of the college students except on special occasions, such as the Shakespeare tercentenary, when a permit was granted for it to be used. I am pleased to say that I understand an effort is going to be made to open that stadium during the summer months when the college is not actually in session, so that advantage may be taken of it.

The CHAIRMAN. How many spectators will that stadium accommodate?

Mr. WEEKS. I think not more than fifteen or twenty thousand.

Mr. HULBERT. Ten thousand comfortably.

Mr. WEEKS. But there is no municipal stadium. Many of the large cities have their playgrounds; they have their bathing beaches, and all that; but there is not yet any municipal stadium, and it seems to me most eminently fitting that the opportunity here afforded for a national stadium, one that could be used for all purposes of that kind, should not be lost.

The CHAIRMAN. Have you any knowledge of the attendance at these Olympiads?

Mr. WEEKS. I think the attendance at Stockholm on some days was over 40,000, and the attendance at Shepherds Bush in 1908 was 60,000.

Mr. GILBERT. At what season of the year do they come?

Mr. WEEKS. They come generally in July.

Mr. GILBERT. It would never do to have it in Washington in July.

Mr. WEEKS. Undoubtedly in early July they could be held with perfect propriety here. This picture shows the opening of the first Olympic games in Athens in 1896 and shows the rebuilding of the stadium there.

Mr. MONDELL. Foreign countries have municipal stadiums quite extensively?

Mr. WEEKS. Yes; for instance, the one at Stockholm is a municipally built stadium, and likewise the one at Athens. The one at Athens was presented to the Government by a Greek, but the other countries not only have built these stadiums for the Olympic games, but they have fostered and developed the contestants for the games. Other countries, for years before the Olympic games were held, have employed instructors to develop their teams and to present their competitors in the best possible shape, and the men who have competed from other countries have been sent to those games by the countries themselves. In the United States we have always had to finance our own athletic teams, and even where we had certain Army officers who went on our riding teams and some of our fencing teams, we even had difficulty in getting anything more than the barest transportation paid for their horses. The United States has been very, very far behind in any effort of liberality toward enterprises of this kind in the past; but, in spite of all that, we have, as you know, maintained the athletic supremacy of the United States against the world in every branch of sport where we had anything like a fair chance; and, undoubtedly, if a stadium could be built here, if not at the present time, in the development of this scheme, I believe it would be a distinct step in advance for the Nation in the development of the young men, and a distinct step in advance for the Nation in placing itself so that it can open its arms to the other nations of the world in 1920.

Mr. HULBERT. Mr. Chairman, may I now present Mr. Gustavus T. Kirby, the chairman of the advisory committee of the Intercollegiate Athletic Association of the United States?

STATEMENT OF MR. GUSTAVUS T. KIRBY.

Mr. KIRBY. Mr. Chairman and gentlemen of the committee, the question was asked Judge Weeks as to the time when Olympic games might be held, and if it were possible to hold them here in Washington. As one who for more than 20 years past has had a great deal to do with the athletics of the American universities I think I can speak correctly when I say that the main reason the Olympic games at Athens, Paris, London, and Stockholm were held in July, and not earlier than that date, was because of the impossibility of our college athletes finishing their college courses and getting there on time; and it was due to the recognition on the part of the countries of the world, not only of the desirability but of the necessity for the success of the games, of American representation, which would include not only those out of college but those in college, that the date was set as late as July. Now, if the games were ever held in this country there is no reason at all why the foreign contestants should not be able to come here in June, because their semesters are entirely different from those of our American universities and colleges, so that the climatic conditions of Washington, as we all are aware, being rather heated later in July, would not have any real bearing on the situation, because those games could readily be held in June.

Relative to stadiums, the stadium in Stockholm was planned to seat between 40,000 and 50,000; the one in London at Shepherds Bush seated well over 70,000; the one which was erected in Berlin for the Olympic games projected to be held in 1916, if I remember correctly, was designed to seat over 100,000, was it not, Mr. Wendell?

Mr. WENDELL. Not so large as that. I was there at the opening of it, and I would say not more than 50,000.

Mr. KIRBY. There is a one-third of a mile track, Mr. Wendell, and I am pretty sure the figures were well over 75,000 and close to 100,000; but, so far as the necessity of large stands of that kind are concerned, it is only looking into the future. I take it that what we have before us now is a plan which is subject to those possibilities, perhaps.

The hope of those appearing before your committee is that those possibilities will be speedily realized, but we can quite well understand that in a large project of this kind one must make haste slowly. The first thing, of course, is to get the ground reserved for this special purpose. That, I take it, is what the bill does, among other things. Therefore it is altogether proper that one's attention should be called to similar projects in other cities and what they have accomplished and what they have failed to accomplish. For example, a live issue in the city of New York at the present time—and I speak feelingly, because I am one of the recreation commissioners of the city of New York—is the Riverside Drive. Now, if it had not been for the foresight of the citizens of the upper west side of the city of New York there never would have been any Riverside Drive. That section was practically reserved for a park. But if those citizens with civic pride and foresight had only looked into the future or planned a little more wisely than they did the present turmoil which is going on and this present plan for the expenditure of millions of dollars would have been unnecessary, because then they could have done what you gentlemen have opportunity to do to-day, not only to plan for the section to be set aside, but plan for the definite use of that section.

Here you have what, to those of us who have spent years in work of this kind, is believed to be a splendid layout. I speak not merely as a man closely in touch with athletics, but as one who helped, with others, to organize the National Playground Association of America, and one who has traveled far and near over this country seeing playgrounds, finding out their necessity, and studying the best means of laying them out, and I can say to you, being somewhat of an expert in those matters, that this layout is a splendid one, largely for the reason that it takes care of all ages and it takes care of all kinds of sports, those that you can enter into without having to go down into your pockets to buy implements, and not only those which people with more money can take part in. So no one can complain; on the other hand, everyone can be satisfied. Then again, in this plan, you should remember that a field, no matter how well laid out it is, is practically useless unless you have proper supervision. The playground is actually a menace unless it is properly supervised. So, in making your definite plans to use this, do not stop when you approve of the general layout, but plan for the supervision of the various bits of athletic and play activities which are to be in the various parts of this proposed stadium.

You have here baseball diamonds; you have got to have some one look after them. You have here a playground for the kiddies, and you should have some one there who knows how to direct their play, see that they do not hurt each other, and get the best out of that which is there. You have here opportunities for boating, and there is nothing more necessary than to have supervision over that, otherwise you will have dangers and accidents and consequent damage suits against the District of Columbia, whose city you are here to guard.

If I may speak from the standpoint of the college athlete, I say to you that there is a great demand for an athletic field of this kind for Olympic games and for games of the Amateur Athletic Union, which takes care of thousands of athletes not in the colleges. I can assure you that the Intercollegiate Athletic Association will be only too delighted to be able to hold its games elsewhere than at the two places open to it—the stadium on Soldiers' Field at Harvard and the athletic field of the University of Pennsylvania, Franklin Field, Philadelphia. Give us a field here that is worth while, and I can assure you they will be delighted to bring to Washington the big intercollegiate championships to be held the last Friday and Saturday in May of each year, the oldest organization of its kind in this country. Then, there is the bigger and even more important part, the part which affects the citizens of Washington, from the little boys and girls to the older men and women, the furnishing of an opportunity to have wholesome and well-directed play. It seems to me that Washington not only owes this duty to its citizens, but it owes this duty to the entire United States, because this city, above every other city in this country, is where people come and where you could furnish an object lesson in this work, it being one of the most progressive and popular subjects to-day.

I thank you very much for the courtesy of this hearing.

Mr. HULBERT. The next gentleman I am going to call on is not only the first American but the first athlete ever to have won the 100-yard, 220-yard, and 440-yard intercollegiate championship, Mr. Everet J. Wendell.

STATEMENT OF MR. EVERET JANSEN WENDELL.

Mr. WENDELL. Mr. FITZGERALD and gentlemen of the committee, I am very highly honored in being allowed to say a word on this occasion. I shall confine my remarks principally to the international Olympic games, as the other points have been touched on so successfully by Judge Weeks and Mr. Kirby. I am one of the three international Olympic commissioners from America. I have not had a chance—only having gotten to town late last night—to confer with my two associates, Prof. William M. Sloane and Mr. Allison V. Armour; but we have had many conversations on the subject and I think I can fairly say that I voice their opinion as well as my own when I say that if the Olympic meeting should be held in America there is nothing that would be nearer to the hearts of all of us than to have it held in Washington. All of us have a great deal of pride in having visiting men from other countries see the representative side of our country.

When the Olympic games have been held in Europe in the past they have been held in the capital, and each meeting has been graced by the presence of the King or Emperor, or whatever the particular royal designation happened to be, and should those games ever be held in America we would want them graced by the presence of our President, and we would want them to have the representative legislators of our Union there. We should want the games held under those dignified auspices. I can not say positively what the chances are as to the Olympiad of 1920. We had arranged to have the Olympiad held in Berlin within the next two months. For two years the committee has not been able to meet, owing to the sad conditions on the other side, but so far as our records are concerned the Olympiad is to be held in Berlin, although, of course, it will not be held there. As to 1920 I can not say positively, and can not tell anything about the meeting here in that year until the committee is called together on the other side and when conditions there make it possible for them to be called together. But intimations have been made that it would be agreeable to some of those on the other side to have the Olympiad held here in our country; that it might be difficult to find a place where the warring nations and their representatives could be gotten together so soon after the war as 1920 on the other side under conditions agreeable to all of them. Should it eventuate that the Olympic meeting of 1920 could be held in this country, it would be the very thing to have it held in Washington.

However, I think, gentlemen, it might be necessary, perhaps, for you to have a little preliminary enthusiasm and instead of having it come as an entirely new idea perhaps it might be well for you to make your arrangements for it. If this admirable bill and plan should go through, I think it would lay the foundation for a much more successful meeting if it should ever be held in America. The plan for a stadium, as drawn upon this plan, is not ideal for the purposes of international games. I have had an exceedingly pleasant talk with Col. Harts, and he assures me that in such an event the plan could be so extended or the plans could be so changed temporarily as to provide for a satisfactory stadium, and that additional seats could be provided outside of the 6,000 seats which are provided for in this plan, and that a temporary arrangement could be made for a stadium of any shape starting from that basis. So I think there would be no difficulty in that direction. If you realized how tremendously the American athlete is admired on the other side, if you realized how all the other nations looked up to us here as representing athletics, you would appreciate very keenly the importance of this thing.

When arrangements were made to hold the international games in Berlin, every one of the nations that wanted to compete sent over to America for an athletic trainer. There was one in Germany, there is still one in Sweden, and they wanted one in France. In fact, I do

not think a single nation that intends to go in earnestly for possible success in the Olympic games would ever think of being without an American trainer, and I hope with all my heart that the word will go forth into all of those nations of the world that in this representative city of our Nation the legislators are deeply interested in the subject, and that they want to have the thing properly done; that they want to have it properly presented to the world. I hope word will go forth, and go forth soon, that arrangements are on foot to have these perfectly wonderful athletic grounds so splendidly laid out, and that plans are on foot to improve civilization in the greatest country in the world.

Mr. HULBERT. Mr. Chairman and gentlemen, the next speaker whom I desire to address you is a man who has labored arduously in the cause of athletics. He was the president of the New York Athletic Club; he is now the president of the American Olympic games committee, and it was largely through his liberality that the United States was able to send a team over to Stockholm, which captured first prize and won this enduring fame which has just been referred to by the last speaker. I now introduce Col. Robert M. Thompson.

STATEMENT OF COL. ROBERT M. THOMPSON.

Col. THOMPSON. Mr. FITZGERALD and gentlemen of the committee, I know that you must, in your congressional minds, be considering this question: Upon what national ground you are justified in making an appropriation for this purpose. So far as you represent the Washington part, that is all right; but for the greater and national part you may ask why. I will tell you why. On our Olympic team going to Stockholm we had representatives from every State from Maine to San Francisco and north of the Mason and Dixon line. Curiously enough, there was not an athlete on that team from south of the Mason and Dixon line, except some Army officers who went over on the riding team. But that will never happen again, I do not believe.

Now, that shows this movement is national in its scope; that it has a tremendous effect upon the well-being and athletic development of the young I know, and if any of you gentlemen have taken an interest in athletics you will know it, too. You will know that our team was believed to be the product of a trained gladiatorial team, prepared by years of preparation. When I explained, as I did, to the representatives of the different governments that nobody knew who was to compose the team until 48 hours before we sailed for Stockholm they would not believe me. But our team was selected by the process of elimination, having tryouts in various centers and a final tryout in New York, and the winners over the winners were the people who went, and it was because of the great clientele back of the great number of young men who for years had been training themselves and improving their physique that we got the team we did get. There are few people in America who appreciate how we did stand. You probably read in the papers that a good many of the Americans were placed one, two, and three. They had three flagstaffs there in that stadium. When the flag in the center went up it represented No. 1; on the right hand there was a flag drawn up which represented No. 2; and on the left hand a flag drawn up which represented No. 3; and I can tell you our American hearts were stirred when three American flags went up time after time. But what our people do not appreciate is that if the three men who won those races had dropped out the three American flags would have gone up just the same.

In the Marathon race we did not win. A South African came in and won it, because they did not run according to orders, while our men ran true to orders. We had 10 to start and all of them finished, but when they came in the South African fell across the line, while our people ran across and could have gone on running. The leader of the English national committee said to me that the shape in which our men finished was one of the most startling things to him. Very few of us stop to think what it means to prepare for Olympic teams. It means years of making the best of one's physique; it means living a sober, chaste, and active life, and that is the example you will be setting the young men of the country by the establishment of such a place as is here provided. The expenditure seems to be a great item; but, after all, what is it? It will send ahead the whole of the United States; and think what it means to our young men. Believe me, it is serious and it is important.

Mr. HULBERT. Mr. Chairman and gentlemen, may I present Mr. Anthony J. Barrett, the chairman of the athletic committee of the Irish-American Athletic Club, of New York, which has participated in every set of Olympic games and won a greater number of points than any other athletic club which competed?

STATEMENT OF MR. ANTHONY J. BARRETT.

Mr. BARRETT. Mr. Chairman and gentlemen of the committee, the advisability of building a national playground has been so conclusively demonstrated by the preceding speakers that it would be mere surplurage for me to add anything to what they have said in that respect, and I will confine my remarks to the peculiar appropriateness of having the playground in the location selected by Col. Harts. I think it is peculiarly appropriate that the national playground should be in the shadow of the National Capitol and on the historic banks of the Potomac. It seems to me that a playground situated in that particular locality will do more to instill in the minds of the young men coming from all over the country—from Texas, from Oregon, Maine, and California—a spirit of broad Americanism than anything else and instill in their minds an appreciation of the greatness of the country and the need for an intense national feeling. We need playgrounds where the different elements of our population can meet frequently, know each other's characteristics, and by that means form a great American people.

You would not have so many heterogeneous elements if those various elements had an opportunity to know each other better, and no place could be more appropriate for the meeting of the different elements that compose our population than a national playground under the shadow of the National Capitol, where they know there could be no antagonism, but only the rivalry to excel. It seems to me that as statesmen you are interested not only in the present moment but in posterity, in future generations of Americans. The American young men who, four or five hundred years from now, may travel from any part of the country to meet his competitors in the national stadium at Washington, can look back on a long series of national championship meetings held here and can feel a pride in realizing that he knows the great national champions of America, men who compete not for money, not for sordid gain, but for something idealistic, pure athleticism. There is nothing which approximates more closely lofty patriotism than competition in athletic sports. I will take the liberty of bringing to your attention the fact that people from all over the country, in every hamlet, every log cabin, every village and town, are keenly interested

in the affairs of Washington. In their morning papers they turn to the Washington news to see what is developing in the National Capital. It is rather nice for those people to read about the statesmanlike acts of their national representatives, to read of the combats of the intellectual giants who congregate here, inspired by lofty patriotism, and how nice it would be if, in the same columns, they could read about the athletic triumphs of the men who compete here in a national stadium.

I think, gentlemen, for these and many other reasons, which appeal strongly to your keener intelligence, that you will see the advisability of making an effort to have an appropriation made for this national stadium.

Mr. HULBERT. Mr. Chairman and gentlemen, I would not want to close this hearing without introducing to you the president of the Metropolitan Association of the Amateur Athletic Union of New York and secretary-treasurer of the Amateur Athletic Union of the United States, Mr. Frederick W. Rubien.

STATEMENT OF MR. FREDERICK W. RUBIEN.

Mr. RUBIEN. Mr. Chairman, there is not anything that I have to say other than to call attention to the CONGRESSIONAL RECORD of May 8, in which an interview given to a New York newspaper man was published in the extension of the remarks of the Hon. CHARLES P. COADY. That covers my views on the matters under discussion.

(Said interview was entitled "Why American athletes lead—System, thoroughness, and unflagging effort chief causes, says F. W. Rubien—Advance ever under way—Sports far more general over here than in other lands and boys better trained—Favors national stadium—A. A. U. heartily favors project for great field at Washington, where 1920 Olympics may be staged," and will be found printed in full on page 8618, CONGRESSIONAL RECORD.)

I would like to read a letter from the mayor of Chicago, William Hale Thompson, who is one of the delegates at large of the Amateur Athletic Union. He says:

"I am writing to say that I appreciate the appointment as a member of a committee to be present at the hearing on the bill introduced in Congress providing for the erection of a stadium in Washington, and I regret that it will not be possible for me to be present and participate in the hearings that will be held Friday, May 12, upon the subject.

"Realizing the importance of encouraging a healthful recreation, some 16 years ago while a member of the city council, I was instrumental in the passage of an ordinance creating a children's playground, which was the beginning of the great system now in operation in this city.

"I congratulate you on having interested Congress to consider the building of a stadium for the encouragement of athletics, which, I believe, our Federal Government has been rather slow in recognizing."

I have received hundreds of letters from all over the country praising us for our stand in this matter and hoping that the efforts of the Amateur Athletic Union will be successful. I might call attention to the fact that every member of this delegation is an amateur; there is not a professional instructor present or anyone interested in athletics in any way who receives pay for his work. We are all giving our time and labor to develop the American youth, and we feel that something ought to be done by the Federal Government to erect a model playground and stadium in the city of Washington.

Mr. HULBERT. Mr. Chairman, if I may have your permission and that of the committee, I would like to ask a question of Col. Thompson. I want to ask him how many nations participated in the Olympic games at Stockholm?

Col. THOMPSON. My recollection is that there were 39 nations represented by athletes at the games. Now, gentlemen, remember that in 1920 the United States will be the only first-class Nation where it will be possible for these nations that are now at war to come together. It would be a good thing if we could bring these nations together here, have them meet under our auspices and bring about the same state of mind that prevailed after the Stockholm games, when America had more influence than any other nation in the world. At the congress held in Paris in 1914, just before the war broke out, anything the United States asked for was granted, but anything that any other nation asked for was attacked and defeated.

Mr. EAGAN. Was that an athletic congress?

Col. THOMPSON. Yes, sir. It was a congress called for the purpose of passing rules which would have governed these 1916 games at Berlin. We were the leaders; they accepted our athletic leadership in every way. Now, if we get them over here in 1920 we will have the greatest chance in the world of renewing friendships and extending our influence. It is an important factor. There is no question but that those games had a great deal to do with the international relationship that now exists. It was the meeting not of your politicians, not of your diplomats, not of your armies and your navies, but of the people, young men representing, as they did, every walk in life, meeting the same type of people, making acquaintances and sending word back to their homes as to just what the people were. The result of that meeting unquestionably was to advance our influence in every way.

Mr. EAGAN. If these Olympic games were held here, is it likely that they would attract a great many athletes from the Latin American countries?

Col. THOMPSON. Yes, sir; they would unquestionably come. You have no idea how many of the countries were represented. There were representatives from the Orient, from Japan, from Siam, from China; there were representatives from Chile, from Argentina, and from Brazil; there were representatives from every European country, and in the Olympic games all of the countries represented were known as nations. For instance, Finland, although politically a part of Russia, was considered as a distinct nation; Bohemia, although a part of Austria, was treated as a nation. South Africa, New Zealand, Australia, and Canada stood individually; they did not come as a part of Great Britain.

Mr. EAGAN. Is it not true that men who compete in these contests are drawn from that class of the population in their respective countries that in subsequent years achieve prominence in the political and commercial affairs of their respective nations?

Col. THOMPSON. That is very largely true; yes. Speaking for the United States, 90 per cent of them were college graduates or undergraduates. For instance, the Kaiser's son was one of Germany's representatives on one of the teams. From France came men distinguished in every walk in life, and from every nation came distinguished men. I think it is true that about one-half of the membership of the international committee have passed away, having been killed in this war.

Mr. WENDELL. Not so many as that.

Col. THOMPSON. Well, it seems to me I am getting the names of so many who have been killed that it would appear to be that many who have been killed in that war.

Mr. KIRBY. The contests in the Olympic games are not limited to field and track events; there are other branches, such as riding, fencing, etc. In the competitions they have the very finest exponents of the military side, and also the very finest exponents of fencing and horse riding and the other gentleman sports of the other side, as they might be termed. They are all active participants in the Olympic games.

Col. THOMPSON. When we marched into the stadium on the opening day our men appeared to great advantage. They were taken in charge on board ship, and on the last four days before getting to Finland Col. Foltz, of the Army, who was there with a riding team, trained them in marching, so that when they marched in they had such a military bearing and marched together so well that the Europeans were convinced they were a military body. But it was simply the adaptability of the young men; it was their intelligence; they threw themselves into it so heartily that such an appearance was made possible.

After we came back a French athletic paper said, "You may talk about American training, you may talk about their trainers, you may talk about this or that, but until you can inspire your men with the same patriotic feeling that those young men showed you can not compete with them." Those athletes locked themselves up in their rooms each night and kept away from the temptations all around them; they kept away from the things which all young men like to do; they came back to the ship and went quietly to bed and, day after day and week after week, lived an exemplary life until the games were finished, and all because they were there representing the United States and not representing themselves.

Therefore, for its effect upon the national spirit and as an aid toward the preparation of the young men of the country to take care of their bodies, it is a big inducement to have this stadium in Washington. New York or any of the other great cities is not the best place for them to go, but it is much better that they should come here and learn the lessons of patriotism under the shadow of the Capitol.

Mr. GILLET. Is not your main reason for wanting it located at Washington the fact that Washington would be the most appropriate place for holding the next Olympiad, and the fact that they would not consider having it in this country in 1920 without it?

Col. THOMPSON. No, sir; I would not put it that way. I think it should be regarded in this way. I doubt whether it would be contingent upon that; yet the event has come to be regarded as so important a matter that all the other nations send it to their capitals.

Mr. MONDELL. But the fact that it was to be held here might be a controlling factor in the decision of whether it would come to the United States?

Col. THOMPSON. I think that might be a controlling factor, that they were inviting them to the capital of the country.

Mr. EAGAN. Do you think that Washington, being so far removed from the great centers of population, would be at a disadvantage?

Col. THOMPSON. No, sir; on the contrary, I think that Washington is just large enough for it. Take, for instance, the city of Stockholm. The city made itself a part of the celebration, and everybody, from the King down to the lowest and commonest porter, was celebrating the Olympiad.

Mr. EAGAN. It is the custom to have the Olympian games at the capital of the nation in which they are held?

Col. THOMPSON. That is true of every country except this. We had it at the beginning at the St. Louis Exposition. We had it at St. Louis, but it was not a very successful affair. It has been held at Paris, France; London, England; Stockholm, Sweden; and at Athens. Therefore, if it came here again, I should personally feel, whether you build a stadium or not, we should have the Olympiad to take place in Washington, in any event.

Now, one thing more, and perhaps I might speak on this from my own point of view, because of my interest in Annapolis and West Point. Those great games between those two national universities are now held in New York and Philadelphia, and they are made the occasion for a great public outbreak. This is the place for those games. They would not have gladiatorial contests here, but they would come here for those games, and that alone is reason enough for putting up that stadium.

Mr. HULBERT. Mr. Chairman, I am mindful of the fact that we were to suspend at 3 o'clock. Something was said by one of the previous speakers with reference to the fact that there was no city owned stadium. Although the far West is not represented here to-day, at least, in the personality of any representative, it nevertheless is representative in the fact, if my information is correct, that it has by precept and example done in the city of Tacoma, Wash., what we are trying to do here in the city of Washington to-day. I would like to ask Mr. Kirby whether that is correct.

Mr. KIRBY. It is correct that the city of Tacoma, Wash., took advantage of a good location to erect on what was vacant land of practically no value the most beautiful athletic field and stadium in the world. It has a natural slope, with the seats rising up on each side of the hill—the stadium having a seating capacity of some 40,000 people—looking out toward Puget Sound. The city makes use of that stadium in the best possible way. There it has not only athletic meets but there it has its large civic gatherings; there it has its big musical entertainments, both by instruments and by choruses of thousands of voices; there it has great meetings and demonstrations, and there one can speak and be heard by over 20,000 people. Now, that is the way that city took advantage of just such an opportunity as is before the city of Washington to-day.

Mr. EAGAN. Are the stadiums at Berlin and Paris municipally owned?

Mr. KIRBY. The one at Stockholm is, also the one at Berlin. The one at Shepherd's Bush, London, was quasi-private property, started in connection with an exposition, as was ours at St. Louis. The one at Stockholm, the one at Berlin, and the newly erected stadium between St. Petersburg, or Petrograd, and Paterhof, Russia, are city owned, and I think the city owns the one at Paris.

Mr. EAGAN. Have the national Governments of those countries done anything toward providing stadiums?

Mr. KIRBY. Yes, sir; the one at Berlin, if I am correctly informed, was constructed entirely under the Imperial Government.

Col. THOMPSON. It was built entirely at the expense of the Imperial Government.

Mr. KIRBY. As showing the warm bond of friendship formed at Stockholm, it might be of interest to say that on the entrance gate of the Stockholm stadium is a large plaque, designed by Dr. Tate McKenzie, of the University of Pennsylvania, and presented to the

Government of Sweden by the American Olympiad committee, and accepted by that Government as a friendly act on the part of the United States.

Mr. HULBERT. There are a number of other gentlemen here whom, with the kind permission of the committee, I would be glad to introduce. I want to correct one impression by saying that in addition to the stadium at Tacoma, Wash., there is a city-owned stadium in the congressional district which I have the honor to represent. The Lewisohn Stadium, which has been referred to, is owned by the city of New York, and we are going to make an arrangement through Mr. Lewisohn and the mayor of the city of New York to open it during the summer months after the City College closes for the use of the people of the city.

The CHAIRMAN. It belongs to the City College?

Mr. HULBERT. It belongs to the city of New York. The City College is a city institution.

The CHAIRMAN. It was not built by the city, was it?

Mr. HULBERT. It was erected by Adolph Lewisohn upon public property and presented to City College and is maintained by the city of New York. The gift was made by Mr. Lewisohn with the understanding that it would be thrown open to the public.

I would like to have noted the presence of Mr. George Minor, president of the Harlem Athletic League, which embraces some 12 athletic clubs, all in my congressional district; Mr. P. J. Conway, president of the Irish-American Athletic Club; and Mr. Latrobe Cogswell, of Baltimore, president of the South Atlantic Association of the A. A. U. There are also a number of my colleagues present, some of whom may desire to speak on the subject.

The CHAIRMAN. They can be heard at some other time.

The Clerk read as follows:

Executive Mansion: For ordinary care, repair, and refurnishing of Executive Mansion, and for purchase, maintenance, and driving of horses and vehicles for official purposes, to be expended by contract or otherwise, as the President may determine, \$35,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Has it been decided that this language "driving of horses and vehicles" authorizes automobiles? It seems peculiar language to cover automobiles.

Mr. FITZGERALD. That is for transportation for the occupants of the White House.

Mr. MANN. I understand; I am not complaining about that; but the language is "driving of horses and vehicles."

Mr. FITZGERALD. That is the language that has been carried for years, and under it automobiles have been obtained for the White House.

Mr. MANN. I am aware of that. I ask if it has been decided that this covers automobiles. I suppose it went into the bill in this form at the time our Democratic friends were declining to purchase an automobile for the Speaker, and wanted to conceal the fact and put it in under the form of "driving of horses and vehicles."

Mr. FITZGERALD. It has been in here for a great many years, and motor-propelled vehicles have been purchased under it for eight or nine years.

Mr. MANN. I do not think it has been in this form as long as the gentleman thinks. It used to be "horses and vehicles." In other words, we still appropriate guilelessly for horses and carriages because we were afraid on that side of the House to say automobiles.

Mr. FITZGERALD. The gentleman is not reading it carefully; this is for the purchase, maintenance, and driving of horses and vehicles.

Mr. MANN. I have read it carefully; I have read it in the House seven or eight times in the last five minutes.

Mr. FITZGERALD. It is for the purchase, maintenance, and driving of horses and vehicles, and that is the common expression.

Mr. MANN. The gentleman can not find it in any appropriation bill, and he has reported quite a number. He offered an amendment this morning for automobiles, but not in this language, and there is no other place where we appropriate for automobiles in that language. No one who has any respect for the English language would put it in that way.

Mr. FITZGERALD. It is for automobiles; and if anybody objects to automobiles, let him do so.

The Clerk read as follows:

For hospital, including the same objects specified under this head for the Central Branch, \$52,000.

Mr. ANTHONY. Mr. Chairman, I would like to ask the chairman of the committee a question. I notice that the proviso has been omitted that has heretofore been carried in the bill in this item.

Mr. FITZGERALD. It was omitted for the reason that heretofore the proviso carried in this item was that oil should not be used if it cost more than coal. There has been an unprecedented increase in the cost of oil, and it is believed that very likely it will cost several thousand dollars more in the next fiscal year to use oil than it will to use coal. In order to use coal, however, it is necessary to install, at a considerable expense, a plant that will be required to handle the coal most economically, and that would cost \$90,000. The committee determined not to include the proviso on account of the exceptional

conditions, but wait until the next session and see whether the prospects are that oil is going to be so much greater in price. Figuring the price of oil at 3.7 cents, which is high compared to what it has been, it is estimated that with oil it will cost \$68,000; with coal, stoker fired, \$55,000; and coal, hand fired, \$64,000. In order to have coal stoker fired it would necessitate installing an apparatus that would cost \$90,780, and to have coal handled by hand would involve an expenditure of \$26,265. It seemed to the committee that conditions were abnormal just at present and that it would be unwise to appropriate for a change under the existing conditions. If the proviso is inserted in the bill and this year the price of oil continues, it would be impossible to purchase the oil, and unless \$90,000 were appropriated to install the apparatus to permit the burning of coal it would be impossible to utilize coal, so that the home would be in the unfortunate position of being unable to obtain any kind of fuel in order to heat and maintain it.

Mr. ANTHONY. Has the gentleman noticed the statement of Col. Wadsworth, the Inspector General, on page 476 of the hearings, where he makes the unequivocal statement that if he is compelled to use the most economical fuel this year, unquestionably they would have to use coal?

Mr. FITZGERALD. He made that statement, but that necessitates the expenditure of \$90,000 for the apparatus. If oil is to continue in the future at about the same level of cost that it has been in the recent past, then undoubtedly it will be more economical to use coal, and I have no doubt that the proper thing to do would be to provide—

Mr. ANTHONY. Mr. Chairman, I have a little information for the chairman of the committee. Has the chairman been informed that the Standard Oil Co. itself, which makes this fuel oil at the Sugar Creek Refinery, has ceased the use of the fuel oil at its plant and instead buys coal for its own fuel?

Mr. FITZGERALD. No; I am not sufficiently in touch with the Standard Oil Co. to be furnished with that information so quickly.

Mr. ANTHONY. I will say that I am in touch with them, and that I heard that statement made on the floor the other day, and yesterday telegraphed the Standard Oil Co. and received a reply that it was true, that in the plant where they make this fuel oil for the Leavenworth home they themselves burn coal for fuel, and yet this bill puts the Government in the attitude of paying freight on that fuel oil, transporting it to a distance, and using it for fuel.

Mr. FITZGERALD. Mr. Chairman, the situation is just as I have explained it, that it has been more economical to burn oil, and that if the provision that has been in the bill for several years is incorporated this year and oil maintains the same level of price that it has in the recent past, under the provision it would be impossible to purchase oil. They could not use coal unless they obtained the apparatus required, which will necessitate an appropriation of \$90,000. The committee believed it wiser to permit the expenditure for the next year of about \$4,000 more for the purchase of oil than it would be to install the \$90,000 worth of apparatus because of the abnormal condition which exists. It is impossible to have a situation there where the plant will be such that you can change from coal to oil as the price fluctuates. What has to be taken into consideration is what is the most economical thing covering a course of years.

If oil is to continue at the high price it has been, and if next year the results show that it would be more desirable and economical to burn coal, even with this investment, I have no doubt that the committee would be glad to provide for the change back to coal. They did burn coal at one time, and it was found it was cheaper to burn oil, and they changed the system. Then comes an unusual situation, and it appears that in the immediate future it will be cheaper to burn coal. The committee thought it wiser to continue the situation as at present until in the course of a few months it will be determined whether this increase of oil is to continue.

Mr. ANTHONY. This controversy, as the gentleman remembers, has been going on for four or five years, and the situation is a good deal as the gentleman says. To make the change will involve a considerable expense for extra equipment. All along I have contended, and I believe, it is an undoubted fact that coal itself is and has been the cheapest fuel under all circumstances, and the question has been with the committee I think in the past that it was not warranted in making this change because of the expenditure necessary to convert the plant back to the facilities for burning coal. My argument is now, I will say to the gentleman, that we have reached the time when it would easily be an economy to the Government to make that change, even if it cost \$75,000 to-day for the new steam plant, because

there is easily a difference this year of \$15,000 between coal and oil.

Mr. FITZGERALD. There is a difference of only \$4,000.

Mr. ANTHONY. Let me explain to the gentleman why that is so. For some reason in the hearings the first figures the gentleman had from the board of managers have not been put into the hearings, and I believe the board of managers have resorted to a little trickery in attempting to deceive the gentleman's committee.

Mr. FITZGERALD. We have printed everything that has been presented to us.

Mr. ANTHONY. Let me say to the gentleman that I was present in the committee room when the board furnished the first set of figures. Under the first set of figures, based on the questions asked by the gentleman from Wyoming [Mr. Moxdell], the board stated it showed a difference of \$13,000 in favor of coal. Col. Wadsworth admitted it did, and then, on February 12, Col. Wadsworth sent to Leavenworth and got the governor of the institution to make an entirely new statement, which has been furnished to the gentleman's committee, and which has been substituted for the original statement, which puts an altogether different face on the situation.

Mr. FITZGERALD. We put into the report what Col. Wadsworth said. It is perhaps clearer in the report than I could quote it to the gentleman, because it involves going over the figures. He says:

The governor of the Western Branch is a very conservative business man and has put together the figures in very good shape. I would like for this report to go into the record as a part of my statement.

And the Committee on Appropriations has printed in the record that report.

Mr. ANTHONY. If you will read that modified report printed here, you will find absolutely no saving on the face of it. I am borne out by the questions of the gentleman from Wyoming [Mr. Moxdell], who remarked during the committee hearing, "Your figures show a difference of \$13,000 in favor of coal."

Mr. FITZGERALD. I will read what the gentleman is hunting for and can not find, on page 478:

This shows an annual saving for hand-fired coal of \$4,217.50 and by stoker-fired coal \$13,505, as against use of oil.

That statement, the gentleman said, was not in the hearings. It is here. We print everything that is furnished us.

Mr. ANTHONY. Nevertheless, the figures of this supplemental report—and it is a supplemental report, because it was gotten up and dated from the time the discussion first started before the committee, and figures are used there that are apparently padded on their face, I will say to the gentleman—

Mr. FITZGERALD. I do not think so.

Mr. ANTHONY. I think they are, with the intent of deceiving your committee. Let me point to something, for the information of the gentleman. The governor of the home, in his report, says it will take 26,000 tons of coal for the next year. Directly in opposition to that is the report of the United States Bureau of Mines, which the gentleman from New York secured two years ago, which estimates 16,000 tons as being sufficient for that purpose. Now, there is apparently too wide a range of difference in these estimates. So it seems to me the committee is placing reliance upon—

Mr. FITZGERALD. Where does the gentleman read from?

Mr. ANTHONY. I am reading from the supplemental report filed—

Mr. FITZGERALD. What page?

Mr. ANTHONY. Page 477.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent for 10 minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ANTHONY. The board of managers undoubtedly knew when they came before the Committee on Appropriations this year that they would be unable longer to use fuel oil at the price they will have to pay for it. Last year they paid \$1.14 a barrel. This year it has jumped to \$1.70 a barrel, which is the very least they could buy it for, and on this basis, I will say to the committee, and the figures are borne out by all the figures that can be made of these two prices, if the Government is to continue burning oil at that institution, there will easily be a difference of \$15,000 to \$18,000, in my opinion, between the cheapest coal and the price at which you will be able to buy oil.

Now, granting the statement of the gentleman from New York, that it will take \$75,000 to \$90,000 to change the power plant at that institution, it will still be economy for the Gov-

ernment to make that change. In five years' time the Government would earn the price of that plant.

All experts will agree that oil will never be as cheap as it has been in the last few years. The only way you will get cheap oil again in this country will be through the discovery of new fields. When new fields were opened up a few years ago in Texas and Oklahoma, oil was cheap, and fuel oil, the refuse product, was sold very cheaply, and that was the reason this home went on the oil basis. Now, those days are past. Oil is climbing sky high, and it is absolutely ruinous for any business industry to continue using fuel oil.

I can not find a single business industry in that entire country—none of the great manufacturing plants, none of the big packing plants located in the same city, Kansas City—that now uses oil for fuel. The only place where it is used is at this Government institution at Leavenworth. This institution is located in a coal-mining field. It is a local industry, and, naturally, the spectacle of the Government using this expensive oil causes a great deal of local controversy on that point, and that is the reason why I am interested and why I am bringing the matter to the attention of the House.

Now, I think the proper way for the House to proceed is to put a limitation on this appropriation compelling the board of managers to use the most economical fuel. If it will require the construction of a modern steam plant there, by all means build the new steam plant. Let me say, further, to the gentleman from New York that the Leavenworth home is the only home that has an antiquated steam plant at the present time. Before the committee last year information was brought out that every other old soldiers' home had a modern plant and that the Leavenworth plant is the only antiquated one, and, of course, for that kind of a plant oil may be the most efficient fuel; but the plant itself should be made modern, and I believe that the conditions there justify the expenditure, and that at this time the committee should put a provision in the bill for the cheapest fuel, for oil will never again go back to the old low figures, and if this Government will proceed to make the proper installation the better off the Government will be.

Mr. HOWARD. Will the gentleman yield for an interruption?

Mr. ANTHONY. I will.

Mr. HOWARD. The gentleman makes the statement that crude oil will never be back to the old figures. Now, why should not crude oil recede in price very rapidly after this European condition is over?

Mr. ANTHONY. Let me say to the gentleman I gave the reason; that in my opinion unless new oil fields are opened up you will not get oil back to the old figures which prevailed when the fields of Louisiana, Texas, and Oklahoma were first opened up.

Mr. HOWARD. The statistics of the Bureau of Mines show there were 8,460,000 barrels more of crude oil produced in 1915 than 1914, and it is simply a combination of unrestricted trusts that have gotten together that has made the price of gasoline and crude oil go sky-high.

Mr. ANTHONY. I will say to the gentleman we are up against this condition of prices. We have conditions for a Government establishment—

Mr. RAGSDALE. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. RAGSDALE. Does not the gentleman know right now there is a great restriction of the amount of oil and gasoline to be furnished, that if we could open up the Tampico oil field and put it on the market—

Mr. ANTHONY. Let me say to the gentleman that the fuel oil from that field would never get into this local market.

Mr. RAGSDALE. If that oil was put into competition it would affect the entire market?

Mr. ANTHONY. That might be. I want to quote to the House the statement of the United States Geological Survey on the relative economy of oil and coal.

Under their investigations they claim that 76 pounds of water can be evaporated by coal for 1 cent; that only 58 pounds of water can be evaporated by oil for 1 cent, comparing the prices for coal and oil that were then prevailing, the \$2.10 per ton for coal and the 69 cents per barrel for oil prevailed at the time these figures were made. Now coal is \$2.50 a ton and oil is \$1.70 a barrel. I hope the House, in view of the present emergency that confronts the Government, admitted, as it is, by the board that with the provision for the most economical fuel it will have to burn coal, will leave this provision in; and then, if economy demands coal there, let the Government practice economy. The institution needs a new power plant. Let us have it, and do away with all this controversy concerning it.

I offer this amendment, and I hope the gentleman from New York will accept it.

The CHAIRMAN (Mr. FOSTER). The Clerk will report the amendment.

The Clerk read as follows:

Insert, after the semicolon in line 12, page 91, the following: "Provided, That no part of this sum shall be used for fuel oil if coal as a fuel can be procured more economically."

Mr. ANTHONY. Mr. Chairman, I want to say further that I have here a letter from one of the coal companies operating in that field, stating that the soldiers' home authorities have already asked for bids for both oil and coal, so as to be prepared for any action this House may take on that question or of the new conditions which I have shown do exist. It shows that they have asked for 37,000 barrels of fuel oil for the coming year, which at \$1.70 per barrel would cost \$62,900. It shows that the estimate is 18,000 tons of mine-run coal at \$2.50 a ton, which will cost \$45,000, a difference in favor of coal of \$17,000. Of course there are the circumstances that the gentleman from New York has told the House about. Here is the added expense of using oil. It will possibly require a new plant; and, gentlemen, it is my judgment that it will be economy to equip that plant to use coal, and I hope the House will do it.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be agreed to. There has been a controversy as to whether coal or oil should be used as fuel in this home. In 1907, because of the excessive cost of coal in this home, the plant was changed to an oil-burning plant. The average cost of oil in the nine years has been \$0.0211 a gallon. Recently, because of the abnormal conditions, oil has increased until the price is \$0.037 a gallon. The Committee on Appropriations two years ago had an independent investigation made by the Bureau of Mines and by the Quartermaster's Department of the Army, and both of the reports were practically in harmony, and both were to the effect that it was cheaper to continue burning oil at that institution. Both of those reports disclosed the fact that it would require the expenditure of \$90,000 to change the existing plant to a coal-burning plant; and if that were done, and oil thereafter increased in price, it would be impossible to use the oil because the plant had been changed to be utilized for coal. Now, in the investigations that were made—and the gentleman from Kansas has not made the matter very clear—it appears that in 1907, the last year that coal was used in that institution, 23,435 short tons were consumed, and to that, on account of increased radiation since installed, should be added 3,327 additional short tons. In the calculation made by the Bureau of Mines and by the officials of the home the amount of coal to be used was fixed at 16,538 long tons. Thirty-one per cent less coal than was actually consumed the last year that coal was used, and the price that the gentleman now speaks of—\$2.50 a ton—is 36 cents less than the Bureau of Mines estimated that coal could be obtained for. Now, it seemed to the Committee on Appropriations that, considering the average cost for a period of nine years for oil and coal, the saving has been in favor of oil over the stoker-fired coal \$13,000 a year, and from hand-fired coal of \$22,000 a year.

Mr. ANTHONY. The gentleman surely does not mean that.

Mr. FITZGERALD. I do mean it, and I am reading it from the report of a competent and efficient person.

Mr. ANTHONY. I do not think the gentleman can show, even by the most biased figures, that there is a saving effected.

Mr. FITZGERALD. I decline to yield further. I did mean it, and I just read it, and I have read it from the statement that was made to the Committee on Appropriations.

Mr. ANTHONY. Where did you get the report? You say there is a saving. Where is it?

Mr. FITZGERALD. The gentleman will find it on page 478 of the hearings before the committee.

Mr. ANTHONY. That is the annual operating expense and not saving.

Mr. FITZGERALD. I will read it again. It says that, substituting the amount, the average price of fuel or fuel oil during the period of nine years while it was down to \$2.11 per gallon, 1,650,000 gallons of oil at \$0.0211 a gallon would amount to—

Mr. ANTHONY. Will the gentleman yield?

Mr. FITZGERALD. I will not.

Mr. ANTHONY. The gentleman from New York interrupted me, and I was very liberal with him.

Mr. FITZGERALD. I decline to yield at present.

Mr. ANTHONY. I was calling the attention of the—

Mr. FITZGERALD. I decline to yield to the gentleman, and I hope his remarks will not be included in what I say.

The CHAIRMAN. The gentleman from Kansas understands the rules of the House, the Chair is sure.

Mr. FITZGERALD. I decline to yield to the gentleman at present.

Mr. ANTHONY. All right.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. I have the same trouble every time this matter comes up. The gentleman from Kansas [Mr. ANTHONY] does not wish to have the information presented to the committee. I have no interest in this matter except to do what is best for the Government. Two investigations were made in order to satisfy the gentleman from Kansas and the Committee on Appropriations as to what was the proper thing, one investigation by the Bureau of Mines and one by the Quartermaster's Department of the Army. After those reports were submitted the gentleman from Kansas attempted to convince the House that they were both biased against coal. I take it they were acting in the best interests of the Government. Now, this report shows that, taking these figures, figuring on coal at \$2.50 a ton instead of \$2.86—which the Bureau of Mines said would be the probable price—the cost for oil was \$42,415; for coal, stoker-fired, \$55,000—and that would require an investment of \$90,000; for coal, hand-fired, \$64,000. That would require an investment of \$26,000.

Now, what would reasonable, sensible men do, in view of the fact that there has been this saving of \$13,000 annually for nine years over coal hand fired and \$22,000 a year over coal stoker fired? When an unusual situation arises and the price of oil is abnormally high, would it be sensible to expend \$90,000 to change the plant so that oil might never be used again and the use of coal in this plant would be compulsory? The committee has done the reasonable thing. Here is an abnormal situation. No one can tell at present whether oil will continue on this high level. Unquestionably it will cost \$4,000 more to burn oil next year than it would to use coal stoker fired, but the committee thought it better to permit this expenditure of \$4,000 for the next year rather than to spend \$90,000 in changing this plant from an oil to a coal plant, thereby making it impossible to ever again utilize oil as a fuel if it cheapens in price. The committee thought it better to wait and ascertain at the next session of Congress whether this abnormal level is to be maintained. The board of managers stated that they favored oil. Col. Wadsworth, the inspector general, said:

The prices of to-day would suggest that we turn to coal; but if you will take the prices covering a period of nine years you will see that there is a considerable saving in favor of oil, and we hardly feel that we ought to accept to-day's prices for oil as representing a permanent condition and turn to burning oil.

It is an abnormal condition, and that is the view the committee has taken. I am not interested in the question of whether this institution burns coal or oil. It is immaterial to me, but I am interested in having the Government obtain the most economical fuel, and I am not in favor of making this investment for a coal plant when we are apt to be at the mercy of the local coal dealers. Why, we had a coal deposit right on the home grounds, and it has been leased to the people who want to sell the coal to the Government. Instead of retaining that and utilizing it as a fuel in the home, we turned it over to people who are now anxious to have us invest \$90,000 in order that they may sell us our own coal, which they would be mining under a lease. If we had been buying that coal, or coal of the locality, for the past nine years at the price of \$2.50 a ton, it would have cost us over \$200,000, but at the price at which the Bureau of Mines says it can be obtained it would have cost us nearly \$400,000 more than we bought the oil for.

I hope the amendment will not be agreed to.

Mr. ANTHONY. Mr. Chairman, I move to strike out the last word. I think the mistake the committee is making in this instance is that it has allowed itself to be guided by figures which have been furnished to the committee mainly for the purpose of influencing it to allow the board to continue to burn oil. One of the members of the board of managers, in conversation just at the time of the hearing before the gentleman's committee, said to me, "Sure, it is going to cost us more money to use oil instead of coal this year, \$15,000 more perhaps; but it is such a clean, nice fuel, let us use it." I contend, gentlemen, that is not the way that the Government of the United States should run its business. It may be nice for these gentlemen to have clean fuel, easy to handle and easy to burn, but the taxpayers of the country demand that the Government shall use economy in the transaction of its business affairs, and one of the things that the people of the country are objecting to now is the way that our governmental expenses

are running into billions of dollars, and this one item that comes from the committee impresses itself on my mind as an example of exactly the way billion-dollar sessions of Congress are made. I believe earnestly and honestly that the right thing to do, instead of going by figures that are furnished perhaps for the purpose of misleading the committee, is to take the figures as they exist to-day; and as the chairman of the committee admits that the price of fuel oil has mounted up 30 per cent more than it was last year we should take the situation as it exists and provide a proper limitation on the appropriation.

Mr. MONDELL. Mr. Chairman, we have no means of knowing whether the present price of oil in this Kansas territory is to be maintained or not. If oil continues to be as high as it now is, it will be the part of wisdom to change this plant from an oil-burning to a coal-burning plant. As a matter of fact, the committee considered pretty thoughtfully and carefully the question of making that change this year, but I do not believe we would have been justified in making the change without being more fully assured than at present that the high price of fuel oil is permanent. In my opinion it would not be wise to change from oil to coal in a temporary way. True, without any very great expenditure, we might arrange to burn coal at this plant, but we would not so burn it in a very economical or satisfactory way. When the plant is changed from an oil-burning to a coal-burning plant it should be thoroughly overhauled and remodeled, and the necessary changes made in order to burn the coal economically and satisfactorily.

If oil remains as high as it is now during the coming fiscal year, the long fight which our gallant young friend from Kansas has made will have been won. He is entitled to have won it before now, if earnest and energetic effort should have its reward, for he certainly has been very earnest and energetic in this matter. As a member of the committee I should have been very glad indeed to have seen my way clear to have approved of the change from oil to coal burning that he desires. I am inclined to think that it will be brought about by the logic of events next year, because, whatever our friend from Georgia, who made some remarks upon the subject a few moments ago, may think, the present high price of oil is not, in the opinion of those well informed, the result merely of combination. It may be partly the result of combination, but the result to a much greater extent of the working of the law of supply and demand; of largely increased demand and the decrease of supply compared with the demand. The supply may have increased, but the demand has increased far more. Oil is being shipped out of my State by the trainload to Canada. We had no Canadian market a year or two ago. They would probably take practically all of the Wyoming product if they could get it, if it were not for the fact that some of it is contracted to go elsewhere. With the tremendously increased demand at home and abroad, without an increased production equal to the increased demand, it is inevitable that the price should advance.

Mr. CAMPBELL. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. CAMPBELL. Is it not true that the decrease in production of the crude oil that produces largely gasoline has had more to do with the increase in the price of gasoline than any other one thing?

Mr. MONDELL. That is probably true. The increase in certain fields in the output of fuel oil does not help the matter any.

Mr. CAMPBELL. That does not increase the oil that produces the gasoline.

Mr. MONDELL. There are certain great oil fields, among them the greatest oil fields in the Union, whose product has no relation to or effect on the price of gasoline.

While I am on this subject I want to call the attention of the committee to one very interesting fact. I particularly want to invite the attention of gentlemen who have been seeking causes for the increased cost of gasoline to one cause which has apparently been overlooked. There has been a great increase in the demand for gasoline. There should have been a great increase in the production of gasoline in order to meet that demand. The Interior Department has been working earnestly and continuously and effectively to prevent an increase in the supply of gasoline in the fields that give the most promise of increased yield. The most hopeful field for gasoline-producing oil in the United States to-day is the State of Wyoming. Our oil territory extends from the extreme northeast to the extreme southwest corner of the State, nearly or quite 400 miles in length and 200 miles in width.

A large part of this oil territory is public land, and within the last three years, as they have learned of the presence of oil in the sands of that territory, prospectors, wildcatters, oil de-

velopers from all over the country have flocked to Wyoming. They have taken their chances, gone out great distances from railroads, studied the geological formations, and, having finally come to the conclusion certain localities gave promise of oil, have set up their drills and gone to work. In about every instance where oil has been found in that way the Geological Survey has recommended the withdrawal of the lands and they have been withdrawn from entry. Such a withdrawal operates except as to the solitary quarter section on which the drill was operating or on which an oil discovery had been made. This great and glorious Government has not discovered or developed any oil; its agents have discovered no domes or anticlinals, but have sat around on the fences beside the way stations, under the shadow of the water tanks by the lonely stations on the far-stretched pioneer railway lines, and whenever they have seen a drilling rig go by they have followed it, and whenever they have found or heard of a driller who had actually discovered oil they have proceeded to take the land away from him, except the particular tract upon which he happened to be drilling.

An oil field a long distance from a railroad must have considerable production in order to make it pay to build a pipe line to the railroad. If no land can be made productive except a small area on which the oil discoverer is working, a hundred or two or three hundred acres, the area is not large enough to warrant the building of a pipe line, and so the withdrawal absolutely prohibits development. The only way that our people have been able to develop any of our fields is where there happened to be patented land that could be secured or where people were fortunate enough to plant several drills and get them to work before the agents of the Government got wind of their operations.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask for five minutes more.

Mr. FITZGERALD. I ask unanimous consent, Mr. Chairman, that all debate on the pending amendment close in 10 minutes.

Mr. ANTHONY. Reserving the right to object, will not the gentleman make it 15 minutes?

Mr. FITZGERALD. I will make it 15 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on the pending amendment close in 15 minutes. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, this subject of fuel for the soldiers' home at Leavenworth has been before the committee repeatedly, and the committee has given it probably more careful attention than any other one item connected with these homes. At the time the change was made from coal to fuel oil, fuel oil was not only abundant and cheap in that territory, on account of the recent developments in that section, but the price of coal was rather unsatisfactory. That was before the establishment of the Bureau of Mines and before the Bureau of Mines had established the British thermal units as the test of coal furnished to Government institutions. At that time coal was selling to Government institutions on a flat rate at so much per ton, without regard to the heating quality of the coal. Of course the coal which was nearest to the point of consumption had an almost universal monopoly of those Government contracts; but that condition has changed. The Bureau of Mines now is required to demonstrate the heating value of coal that is submitted under Government contracts and determine whether a coal at a certain price is cheaper in its heat-producing value than a coal at a certain other price. Now the coal in the Government institutions is bought upon a fairer basis, which permits competition in coal and the shipment of coal in from farther points. Up to that time the coal mines in Leavenworth had absolutely had a monopoly of furnishing coal to the institution at Leavenworth. I would be inclined under present conditions to favor the burning of coal, because I believe that in the long run coal is going to be the most dependable fuel in that section of the country. The whole of the Missouri Valley is underlaid with a big strata of coal and it is good and comparatively cheap.

I would not be inclined to favor the burning of oil if it were a new proposition, because the production of oil is limited, compared with the enormous demand for oil at the present time. It is true that new oil fields may come in, but we have no means of knowing that. Coal, we know, is all in sight, and there is ample coal to supply us; so that if it were a new proposition I would be inclined to think that the amendment of the gentleman from Kansas was worthy of consideration, and I would approach it from that standpoint. The committee was anxious to find some economy at the present time for changing back from oil to coal, but we found that it would cost \$26,000

to change the heating plant from the present oil-burning plant to a coal-burning plant or hand-fired coal. We know that firing coal by hand with the enormous cost of labor—and with the added age of the old soldiers in that home we get very little labor out of them—the cost is extremely high as compared with the cost of firing with oil. The only thing worthy of consideration is stoker-fired coal. To change to a plant permitting stoker-fired coal would make an initial expenditure of \$90,000. It is utterly impossible to figure out any economy with the plant we have there now burning oil to change that plant and make a stoker coal-firing plant for the sake of the saving apparent now upon the face of the price.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BENNET. Mr. Chairman, I rise for the purpose of asking the gentleman from Wyoming [Mr. MONDELL] two questions. What are "domes" and "anticlinals"?

Mr. MONDELL. The gentleman must know what a dome is. There is one on this building, a fine one.

Mr. BENNET. I do not know what a dome in an oil field is.

Mr. MONDELL. A dome in an oil field is a point where there has been an upward pressure on the geological formations which has raised the geological structures and formations at that point above the corresponding formations of the surrounding territory, forming a dome. Ordinarily these geological uplifts, raised by pressure from below, extend for a considerable distance through the country, forming anticlinal ridges. Sometimes they rise in the form of a dome.

Mr. BENNET. And what is an anticlinal?

Mr. MONDELL. It is a geological wave or ridge, with the strata dipping down both ways from the upper point of the raise of the formation as distinguished from a synclinal, which is the trough of the wave.

Mr. BENNET. Having gotten all that information, I would like to ask the gentleman what possible reason there can be for the Government pursuing the course it must be pursuing, because the gentleman states that it is pursuing it, namely, of absolutely depriving oil prospectors of their chance to find oil under these domes and anticlinals and synclinals?

Mr. MONDELL. A number of years ago certain people came to the conclusion that private ownership of the oil fields and the coal fields was not a good thing; that is, the development under private ownership was not a good thing, and that the Federal Government should retain the fee in oil and coal lands and lease the land for the production of coal or oil. Some of the Government departments are very much interested in that kind of legislation, and they have been promoting it very industriously and very earnestly for many years. They have taken the position that certain people who are not particularly inclined to that sort of thing may become inclined to it if conditions are created under which it is the only possible way in which the opportunity to develop the country can be secured.

Mr. BENNET. That is really the information I was looking for. I think possibly the gentleman could have put it in fewer words. [Laughter.] In the moment or two that possibly remain to me I will say—

Mr. TAYLOR of Colorado. Will the gentleman permit an interruption?

Mr. BENNET. Not just at this moment. I will say, despite the length of the explanation of the gentleman from Wyoming, I still sympathize with those western people in some of the hardships which I think they undergo, and if they ever bring the right kind of legislation before the House I will vote for it with pleasure.

Mr. TAYLOR of Colorado. I am very glad indeed for the gentleman's sympathy, and we would like to have the sympathy of a good many more people in this House.

Mr. BENNET. I will say to the gentleman he gets a good deal more than my sympathy at times; he gets my vote.

Mr. TAYLOR of Colorado. We appreciate it very highly, and I want to corroborate what the gentleman from Wyoming has said—

Mr. BENNET. I believe it.

Mr. TAYLOR of Colorado. Because I may say the Government agents in their activity are the greatest wet blanket to and interference with development that possibly can be. Whenever any enterprising person starts out and finds an oil field, if he fortunately or unfortunately happens to find it, why the country around it is immediately withdrawn and development is stopped. It is the most absurd performance, it seems to me, that can be enacted in this country, but that is the policy at present.

Mr. BENNET. If the gentleman will allow me to interrupt him in my own time [laughter], why does not the gentleman bring in some sort of legislation which would tend to correct it?

Mr. TAYLOR of Colorado. We have done so, but we can not get anything in this House of that sort.

Mr. BENNET. I have never seen any brought on the floor. Mr. TAYLOR of Colorado. We have tried very hard to bring out such measures from the Public Lands Committee, for the purpose of opening up the oil fields and encouraging the people to develop them and gain something when they are developed.

Mr. BENNET. There are always a considerable number of western men on the Committee on Public Lands.

Mr. TAYLOR of Colorado. We are simply a drop in the bucket in the whole Congress. There are only about 36—you might say 6 or 8 per cent of the House—and then all the western men are not entirely together on the subject, so it is very difficult to try to develop our country at best.

Mr. BENNET. I will give the gentleman a piece of homely advice, and that is you will not go very far unless you get the western people together on some system.

Mr. TAYLOR of Colorado. That is the difficulty.

Mr. ANTHONY. Mr. Chairman, I want to thank the gentleman from Wyoming [Mr. MONDELL] for the salvo which he spreads so freely indicating next year's promises, but I think that if the committee intends to do it eventually the sooner the better it will be for all concerned, and in this connection I might remind the members of the Committee on Appropriations that it is well to take some figures that come from the members of the board of managers with a grain or two of salt, especially in view of the fact that during the last year about \$55,000 of the Government's funds, intrusted to the care of members of this board, have mysteriously disappeared in investments in the securities of wildcat mining companies in Colorado. Miraculous as it may seem, a member of this board of managers, whose word and whose figure are absolutely taken at par by the Committee on Appropriations of the House, has invested Government trust funds in wildcat mining securities in Colorado bearing 7 per cent interest—in securities which, upon investigation, the Inspector General of the War Department has pronounced probably worthless and the Government is stuck for a big sum of money, and in fact criminal prosecutions are now even being talked of, and I fear only too often committees of this House are inclined to take judgment on business matters coming from men of that sort rather than the opinion expressed by Members of this House who know what they are talking about.

Mr. TAYLOR of Colorado. Who is to blame for this squandering of the Federal money?

Mr. ANTHONY. In what respect?

Mr. TAYLOR of Colorado. I say, who is to blame for it, the State of Colorado?

Mr. ANTHONY. I think so, in offering temptation to lead otherwise honest humanity astray.

You ought to have a blue-sky law in Colorado that would prevent the selling of this sort of stuff to unsuspecting investors like the managers of soldiers' homes.

Mr. TAYLOR of Colorado. It seems to me the managers of the soldiers' homes ought to investigate it before investing the funds.

Mr. GARD. In any event, it is not fair to charge the entire proposition to the managers?

Mr. ANTHONY. I said one of the managers.

Mr. OGLESBY. Is this one of the men to whom you refer?

Mr. ANTHONY. The gentleman is manager of the local home from which this report came. He is one of the officers of the institution that furnished these figures, and he is the superior officer.

Mr. OGLESBY. Do I understand the gentleman thinks that that reflects upon the correctness of the figures furnished by other members of this board?

Mr. ANTHONY. It goes to show that we should take some of these statements with a grain of salt and form our own opinions, without taking unqualifiedly the figures given by all subordinate officials to Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. ANTHONY].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. ANTHONY. Division, Mr. Chairman.

The committee divided; and there were—ayes 19, noes 26.

So the amendment was rejected.

The Clerk read as follows:

In all, \$163,000.

Mr. GANDY. Mr. Chairman, I move to strike out the last word. If I can have the attention of the chairman, by the way of explanation of an amendment which I shall offer, I want to say that the Battle Mountain Sanitarium was established

in 1902, and the building plan as contemplated, the original plan, has been completed, with one exception, and that is the entryway or entrance at the driveway.

Mr. FITZGERALD. We fixed that up last year.

Mr. GANDY. That was the footway which leads to the institution. The old temporary gate which was installed at the driveway at the time of construction is still there. I want to say to the Members of the House that this sanitarium is located in a tourist belt; there are thousands of tourists every year who drive up this incline to the sanitarium, and this gateway should be in keeping with the rest of the magnificent institution that the Government has placed there. I was under the impression that the matter would be properly taken care of. I have here a letter from the president of the national board of managers, under date of November 17, 1915, telling me that the item would be included in the estimates for this year, but it was omitted. I also have a copy of an estimate for the work, to \$2,464. With that preliminary statement I offer the following amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the gentleman offers the following amendment, which the Clerk will report:

The Clerk read as follows:

Page 94, after line 19, insert: "For the improvement of the driveway, including the construction of stone columns and arch and the purchase and installation of gates, \$2,300."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. GANDY. Now, it is barely possible, Mr. Chairman, that that might be subject to a point of order, but I have some doubts as to that. It is simply for the continuation of a work that is authorized by statute, was provided for in the original plan, and is one piece of the work that has never yet been finished. If it was something that was entirely new, I concede that the point of order would be well taken, but being for the completion of the plant that the Government has there I do not believe that it is subject to the point of order. I trust that the gentlemen of the House in considering this will by their votes make possible the erection of such a suitable archway and the installation of such a gate as will be a credit to the sanitarium which the Government has at Hot Springs, S. Dak.

Mr. FITZGERALD. I am inclined to believe, Mr. Chairman, that the limit of cost fixed on this institution is definite, and that the amount of money has already been appropriated. I will have the information in a moment. I will say that no such estimate was made to the committee and no suggestion that there was any necessity for such improvement. Last year the attention of the committee was called to the fact that there should be an improvement in the nature of a stairway to obviate the necessity of the inmates making a very long and tiresome climb, and the committee, when the information was presented to them, recommended the appropriation. But no suggestion of this has ever been brought to the attention of the committee.

Mr. GANDY. I understand the statement of the chairman is correct that it has not been brought to the attention of the committee, and I will explain how it was left out of the bill. I hold in my hand a letter from the president of the board of managers, in which he said it would be included in the estimate. There are two ways by which it is possible to climb the hill to the sanitarium at Hot Springs—one by the footway, the stairs, and the other by the incline or driveway. And this is for the arch at the driveway where the automobiles go up to the sanitarium.

The CHAIRMAN. Does the gentleman from New York insist on the point of order?

Mr. FITZGERALD. I think that the point of order is good. I will state to the gentleman from South Dakota that I am not at liberty to accept amendments of this character.

At a future time, if the matter comes up in a regular way, I am sure the committee will be very glad to consider it with a view of doing anything that reasonably ought to be done; but I am not in a position to assent to it under the circumstances. The act of March 3, 1903, put a limit of cost and appropriated the entire sum for the establishment. I have it here.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

The headquarters of the National Home for Disabled Volunteer Soldiers shall be established and hereafter maintained at the Central Branch, National Military Home, Ohio, and shall occupy for offices, without expenditure for rent, any general or post fund building.

Mr. ANTHONY. Mr. Chairman, I should like to reserve a point of order on that paragraph, that it is new legislation. I should like to ask the chairman of the committee what this is.

Mr. FITZGERALD. The item fixing the headquarters at Dayton is put in at the request of the board of managers. Heretofore the custom has been that whenever a new president has been selected for the board of managers, he has established the office of the board of managers at his home town. They stated that they would have saved \$3,000 a year in rent. At the Dayton home they have ample facilities. The storehouses are there. It is the depot of distribution. It is the most centrally located home, and they stated that it would obviate a source of continual trouble and annoyance, and result in much better and more efficient administration. When Col. Wadsworth was president of the board he had the office of the home in New York, and they would have moved the office to Dayton at that time if it had not been for the fact that the treasurer, Maj. Harris, who had been so long connected with the home, was not in a position to leave New York. When Col. Close succeeded Col. Wadsworth as president of the home, he decided to move the office to Kansas City, Mo. Maj. Harris then announced that it would be impossible for him to make arrangements to leave New York, and he resigned. Now, Col. Close has been superseded as president, and all of the members of the board expressed the wish that Congress would fix the headquarters at the Dayton home definitely and permanently, in the interest of economy.

Mr. ANTHONY. As a general rule, though, the gentleman would not approve of allowing the president to take the general offices over the country with him?

Mr. FITZGERALD. That is what we are trying to stop.

Mr. ANTHONY. I simply want to recall the fact that three years ago I offered practically this same amendment, and it was rejected by the committee. I said then that the headquarters should be taken from New York to one of the more centrally located homes.

Mr. FITZGERALD. The objection to it at that time was on account of Maj. Harris. The gentleman from Kansas will recall that he was connected with the home for a great many years. He had established a home in New York with one of his married children. He was around 70 years of age. He had reached the period in life when it was impossible for him to give up that home and establish a new one, and when it was finally decided by the board, under the direction of Col. Close as president, to move the office to Kansas City, he was compelled to quit the service of the board. The members of the board are unanimously of the opinion that the accommodations in Dayton, and the fact that the great supplies are there and that it is centrally located, make it desirable to locate the office there. Personally I myself, and I think other members of the committee, have been in sympathy with the movement, and it was merely at the earnest request of the board, on account of Maj. Harris, that this was not done before.

Mr. ANTHONY. If the gentleman will permit, I will say that I agree with his statement that it undoubtedly is an economy, that the headquarters should be located in one of the Middle Western or Central States. I withdraw the point of order.

Mr. GARD. Will the gentleman from Kansas yield for a moment? I wish to say that under the administration of the former president, Col. Close, there was an expenditure in Kansas City of something like \$3,000 a year for rent, which now has been entirely done away with. Upon the governmental reservation in the central branch home there is abundant room. Offices have been fitted up there in splendid quarters, without additional expense.

Mr. ANTHONY. I want to say to the gentleman that I agree with him that it is the thing to do to locate the headquarters at one of these central homes, where the members of the board will have the opportunity of getting acquainted with the local conditions and the homes themselves, and I think it is a fine thing.

Mr. GARD. I am thoroughly in accord with what the gentleman says.

The Clerk read as follows:

Capitol Grounds: For care and improvement of grounds surrounding the Capitol, Senate and House Office Buildings, pay of one clerk, mechanics, gardeners; fertilizers; repairs to pavements, walks, and roadways, \$30,000.

Mr. DECKER. Mr. Chairman, I move to strike out the last word. I do this for the purpose of reading a short paragraph from the Nevada Daily Mail, of Nevada, Mo. During the discussion of the Hay military bill I took occasion to say some words relative to my faith in the dependence that could be put in the National Guard of the State of Missouri, and also saying that I believed the same would apply to other States. I hold in my hand a paper published in the city of Nevada, Mo., of Tuesday, June 20. The call for the National Guard, as you

remember, was issued on Sunday night, and this paper, the Nevada Daily Mail, says:

"All organizations of the National Guard have reported to Gen. Clark to-day that they are assembled at their armories ready to move. All now have the strength required by the War Department, but they are being recruited to full war strength. Not a single officer or enlisted man has failed to respond. Gen. Clark issued an order to-night for the troops to move to Nevada to-morrow, and the entire National Guard will be in camp on the State rifle range near here for breakfast Wednesday morning, ready to move to the border when the War Department so directs Gen. Clark. The signal corps will be the first troops to arrive."

[Applause.]

The Clerk read as follows:

So much of the Agricultural appropriation act for the fiscal year 1916 as authorizes the use of the Maltby Building and the buildings on the west side of New Jersey Avenue between B and C Streets NW. in Washington, D. C., by the Department of Agriculture is repealed.

Mr. HAWLEY. Mr. Chairman, I want to inquire of the chairman of the committee the purpose of the paragraph just read, by which the Department of Agriculture is deprived of the use of the Maltby Building and other buildings in that section, and whether that will interfere with the operations of the department?

Mr. FITZGERALD. The agricultural bill a year ago carried a provision authorizing the Department of Agriculture to use the Maltby Building. That building has been condemned four or five times. It is so unsafe that after they inquired into the matter they declined to use it. The ground on which the building stands is needed for park purposes. The Superintendent of the Capitol Building and Grounds says that the Maltby Building is not only unsafe but that if they were to put people in there and a fire should take place there would undoubtedly be a very serious loss of life. Under the circumstances the Department of Agriculture have never taken advantage of the law, and we are repealing it in order that they may go ahead and demolish the building.

Mr. HAWLEY. Do the remarks of the gentleman apply to the other buildings?

Mr. FITZGERALD. The other buildings are not suitable. They are old residences; but the Maltby Building was the principal one that it was designed to reach. It would be a misfortune to have the department utilize it.

Mr. MANN. If the gentleman will yield, I raised this same question when the Agricultural appropriation bill was up in the Committee of the Whole, and the gentleman from South Carolina [Mr. LEVER], in charge of that bill, stated then that the Agricultural Department had never used these buildings and had no use for them, and that he understood the sundry civil bill was to carry an item repealing the authority for their use. That is what this is.

The Clerk read as follows:

Courthouse, Washington, D. C.: For restoration and reconstruction of the exterior and interior of the courthouse, Washington, D. C., including all material, personal and other services, and for each and every purpose in connection therewith, to be expended under the direction of the superintendent of the Capitol Building and Grounds, \$200,000, one-half to be paid out of the Treasury of the United States and one-half out of the revenues of the District of Columbia.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. This item carries a considerable amount which was not called to the attention of the committee when we were considering the bill. I would like to inquire what is proposed in the reconstruction of the courthouse as provided in this item. I presume this refers to the building in Judiciary Square?

Mr. FITZGERALD. Yes. The exterior of the building, if the gentleman is familiar with it, is in very bad condition. The building is so arranged in the interior as to afford very inadequate accommodations. The members of the court had the Superintendent of the Capitol make an extensive investigation, and they believe that with this expenditure the building can be put in such shape that it will supply the needs of the District for its purposes for the next 30 or 40 years. Unless something is done there is likely to be initiated a movement for a new courthouse that would require an expenditure of several million dollars.

Mr. STAFFORD. The gentleman does not propose to erect a new building out of this fund by altering the structure?

Mr. FITZGERALD. What is proposed to be done is to face the building with sandstone, tie it in, and rearrange the interior.

Mr. STAFFORD. Why would not stucco plaster, which was formerly used, be as well suited to resurface it?

Mr. FITZGERALD. The Superintendent of the Capitol stated that with an expenditure of \$30,000 or \$40,000 to replace the stucco on that character of building would be unwise because it could not be applied in a way to make it permanent. In addition to the outside work the rearrangement of the interior is very important. The justices of the court say that there is absolutely no modern sanitary arrangement for female witnesses, and that the interior arrangement is very deplorable. The exterior and interior work can be carried on at the same time, and with this expenditure this building can be converted into a desirable, substantial building.

Mr. STAFFORD. May I inquire whether the commissioners have made any recommendation along these lines? To me it seems a large amount for the alteration of an old building that is obsolete.

Mr. FITZGERALD. Oh, it is not obsolete.

Mr. STAFFORD. I know it is well constructed, but the interior arrangements are ill suited for the uses of the building.

Mr. FITZGERALD. It is proposed to rearrange the interior as well.

Mr. STAFFORD. The gentleman recognizes that \$200,000 is a large sum to be expended on a building where the exterior needs reconstruction and the interior needs complete remodeling.

Mr. FITZGERALD. The Superintendent of the Capitol thinks that it is a well-constructed building.

Mr. STAFFORD. There is no question about that; it is of brick with heavy walls, and I suppose it will require considerable money to alter it.

Mr. FITZGERALD. The alteration of the building for these six courts will supply the place of a building which, if authorized, would cost two to three million dollars, and it seems much more desirable to rearrange the interior and improve the exterior of this building, which has a good deal of historic value, and obtain quarters that would be thoroughly satisfactory for years for the needs of this court, and it is on that theory that it will result in a very great saving to do this rather than to wait for a movement initiated for another building. The judges of the court who are working there are very anxious to have these alterations made in accordance with plans that have been worked out. Chief Justice Covington and the other judges believe that it will supply the needs of the District for 50 years to come.

Mr. STAFFORD. I withdraw the pro forma amendment.

The Clerk read as follows:

Restoration of lands in forest reserves: To enable the Secretary of the Interior to advertise the restoration to the public domain of lands in forest reserves or of lands temporarily withdrawn for forest reserve purposes, \$15,000.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word. I do it for the purpose of asking the chairman of the committee a question in reference to a paragraph we have passed on the same page, page 102, where I find this language:

And of hearings in disbarment proceedings \$35,000.

Does the Government have to pay for the proceedings for disbarment?

Mr. FITZGERALD. There are some small sums that are expended for that purpose. These are proceedings brought for the disbarment of attorneys practicing in the Interior Department, guilty of improper practices in land cases. The expense is largely, if I recall correctly, occasioned by taking the testimony in the proceedings.

Mr. CULLOP. Does that apply to the proviso which is as follows:

Provided, That where depositions are taken for use in such hearings the fees of the officer taking them shall be 20 cents per folio for taking and certifying same and 10 cents per folio for each copy furnished to a party.

Mr. FITZGERALD. That was not in connection with disbarment proceedings. This language is inserted on account of this condition: In various States various fees have been fixed by law and there was a great deal of confusion, and this was put in to make uniform the fees for taking the testimony in these land cases. There have been very few disbarment proceedings lately, and I do not know that they are taking any depositions now.

Mr. CULLOP. Do these hearings relate solely to the practice of attorneys before the Department of the Interior?

Mr. FITZGERALD. These depositions are taken in the public-land States where the land is located. That is what the latter part refers to. The expenditures in the disbarment proceedings are insignificant. They have not averaged several hundred dollars in the last five or six years.

Mr. CULLOP. Still, I see the sum here is \$35,000.

Mr. FITZGERALD. Thirty-five thousand dollars is to pay the expenses of hearings in land cases, and then, because there have been occasional small expenses connected with the disbarment proceedings, that item is included so that there might be

some fund out of which the expenses of disbarment proceedings may be paid.

Mr. MONDELL. Two or three hundred dollars a year.

Mr. CULLOP. I should think a great department like the Interior Department, with the large number of lawyers they have there, and other officers, with the small number of these proceedings, they could take some of its employees from among their number who could attend to these cases without extra appropriation.

Mr. FITZGERALD. There is very little expense. It is very rare that it happens, but there have been times when there was some necessity for it.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. There have been times when there has been necessity to incur some of the expense, and the department was embarrassed because there was no provision made for it, and so it was included here. The item is for field hearings, but occasionally something might occur. It is an insignificant part of the work under that. My recollection is that there have been practically no disbarment proceedings now in some time.

Mr. MONDELL. The amount spent for proceedings in disbarment cases, I think, has never amounted to more than two or three hundred dollars, possibly, in a year, and sometimes for a series of years nothing at all.

Mr. CULLOP. Still whatever sum used could be taken from this appropriation of \$35,000?

Mr. MONDELL. Yes; and that is an item that is but an infinitesimal portion of this entire appropriation.

Mr. CULLOP. Mr. Chairman, I withdraw the pro forma amendment.

Mr. FITZGERALD. Mr. Chairman, I wish to make this statement to the Members. To-morrow I understand that the gentleman from Virginia [Mr. HAY] proposes to bring up for consideration a resolution relative to the use of the National Guard in the present emergency. The Army appropriation bill is still undisposed of. There are some deficiency estimates that have been sent in that it might probably be possible to have considered next week. In order that the Members may be advised of it, I shall ask the House to-morrow to sit quite late at night, and hope that Members will make arrangements accordingly, in the hope that we may complete the sundry civil appropriation bill before adjournment to-morrow. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAY, 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. 15836, the sundry civil appropriation bill, and had come to no resolution thereon.

REMAINS OF CHARLES H. BINGHAM.

The SPEAKER laid before the House the following Senate resolution:

IN THE SENATE OF THE UNITED STATES,
June 20 (calendar day, June 21), 1916.

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 15282) entitled "An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa."

The SPEAKER. Without objection, the proceedings by which the bill H. R. 15282 was passed will be vacated, and the bill will lie on the table.

There was no objection.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 8654. An act to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section, to be known as section 7.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 31. An act for the relief of John L. Sevy;

S. 4476. An act extending the time for the commencement and completion of the bridge or bridges authorized by an act entitled "An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point, and Dauphin

Islands, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands," approved June 18, 1912;

S. 5777. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii, as amended by Congress, relating to the granting of a franchise for the purpose of manufacturing, maintaining, distributing, and supplying of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii; and

S. 5495. An act for the relief of Edward J. Lynch, collector of internal revenue for the district of Minnesota.

S. 5244. An act authorizing the Secretary of Commerce to exchange the land now occupied by the Schooner Ledge Range Front Light Station at the mouth of Crum Creek, Pa., for other lands adjacent thereto which are intersected by the axis of the Chester Range Line of the Delaware River, and authorizing the Secretary of Commerce to remove said Schooner Ledge Range Front Light Station after certain conditions have been complied with;

S. 4085. An act to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay;

S. 4968. An act for the relief of D. A. Barbour and Andrew P. Gladden;

S. 3928. An act to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes;

S. 3764. An act to consolidate certain forest lands in the Florida National Forest;

S. 3722. An act to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.;

S. 3580. An act releasing the claim of the United States Government to lot No. 306 in the old city of Pensacola, Fla.;

S. 3581. An act authorizing the Secretary of the Interior to issue a patent to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, in the State of Florida;

S. 3405. An act for the relief of the Maine Central Railroad Co.;

S. 3536. An act to provide for the storing and cleansing of imported Mexican peas, commonly called "garbanzo";

S. 3344. An act to authorize George H. Hervey, of Pensacola, Fla., to construct and operate an electric railway line on the Fort Barrancas and Fort McRee Military Reservations, Fla., and for other purposes;

S. 3203. An act authorizing the Secretary of the Interior to sell certain lands to the city of Lemmon, S. Dak.;

S. 33. An act for the relief of Daniel M. Frost;

S. 1741. An act for the relief of certain homestead entrymen for lands within the limits of the Glacier National Park;

S. 1066. An act authorizing leave of absence to homestead settlers upon unsurveyed lands; and

S. 3132. An act providing for the sale of certain lands in the State of Washington, and for other purposes.

EXTENSION OF REMARKS.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the Tavenner amendment.

The SPEAKER. Is there objection?

There was no objection.

HOOR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, Friday, June 23, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers reports on preliminary ex-

amination and plan and estimate of cost of improvement of Mermentau River, La., with a view to the removal of obstructions to navigation in and near the mouth (H. Doc. No. 1232); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War of the 21st instant, submitting an urgent estimate of appropriation in the sum of \$6,000 for furnishing such commissions as are required for officers of the Army under act approved June 3, 1916, "for making further and more effectual provision for the national defense, and for other purposes" (H. Doc. No. 1233); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, of this date, submitting urgent estimates of appropriations required for the service of the War Department for the current fiscal year 1916 (H. Doc. No. 1234); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War, of this date, submitting an urgent estimate of appropriations in the sum of \$301,819.69, required by the War Department for the service of the fiscal year 1916, under the title of "Transportation of the Army and its supplies" (H. Doc. No. 1235); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, of the 21st instant, submitting an estimate of appropriation in the sum of \$30,000, under the title, "Pay, etc., of the Army," fiscal year ending June 30, 1917, for clerks and messengers at headquarters of the several Territorial departments, Territorial districts, tactical divisions and brigades, and service schools necessary account of the passage of the national defense act, June 3, 1916 (H. Doc. No. 1236); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 14868) to accept the cession by the State of Oregon of exclusive jurisdiction over the lands embraced within the Crater Lake National Park, and for other purposes, reported the same with amendment, accompanied by a report (No. 841), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 16473) for the relief of William W. Danenhower, reported in lieu thereof a resolution (H. Res. 270) referring to the Court of Claims the papers in the case, accompanied by a report (No. 838), which said resolution and report were referred to the Private Calendar.

Mr. PRICE, from the Committee on Claims, to which was referred the bill (H. R. 13354) to compensate Thomas G. Allen for injuries received while employed in the General Land Office of the United States, and making an appropriation therefor, reported the same with amendment, accompanied by a report (No. 839), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 7733) to give the Court of Claims jurisdiction to hear and adjudge the claims of the estate of John Frazer, deceased, and of the estate of Zephaniah Kingsley, deceased, reported the same with amendment, accompanied by a report (No. 840), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. KALANIANAOLE: A bill (H. R. 16577) to amend an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, as amended by an act approved July 25, 1914; to the Committee on the Territories.

By Mr. RIORDAN: A bill (H. R. 16578) providing for purchase of site and for public building at New Brighton, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Nebraska: A bill (H. R. 16579) to provide for the erection of a public building in the city of Schuyler, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. KREIDER: A bill (H. R. 16580) providing for the support of the wives and minor children of enlisted men in active service of the armed forces of the United States; to the Committee on Military Affairs.

By Mr. HULL of Iowa: A bill (H. R. 16581) to provide for the purchase of additional lands and the enlarging of the United States post office at Iowa City, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. SINNOTT: A bill (H. R. 16597) to amend an act approved June 9, 1916, being Public No. 86; to the Committee on the Public Lands.

By Mr. HAY: Joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia, and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes; to the Committee on Military Affairs.

By Mr. KEATING: Resolution (H. Res. 271) providing for the consideration of H. R. 16560; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16582) granting an increase of pension to John H. Day; to the Committee on Invalid Pensions.

By Mr. DILLON: A bill (H. R. 16583) granting an increase of pension to George D. Adamson; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 16584) granting a pension to Peter S. Perkins; to the Committee on Pensions.

Also, a bill (H. R. 16585) granting a pension to Washington Badgley; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 16586) granting a pension to Christine Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16587) authorizing the Secretary of the Treasury to compensate J. C. Maxfield for injuries received while employed in the Rock Island Arsenal; to the Committee on Claims.

By Mr. LOBECK: A bill (H. R. 16588) granting an increase of pension to James Doyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16589) granting a pension to Alexander Culton; to the Committee on Invalid Pensions.

By Mr. MAGEE: A bill (H. R. 16590) for the relief of George Le Clear; to the Committee on Military Affairs.

By Mr. MOONEY: A bill (H. R. 16591) granting an increase of pension to Joseph I. Kidd; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 16592) granting a pension to Catherine Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16593) granting a pension to Hulda T. Houser; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 16594) for the relief of James Birney, alias James Brady; to the Committee on Military Affairs.

By Mr. SNYDER: A bill (H. R. 16595) to reinstate former Lieut. W. S. Barringer in the military service of the United States; to the Committee on Military Affairs.

By Mr. STEENERSON: A bill (H. R. 16596) granting an increase of pension to John Cragan; to the Committee on Invalid Pensions.

By Mr. BOOHER: Resolution (H. Res. 269) for the relief of George W. Welty; to the Committee on Claims.

By Mr. MILLER of Delaware: Resolution (H. Res. 270) referring bill (H. R. 16473) for the relief of William W. Danahower, with accompanying papers, to the Court of Claims; to the Committee of the Whole House.

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): Memorial of South St. Paul Branch, No. 10, National Association Bureau of Animal In-

dustry Employees, indorsing House bill 16060; to the Committee on Agriculture.

By Mr. BAILEY: Protest of Mr. and Mrs. J. K. Warren, Miss Mary Warren, Charles M. Warren, John Marshall, Mrs. D. Marshall, E. T. Marshall, Margaret Work, Charles Ripple, Myrtle Huffman, Anna Huffman, Robert Huffman, Ruth Sauers, Anna M. Fox, Mr. and Mrs. Mart Huffman, Mrs. C. B. Marsh, Frank Howard, Ophelia Howard, Mary Howard, Mrs. Sauers, Miss Laura Sauers, Mr. Albert Sauers, Mrs. Richard Hoffman, Charles I. Helsel, William B. Falstick, G. H. Cole, Philip Mellon, William Burkhardt, E. R. Dixon, Rose Huth, D. L. Anderson, Gladys F. Wallace, L. M. Litzinger, Bessie Taylor, Mrs. Annie Kelly, Miss Alicia Burns, Mrs. Lena Ager, Mrs. H. B. Keller, Mrs. A. L. Walker, and A. Bucy, all of Johnstown; Mrs. J. A. McGinnis and Mrs. Jess Carns, of Portage; Mrs. O. P. Conrad, of Wilmore; Mrs. Irene Fife, of Dunlo; Mrs. M. A. Tobin, Lloydell, and C. H. Leopold, of Blairsville, all in the State of Pennsylvania, against the passage of House bill 9671, to establish price control; to the Committee on Interstate and Foreign Commerce.

By Mr. BOOHER: Papers to accompany bill for relief of heirs of George Welty; to the Committee on Claims.

By Mr. CAREW: Memorial of Missouri Bankers' Association, favoring Pomerene bill-of-lading bill; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES: Memorial of citizens of Niskayuna, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of S. M. McDill, guard United States Penitentiary, Atlanta, Ga., favoring the Nolan minimum-wage bill; to the Committee on Labor.

By Mr. DILLON: Petition of citizens of Union County, S. Dak., opposing passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. DOOLING: Memorial of the Merchants' Association of New York, relative to Senate amendment 33 to the rivers and harbors bill (H. R. 12193); to the Committee on Rivers and Harbors.

By Mr. EVANS: Petition of women of Havre, Mont., favoring suffrage amendment; to the Committee on the Judiciary.

By Mr. FLYNN: Memorial of the Merchants' Association of New York, relative to Senate amendment 33 to the rivers and harbors bill; to the Committee on Rivers and Harbors.

By Mr. LONDON: Petition calling upon Congress and the President to forthwith recall the United States troops from Mexico, as the only possible preventive "against a horrible continental war," by 1,180 citizens through the Anti-War League of America; to the Committee on Foreign Affairs.

By Mr. MANN: Petition of Chicago Post Office Clerks' Association, Branch 6, U. N. A. P. O. C., protesting against transfer of temporary clerks from Washington, D. C., to Chicago money order division; to the Committee on the Post Office and Post Roads.

By Mr. MEEKER: Petitions of International Association of Machinists, Local No. 1, and Railway Employees' Department of St. Louis, Mo., favoring passage of House bill 11168; to the Committee on Naval Affairs.

By Mr. O'SHAUNESSY: Memorial of Charity Organization Society of Newport, R. I., favoring passage of Kern-McGillcuddy compensation bill; to the Committee on Reform in the Civil Service.

Also, petitions of New England Butt Co., United States Bobbin & Shuttle Co., and the Beaman & Smith Co., all of Providence, R. I., opposing the Tavenner amendment to the fortifications bill; to the Committee on Appropriations.

By Mr. PRATT: Petition of Elmira Knitting Mills, Elmira, N. Y., Mr. Casper G. Decker, president, opposing the passage of the price-fixing law; to the Committee on Interstate and Foreign Commerce.

Also, petition of Philadelphia Branch, in Elmira, N. Y., of the woman's section of the Navy League of the United States, Mrs. Frances Reynolds Lawson, chairman, favoring the making of America safe by a thorough preparation against war; to the Committee on Military Affairs.

By Mr. RAKER: Petition of Hon. Edward Hyatt, of California, against Federal legislation for the collection of inheritance tax; to the Committee on Ways and Means.

By Mr. SLOAN: Petition of Frau Oehlrich and 30 others of Nebraska, favoring the Emerson resolution relative to shipments of milk to Europe; to the Committee on Foreign Affairs.

By Mr. STEENERSON: Petition of William J. Dale and 7 other citizens of Polk and Norman Counties, Minn., protesting against the passage of Senate bill 5677, for the proper observ-

ance of the Sabbath day in the District of Columbia; to the Committee on the District of Columbia.

By Mr. STINESS: Papers to accompany House bill 16576, granting an increase of pension to Margaret F. Boyle; to the Committee on Invalid Pensions.

By Mr. YOUNG of North Dakota: Petition of John M. Shindler and 39 others of Gackle, and citizens of Driscoll and Sterling, N. Dak., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of John Vietz and 39 others, of Gackle, and citizens of Driscoll and Sterling, N. Dak., against Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

SENATE.

FRIDAY, June 23, 1916.

(Legislative day of Thursday, June 22, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT. The Senate resumes the consideration of the Post Office appropriation bill, and the pending amendment is the amendment of the Senator from Florida [Mr. BRYAN].

Mr. SMOOT. Mr. President, I hardly think we can begin business this morning with only five or six Senators in the Chamber. For that reason I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Hardwick	O'Gorman	Sterling
Bankhead	Hitchcock	Oliver	Swanson
Broussard	Husting	Overman	Taggart
Bryan	James	Page	Thomas
Chamberlain	Johnson, Me.	Pittman	Thompson
Clapp	Johnson, S. Dak.	Ransdell	Tillman
Clark, Wyo.	Jones	Reed	Townsend
Clarke, Ark.	Kern	Saulsbury	Underwood
Culberson	Lane	Shafroth	Vardaman
Cummins	Lodge	Sheppard	Walsh
Curtis	Martine, N. J.	Sherman	Warren
Dillingham	Myers	Shields	Weeks
Gallinger	Nelson	Simmons	Williams
Gronna	Norris	Smoot	Works

Mr. MARTINE of New Jersey. I beg to announce that the Senator from West Virginia [Mr. CHILTON] is absent from the Senate on official business. I ask that this announcement may stand for the day.

Mr. ASHURST. I wish to announce that my colleague [Mr. SMITH of Arizona] is unavoidably detained by reason of illness in his family.

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present. The pending amendment is the amendment of the Senator from Florida [Mr. BRYAN].

WASHINGTON ASYLUM HOSPITAL.

Mr. JONES. Mr. President, I do not want to say anything in reference to the pending amendment, but I have here a protest signed by some twelve or thirteen hundred citizens of the District of Columbia, protesting against a change of the Washington Asylum Hospital from the present site to a site near Fourteenth Street in the Northwest. The protest is short, and I ask that it may be printed in the RECORD and then that it be referred to the Committee on Appropriations.

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

Protest against the removal of the Washington Asylum Hospital to the site between Georgia Avenue, Fourteenth, Upshur, and Allison Streets NW.

Whereas it is planned by the Commissioners of the District of Columbia and the Board of Charities to use the appropriation requested for a new municipal hospital, in case it is obtained, for the purpose of removing the Washington Asylum Hospital from its present location on Reservation No. 13, where it has been established for 70 years, and placing it under the name of the Municipal Hospital upon the site between Georgia Avenue, Fourteenth, Upshur, and Allison Streets NW.; and

Whereas the placing in a substantial residential neighborhood of an institution which cares for so many alcoholics, dope fiends, mental suspects, and persons suffering from vice diseases, and brought in largely by the police, would be highly prejudicial to the personal and property interests of the residents of the said neighborhood and of those who must travel upon the car lines which will be used by the inmates of the hospital and their associates and by the sick from all sections of the city in traveling to and from the hospital and the dispensary to be run in connection with it:

Now therefore, We, the undersigned residents, property owners, and taxpayers, respectfully but earnestly protest to Congress against any appropriation under the terms of which it will be possible to remove the Washington Asylum Hospital from its present location on Reserva-

tion No. 13, and to place it, under the name of the Municipal Hospital, or any other name, on the site between Georgia Avenue, Fourteenth, Upshur, and Allison Streets NW.

NEW JERSEY STATE TROOPS.

Mr. MARTINE of New Jersey. Mr. President, I ask unanimous consent to read a short letter that I have received from the adjutant general of the State of New Jersey. Is there objection to reading it at this time?

The VICE PRESIDENT. No one seems to object.

Mr. MARTINE of New Jersey. I desire to read this personal letter that I have just received from the adjutant general of the State of New Jersey, and I am frank to say that I am quite proud to read it here in this body:

STATE OF NEW JERSEY,
OFFICE OF THE ADJUTANT GENERAL,
Seagirt, June 22, 1916.

DEAR SENATOR MARTINE: On Monday morning, June 19, we received an order from the President calling for a brigade of Infantry, a squadron of Cavalry, two batteries of Field Artillery, a Signal Corps company, a field hospital, and an ambulance company. Mobilization orders were at once issued, and at 3 o'clock yesterday afternoon—

That is, on the 20th—

all of these troops, at maximum peace strength, were in camp at Seagirt, and within a few hours thereafter were under canvas. All horses and mules, amounting to about 900, are either here or en route.

Under the rules of the War Department we are not furnished equipment for more than maximum peace strength. When organizations are ordered to recruit to war strength the extra equipment is supposed to be shipped to the mobilization camp at the time the order for mobilization is issued. We have, as I said before, brought all our men to camp without one slacker.

I believe that the State of New Jersey, which is the first to mobilize, has proven that you made no mistake in making the statement you did and in backing the citizen-soldiers of this State.

Very truly, yours,

WILBUR F. SADLER, JR.

I am very anxious to present this inasmuch as many of our earnest and patriotic associates of this body were so utterly opposed to what they called the tin soldiery of the National Guard.

Mr. REED. I should like to ask the Senator when the New Jersey troops did mobilize?

Mr. MARTINE of New Jersey. I will read the statement again.

Mr. BANKHEAD. Mr. President, I am compelled to demand the regular order.

Mr. MARTINE of New Jersey. I appreciate the situation, but I should like to read the statement again.

The VICE PRESIDENT. Under the peculiar situation about the rules of the Senate the Senator from New Jersey is addressing the Senate on the amendment of the Senator from Florida [Mr. BRYAN] to the Post Office appropriation bill.

Mr. BANKHEAD. Of course, if the Senator is discussing that he is in order.

Mr. MARTINE of New Jersey. Mr. President, I have no desire to further detain the Senate, but if I may be permitted to respond to the Senator from Missouri I will say that the statement from Wilbur F. Sadler is that on Monday morning, June 19, he received an order from the President calling for a brigade of Infantry, and they were organized and mobilized on the next day, the 20th, at Seagirt.

I only want to impress upon the Senate, and particularly upon my friend, the Senator from Missouri [Mr. REED], this fact, as he is one of those who talked about the National Guard being a "tin guard."

Mr. REED. I did?

Mr. MARTINE of New Jersey. Did you not?

Mr. REED. I was the only man who effectively defended them.

Mr. MARTINE of New Jersey. Then I retract it with all apology in the world.

ADDRESS BY SENATOR CLAPP, AT DULUTH, MINN.

Mr. WORKS. Mr. President, out of order, I ask unanimous consent to have printed in the RECORD an address delivered by the junior Senator from Minnesota [Mr. CLAPP] at Duluth, Minn., on May 30.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

MEMORIAL DAY ADDRESS DELIVERED BY HON. MOSES E. CLAPP, UNITED STATES SENATOR FROM MINNESOTA, AT THE MEMORIAL DAY EXERCISES HELD AT DULUTH, MINN., MAY 30, 1916.

"Veterans, this hour is solemnly dedicated to the memory of your departed comrades, and recognizing this sacred trust, I shall to-day deal only with those problems which are involved in the permanent greatness of the Republic, which your valor saved from dismemberment. For after all, the greatest tribute those who follow can pay you is the faithful guardianship of the legacy you have left us.