

orphans of Spanish-American War Veterans; to the Committee on Pensions.

Also (by request), petition of J. G. McMillan, of Pittsburgh, Pa., in favor of House bill 5792; to the Committee on Expenditures in the Department of Agriculture.

Also (by request), memorial of the Wild Life League of Pennsylvania, indorsing the Chamberlain-Hayden bill; to the Committee on the Public Lands.

Also (by request), memorial of Trades Union Liberty League of Pittsburgh, Pa., protesting against a national prohibition amendment; to the Committee on the Judiciary.

Also (by request), memorial of Federal Milling Co., of Lockport, N. Y., in favor of correcting abuses in grain-inspection system; to the Committee on Interstate and Foreign Commerce.

By Mr. PAIGE of Massachusetts: Petition of Brown-Hadley Co., of Templeton, Mass., in favor of House bill 702, the dye-stuffs bill; to the Committee on Ways and Means.

By Mr. POWERS: Petitions of 260 people of Pineville, Ky., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Petition of Andy Nargaar, of Ruth, Cal., and others, that Congress enact a law authorizing the War Department to conscript all bank deposits over the sum of \$5,000 and all stocks and bonds over the value of \$5,000 held by any individual, all railroads, factories, mines, mills, or other means of producing and distribution of war supplies to feed the people of the United States in case of war, the same to be put at the disposal of the War Department for use in any way it may see fit, without compensation to the original owner; to the Committee on the Judiciary.

By Mr. SCULLY: Petitions of Charles Liebscher, of New Jersey; Harry E. Heckman and Titus Heckman, favoring passage of the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of National Security League, favoring preparedness; to the Committee on Military Affairs.

Also, petitions of citizens of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Papers to accompany House bill 6358, granting a pension to Mary K. Plowman; to the Committee on Pensions.

Also, papers to accompany bill granting a patent to Joseph Robicheau; to the Committee on the Public Lands.

Also, papers to accompany House bill 11061, for relief of George W. Zigler; to the Committee on Invalid Pensions.

By Mr. SNELL: Memorial of 27 merchants of Plattsburg, N. Y., in favor of the so-called Stevens price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Shields Bros., F. M. Dana, F. J. Dimond, F. L. Cross, William E. Maxfield, and L. C. Sweet, all of Bombay, N. Y., favoring the passage of House bill 702; to the Committee on Ways and Means.

By Mr. SNYDER: Memorial of Astenrogen Chapter, Daughters of the American Revolution, relative to formation of a national park at the scene of the Battle of Oriskany; to the Committee on Military Affairs.

By Mr. SULLOWAY: Petition of Christian Church of Newton, N. H., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of I. B. Williams & Sons, of Dover, favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. TEMPLE: Petition of B. W. Bridgeman and other citizens of New Wilmington, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Adam Herst and others, of Charleroi, Pa., and Peter Bollenbacher and others, against national prohibition; to the Committee on the Judiciary.

Also, petition of Oscar Ekstadt and other citizens, of Rochester, Pa., favoring House bill 6871; to the Committee on Labor.

By Mr. TIMBERLAKE: Memorial of Local Union No. 549, Brotherhood of Railroad Trainmen, Grand Junction, Colo., against increase in Army and Navy; to the Committee on Military Affairs.

Also, petition of Local Union No. 44, International Union of United Brewery Workmen of America, Denver, Colo.; to the Committee on the Judiciary.

By Mr. WALSH: Petition of Fred J. Bentley, of New Bedford, Mass., and 23 other citizens of said city, opposing tax on tooth paste; also petitions of Edward J. Bellenoit and others, Alexander A. Petit and others, Frank M. Braza and others, on the same subject; to the Committee on Ways and Means.

By Mr. WASON: Resolutions of Hope Council, No. 3, Sons and Daughters of Liberty, of Milford, N. H., favoring the pas-

sage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. WINSLOW: Petitions of citizens of Milford, Mass., against censorship of moving pictures; to the Committee on Education.

By Mr. YOUNG of North Dakota: Petition of Woman's Study Club, of Wimbledon, N. Dak., for nonpartisan commission for Indian affairs; to the Committee on Indian Affairs.

SENATE.

WEDNESDAY, February 9, 1916.

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

Almighty God, we take Thy name reverently and come before Thee with godly fear. We pray Thee to help Thy servants in the Senate to keep the heart of this Nation true and good. Our friendships are created, our interests are conserved, our patriotism deepened by the touch of God upon the life of the people. May Thy servants in the Senate lead the way, remembering that forgetfulness of God is the sacrifice of the highest interests both for this life and the world to come. So may we hold to Thee that we may know Thee and well discharge the sacred duties imposed upon us in Thy fear and with Thy favor. For Christ's sake. Amen.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 900) amending sections 476, 477, and 440 of the Revised Statutes of the United States.

The message also announced that the House had passed a bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from the Pikes Peak Ocean-to-Ocean Highway Association, in convention at St. Joseph, Mo., praying for an appropriation for the construction of a military highway across the country, which was referred to the Committee on Military Affairs.

Mr. GRONNA. I present a memorial of sundry citizens of Fordville, N. Dak., which I ask to have printed in the Record. It is a short memorial and is in opposition to the President's preparedness program.

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

FORDVILLE, N. DAK., January 29, 1916.

HON. A. J. GRONNA,

United States Senate, Washington, D. C.:

Believing that the present program of preparedness now before the Congress of the United States, entailing as it does a tremendous increase in the appropriations of the Nation, is unnecessary at this time, and realizing that the danger of war and the menace of militarism are increased by copying the war policy of Europe, we, the petitioners herewith subscribed, respectfully request you to use all honorable means at your command to defeat the administration plan of preparedness. We would further urge that if it is found necessary to adopt a preparedness program of any kind that you exert your influence toward having the Government of the United States own and operate its own plants for the building and manufacturing of every particle of war equipment needed.

Mr. GRONNA presented memorials of sundry citizens of North Dakota, remonstrating against a tax on gasoline, which were referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Woodworth, N. Dak., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the Commercial Club of Fargo, N. Dak., praying for the construction of good roads in the public domain, which was referred to the Committee on Public Lands.

He also presented a petition of the North Dakota Agricultural College, praying for the enactment of legislation to fix a standard price for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

He also presented a petition of the Sixth District Medical Society, of Bismarck, N. Dak., and a petition of the Sheyenne Valley Medical Society, of Valley City, N. Dak., praying for the enactment of legislation to increase the Medical Corps of the Army, which were referred to the Committee on Military Affairs.

He also presented a petition of the Electrical Supply Jobbers' Association, of Chicago, Ill., praying for the enactment of legislation to fix a standard price for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

He also presented a petition of the National Council of Congregational Churches, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented petitions of sundry citizens of Catonsville, Md., praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. McCUMBER presented memorials of sundry citizens of North Dakota, remonstrating against a tax on gasoline, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Bismarck, N. Dak., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a petition of Kotana Medical Society, of Williston, N. Dak., and a petition of the Sheyenne Valley Medical Society, of Valley City, N. Dak., praying for the enactment of legislation to increase the Medical Corps of the Army, which were referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Niagara, N. Dak., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented a petition of the Men's Class of the First Methodist Episcopal Church of Laconia, N. H., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented the petition of Rev. G. F. Rouillard, of North Stratford, N. H., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also (for Mr. BURLEIGH) presented a petition of sundry citizens of Portland, Me., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

He also (for Mr. GOFF) presented petitions of sundry citizens of West Virginia, praying for the printing of the report of the Commission on Industrial Relations, which were referred to the Committee on Printing.

He also (for Mr. GOFF) presented petitions of sundry citizens of West Virginia, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also (for Mr. GOFF) presented a petition of the Interwoven Mills, of Martinsburg, W. Va., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

Mr. IENROSE presented a petition of the Philadelphia (Pa.) Maritime Exchange, praying for the suspension of sections 4, 13, and 14 of the so-called seamen's act, and also for the enactment of legislation to develop the merchant marine, which was referred to the Committee on Commerce.

Mr. HARDWICK presented a petition of the Federation of Trades of Atlanta, Ga., praying for the printing of the report of the Commission on Industrial Relations, which was referred to the Committee on Printing.

Mr. MARTINE of New Jersey presented petitions of sundry citizens of Gloucester, N. J., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. JAMES. I present a resolution adopted at a meeting of the Trigg County Good Roads Association, held in Cadiz, Ky., favoring the passage of the so-called Shackelford good-roads bill which appropriates \$25,000,000 for the use and benefit of the roads of our country. I ask that the resolution be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the resolution was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

CADIZ, KY., February 7, 1916.

SENATOR OLLIE M. JAMES,
Washington, D. C.

DEAR SIR: At a meeting of the Trigg County Good Roads Association, held in Cadiz, Ky., on Saturday afternoon, February 5, 1916, the following resolution was unanimously adopted:

"Resolved, That we earnestly request both of our United States Senators, Hon. J. C. W. BECKHAM and Hon. OLLIE M. JAMES, to vote for and do whatever they can for the passage of the Shackelford good-roads bill, appropriating \$25,000,000 for the use and benefit of the roads of our country, through the United States Senate, which bill was recently passed by the National House of Representatives."

Witness our hands, as president and secretary of the Trigg County Good Roads Association, this February 7, 1916.

W. C. WHITE, President.
JOHN S. LAURENCE, Secretary.

Mr. WARREN presented a petition of Rock Lake Grange, No. 13, Patrons of Husbandry, of Wheatland, Wyo., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of Rock Lake Grange, No. 13, Patrons of Husbandry, of Wheatland, Wyo., praying for the repeal of certain sections of the statutes concerning mixed flour, which was referred to the Committee on Finance.

Mr. O'GORMAN presented petitions of sundry citizens of New York, praying for the imposition of a duty on dyestuffs, which were referred to the Committee on Finance.

Mr. CURTIS presented memorials of 10,858 citizens of Kansas, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of Kansas, remonstrating against the enactment of legislation to place a tax on bank checks, which were referred to the Committee on Finance.

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

He also presented a petition of the Central Labor Union of Hutchinson, Kans., and a petition of the Central Labor Union of Coffeyville, Kans., praying for the enactment of legislation to prohibit interstate commerce in convict-made goods, which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Natoma, Kans., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry members of the Grand Army of the Republic of Lost Springs, Kans., praying for the enactment of legislation to provide for a monthly payment of pensions, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Manhattan, Kans., praying for the enactment of legislation to pay the National Guard, which was referred to the Committee on Military Affairs.

He also presented a petition of the Merchants and Farmers' Association of Johnson County, Kans., praying for the enactment of legislation to provide 1-cent postage on first-class mail, which was referred to the Committee on Post Offices and Post Roads.

Mr. KERN presented memorials of sundry citizens of Indianapolis, Fort Wayne, Terre Haute, South Bend, Evansville, Indian Harbor, Elkhart, Michigan City, Elwood, Hammond, Vincennes, and South Bend, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Waldron, Bicknell, Elkhart, Greentown, Indianapolis, Peru, Red Key, Crown Point, Eden, Crawfordsville, Connersville, Richmond, Fort Wayne, Vincennes, and Columbus, all in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of the City Council of Oakland, Cal., praying for the inclusion of the western water front of Oakland, Cal., in the so-called Oakland Harbor project for the improvement of San Francisco Bay, which was referred to the Committee on Appropriations.

Mr. PAGE presented a petition of 200 citizens of Orleans, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented memorials of sundry citizens of Fitchburg and Worcester, in the State of Massachusetts, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of Lowell and New Bedford, in the State of Massachusetts, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Massachusetts Branch of the Congressional Union, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Boston, Roslindale, Newton, Newtonville, and Cambridge, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Lowell, Mass., remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Walpole, Mass., praying for the enactment of legislation to prohibit inter-

state commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the New England Shoe & Leather Association, praying for the creation of a nonpartisan tariff board, which was referred to the Committee on Finance.

He also presented a petition of the New York Zoological Society, praying for the enactment of legislation to set aside forest reserves for game refuges, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. McLEAN presented a petition of sundry citizens of Danbury, Conn., praying for the enactment of legislation to fix a standard price for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

He also presented a petition of the Baptist Ministers Conference of New London, Conn., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the congregation of the Methodist Episcopal Church, of Warehouse Point, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the South Methodist Episcopal Church, of Middletown, Conn., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 40, International Union of United Brewery Workmen, of Bridgeport, Conn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 1428) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900, reported it without amendment and submitted a report (No. 119) thereon.

He also, from the same committee, to which was referred the bill (S. 3466) for the relief of the estate of Moses M. Bane, reported adversely thereon, and the bill was postponed indefinitely.

Mr. GRONNA, from the Committee on Indian Affairs, to which was referred the bill (S. 585) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Sisseton and Wahpeton Bands of Sioux Indians against the United States, reported it with an amendment and submitted a report (No. 123) thereon.

Mr. HARDING, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 922. A bill for the relief of Mary E. Nicolson (Rept. No. 121); and

S. 2720. A bill for the relief of Frank Payne Selby (Rept. No. 122).

Mr. WADSWORTH, from the Committee on Claims, to which was referred the bill (S. 3436) for the relief of John Alexander Besonen, reported it without amendment and submitted a report (No. 124) thereon.

Mr. BECKHAM, from the Committee on Claims, to which was referred the bill (S. 3255) for the relief of B. H. Harrison, submitted an adverse report (No. 118) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. STONE, from the Committee on Foreign Relations, reported an amendment proposing to appropriate \$3,000 to enable the Government of the United States to pay, through the American Embassy at Berlin, its quotas as an adhering member of the International Geodetic Association for the Measurement of the Earth for the calendar years 1914 and 1915, etc., intended to be proposed to the Diplomatic and Consular appropriation bill, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

FRIGATE "CONSTITUTION"—CHANGE OF REFERENCE.

Mr. GALLINGER. Mr. President, day before yesterday a letter from the Secretary of the Navy regarding the condition of the frigate *Constitution* was laid before the Senate. At my suggestion it was sent to the Committee on Appropriations. Manifestly it should go to the Committee on Naval Affairs, and I ask for that change of reference.

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

PUBLIC BUILDING AT SANDUSKY, OHIO.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (S. 4308) to purchase a site and erect thereon a suitable building for post office and other governmental offices at Sandusky, Ohio, and for other purposes, and I submit a report

(No. 117) thereon. I call the attention of the senior Senator from Ohio [Mr. POMERENE] to the bill.

Mr. POMERENE. Mr. President, I ask unanimous consent for the present consideration of this bill, and I will state my reason for it very briefly.

On March 4, 1913, Congress authorized the construction of a new building on the old site in the city of Sandusky, Ohio. On March 3, 1915, Congress appropriated \$92,000, to be made immediately available, \$80,000 to be applied toward the construction of the new building and \$12,000 to provide temporary quarters for the Government offices. After this legislation was enacted the citizens of Sandusky decided that they wanted to change the site. It is the purpose of the bill to authorize this change—the construction of the building upon the new site, and the sale of the old site, for which they have now a bid guaranteed of not less than \$70,000.

The bill increases the appropriation only \$15,000, and the reason for asking its immediate consideration is because the citizens have options on two available sites which will expire March 1, and they fear they could not get a site so satisfactory on as good terms if these options were permitted to expire.

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.

CARLOS HEVIA Y REYES GAVILÁN.

Mr. STONE. From the Committee on Foreign Relations I report back favorably without amendment the joint resolution (H. J. Res. 95) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Carlos Hevia y Reyes Gavilán, a citizen of Cuba.

A similar joint resolution was passed by the Senate some time since. It was introduced in the House at practically the same time it was introduced in the Senate, and the House joint resolution having been passed and sent here, I now ask unanimous consent for its present consideration.

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

Mr. PHELAN. I ask that it be read.

The VICE PRESIDENT. The joint resolution will be read. The Secretary read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Navy be, and he hereby is, authorized to permit Mr. Carlos Hevia y Reyes Gavilán, a citizen of Cuba, to receive instruction at the United States Naval Academy at Annapolis: *Provided,* That no expense shall be caused to the United States thereby, and that the said Carlos Hevia y Reyes Gavilán shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and that the said Carlos Hevia y Reyes Gavilán shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies, of conduct, and so recommended by the academic board.

Mr. PHELAN. I have no objection to the present consideration of the joint resolution.

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

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

Mr. STONE. Mr. President, I enter a motion to reconsider the vote by which the Senate passed Senate joint resolution No. 81, authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Carlos Hevia y Reyes Gavilán, a citizen of Cuba, and that the House be requested to return to the Senate the joint resolution.

The VICE PRESIDENT. The notice will be entered.

THE PATENT OFFICE.

Mr. JAMES. From the Committee on Patents I report back favorably, without amendment, the bill (S. 683) prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before the Patent Office in advertising his business, and I call the attention of the Senator from Washington [Mr. POINDEXTER] to the bill.

Mr. POINDEXTER. Mr. President, this bill is identical with one which passed during the last session of Congress. It is very much desired by the Commissioner of Patents, in order to relieve his office of the abuses to which the bill refers. I ask for its immediate consideration.

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, which was read, as follows:

Be it enacted, etc., That it shall be unlawful for any person, firm, or corporation practicing before the Patent Office to use the name of any Member of either House of Congress or of any officer of the Government in advertising the said business.

SEC. 2. That this act shall take effect three months after its date.

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

INCREASE OF MIDSHIPMEN—UNITED STATES NAVAL ACADEMY.

Mr. TILLMAN. From the Committee on Naval Affairs I report back favorably, without amendment, the bill (H. R. 9224) providing for an increase in number of midshipmen at the United States Naval Academy, and I ask unanimous consent for its present consideration. It is a House bill. I tried to get the bill through on yesterday, but the Senator from Wisconsin [Mr. LA FOLLETTE] objected. He has since withdrawn his objection.

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

Mr. SMOOT. I do not object, because I have no objection to the consideration of the bill at this time, but—

Mr. TILLMAN. I have seen the Senator from Wisconsin, and he told me he had withdrawn all objection; that he did not know what the bill was when I asked for its consideration on yesterday.

Mr. SMOOT. He has no objection?

Mr. TILLMAN. The Senator from Wisconsin has no objection at all to the passage of this bill. He is very anxious for it to go through.

Mr. LODGE. Which bill is this, Mr. President?

Mr. POINDEXTER. The bill providing for an increase in the number of midshipmen at the United States Naval Academy.

The VICE PRESIDENT. Is there any 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, which was read as follows:

Be it enacted, etc., That hereafter there shall be allowed at the United States Naval Academy 3 midshipmen for each Senator, Representative, and Delegate in Congress, 1 for Porto Rico, 2 for the District of Columbia, 10 appointed each year at large, and 15 appointed annually from enlisted men in the Navy as now authorized by law.

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

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

NEW YORK AND MARE ISLAND NAVY YARDS.

Mr. TILLMAN. Mr. President, I ask unanimous consent for the present consideration of House joint resolution 98, making part of the appropriation "Construction and machinery, increase of the Navy," in the naval act approved March 3, 1915, available for the extension of building ways and equipment at the navy yards at New York and Mare Island, Cal.

Mr. LODGE. That joint resolution is on the calendar.

Mr. TILLMAN. It is on the calendar, and I ask for its immediate consideration.

Mr. JONES. Let the joint resolution be read.

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

Mr. NEWLANDS. Mr. President, I will ask if this measure will lead to any debate?

Mr. TILLMAN. I do not think so.

Mr. LODGE. No; I do not think so.

The VICE PRESIDENT. Is there any objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows:

Resolved, etc., That of the money heretofore appropriated under the appropriation "Increase of the Navy, construction and machinery," in the act making appropriations for the naval service for the fiscal year ending June 30, 1916, approved March 3, 1915, the sums of not exceeding \$100,000 for navy yard, New York, and not exceeding \$500,000 for navy yard, Mare Island, Cal., are hereby made available for the extension of building ways and equipment necessary for the construction of battleships or battle cruisers in those yards.

Mr. LODGE. Mr. President, I will say to the Senator from Nevada that this joint resolution is on the calendar, and, of course, it can be taken up on motion.

I shall detain the Senate for only a moment. This is an emergency measure of the strongest kind. It ought to be passed at once as it came from the House. It makes no new appropriation. It simply makes available money already appropriated.

Battleships 43 and 44 were authorized one year ago at this time. They were sent by the Secretary of the Navy to Mare Island and New York. The ways in both of those yards are

occupied, and the ways at Mare Island are not big enough to take a superdreadnaught, and there is no money with which to extend them. If this money is not given, they will not be extended. Therefore it is of the utmost importance that this money shall be made available at once for the purpose of extending the Mare Island ways and getting equipment to the New York ways.

What I want to call attention to is the fact that by the time the keels of those ships are laid it will be 18 months from their authorization. Now, we build a battleship in three years. That is a little longer, though not so much longer, as is commonly said, than the English or German rates; but we waste a whole year and a half before we begin to build them. If we need any increases in the Navy, we need them now. This is a step toward getting as quickly as possible the ships authorized last year, which can not be begun before September or October. I hope the joint resolution will pass immediately.

Mr. PHELAN. Mr. President, I desire in this connection to have printed in the RECORD at this point a letter I have just received from the Secretary of the Navy that throws some light upon the bids of private contractors upon the battleships 43 and 44, and so forth, and the advantage in these instances of construction in Government yards.

The VICE PRESIDENT. Without objection, the letter will be received and printed in the RECORD.

The matter referred to is as follows:

FEBRUARY 8, 1916.

DEAR SENATOR PHELAN: Complying with your verbal request for information concerning the bids, etc., for battleships 43 and 44, the bids from the private contractors were as follows:

NEW YORK SHIPBUILDING CO.

One vessel, in accordance with the department's design, subject to certain exceptions enumerated hereinafter----- \$7,700,000

NEWPORT NEWS SHIPBUILDING & DRY DOCK CO.

One vessel, in accordance with the department's design, subject to certain exceptions enumerated hereinafter----- 7,775,000

FORE RIVER SHIPBUILDING CORPORATION.

Bid 1. One vessel in accordance with the department's design----- 7,638,000
 Bid 2. One vessel in accordance with the department's design----- 7,684,000
 Bid 3. One vessel in accordance with the department's design----- 7,750,500
 Bid 4. One vessel in accordance with the department's design----- 7,229,500

These prices are subject to certain exceptions, differing in each case, as described below.

The following table gives the items which the respective bidders propose to omit from the contract plans and specifications, as originally contemplated by the department, and opposite each item is given an estimate of the cost of including that item. In some cases these figures have been stated in the bids, but in some instances have been estimated by the bureaus:

Estimated value of omissions.

Items.	New York Shipbuilding Co.	Newport News Shipbuilding & Drydock Co.	Fore River Shipbuilding Corporation.			
			Bid 1.	Bid 2.	Bid 3.	Bid 4.
1. Insurance.....	\$70,000	\$70,000		\$66,500		
2. Bond.....	10,000			10,000		
3. Trial trip.....	75,000	75,000		75,000		
4. Docking and painting.....	12,500	12,500		12,500		
5. Oregon pine for teak.....	40,000	40,000		40,000		
6. Metal furniture and lockers.....	68,000	68,000		68,000	(1)	(2)
7. Water ejecting system.....	25,000			25,000		
8. Spare shaft.....	7,600			7,600		
9. Propellers.....	6,900			13,800		
10. Shop tools.....	17,000			17,000		
11. Pneumercators.....	11,600					
12. Laundry and sterilizer.....				8,000		
13. Hose.....	3,000			3,000		
14. Finished plans.....	13,500			15,000		
15. Nickel steel for steel turret structure.....		200,000				
16. Forgings (hull), on 1910 specifications.....						
17. Cork instead of noninflammable insulation.....						
18. All steel turret structure.....			\$521,000			\$521,000
19. Inclining experiment.....				1,000		
20. Electric winches and capstan.....				20,000		

¹ Same as bid 2, except insurance is included.

² Same as bid 3, except Government to supply steel turret structure.

Estimated value of omissions—Continued.

Items.	New York Shipbuilding Co.	Newport News Shipbuilding & Drydock Co.	Fore River Shipbuilding Corporation.			
			Bid 1.	Bid 2.	Bid 3.	Bid 4.
21. Printing office and carpenter shop.....				\$3,500		
22. Speed gears in boat cranes.....				80,000		
23. Evaporators as on Nevada.....				15,000		
24. Fireroom hoist.....				1,500		
25. Torsion meters.....				3,500		
Total.....	\$368,100	\$465,500	\$521,000	407,000	\$340,500	\$861,500
Bids as submitted.....	7,700,000	7,775,000	7,638,000	7,684,000	7,750,500	7,229,500
Total for ship in accordance with department's plans and specifications.....	\$,068,100	\$,240,500	\$,159,000	\$,091,000	\$,091,000	\$,091,000

Time of construction: The department's circular to prospective bidders on these vessels stated that no bids would be considered which proposed a period for construction in excess of 34 months. Prior to the opening, several of the prospective bidders protested against this provision, stating that under the prevailing conditions of the labor and material markets it would be impracticable to guarantee completion in that period. The contractors were then informed that a bid containing a time guarantee in excess of 34 months would not be thrown out on that account, but preference in consideration would be given to bids proposing the shortest time for construction.

The Newport News Shipbuilding & Dry Dock Co. in their proposal offered a constructional period of 40 months. The Fore River Shipbuilding Corporation proposed 34 months, but in a letter forming a part of their bid stated:

"Referring to our proposal herewith submitted for the construction of one of battleships Nos. 43 and 44 and to paragraph 12 of the confidential circular of requirements for bidders, which states that the maximum time allowed for completion of these vessels will be limited by the department to 34 months, and that no bid that proposes to exceed this limit will be considered, we beg to invite attention to our letter of the 28th ultimo to the Secretary of the Navy, specifying in detail why we do not consider it practicable to construct this vessel within the limitation of time as specified by the department. In spite of this fact we are able to put in a proposition that will comply with the department's circular, because we know that the steel market is at present in such condition that after the receipt of our orders for structural material a time that would ordinarily be unreasonable will be required for its delivery. Paragraph 9 of the contract distinctly provides that this shall be a reason for extension of contract time, and it is because of this clause of the contract and of our knowledge of the steel situation that we are submitting this bid.

"We are convinced that there will be delay on the part of the Government in providing the material that it furnishes under the third clause of the contract, because this is affected by the same conditions that render it impracticable for us to obtain structural material within the time necessary to carry this vessel to completion in 34 months. The third clause of the contract provides that such delay shall entitle the contractor to an extension of time for the completion of the vessel."

The New York Shipbuilding Co. likewise proposed 34 months, but in a similar letter stated:

"In making our proposal to deliver this vessel in 34 months we make special reference to the provisions of the form of contract, clauses 3 and 9, for the protection of the builder, for the reason that, should existing conditions in obtaining materials continue, it is extremely likely that there will be considerable delay in the delivery of the ship, unavoidable and quite beyond the control of the builder."

The pertinent portions of the contract clauses 3 and 9 referred to above provide that if armor and ordnance supplied by the Government shall be delayed in delivery to the contractor and thereby delay the construction of the ship, he shall be entitled to a corresponding extension of the contract time. Also that he shall be entitled to extension of the contract time for delays caused by the act of the department or by fire or water or by strikes or by other circumstances beyond his control, but that such circumstances shall not be deemed to include delays in obtaining material unless the contractor failed to obtain delivery after having ordered the material in proper time and used every reasonable effort to get delivery.

In view of the fact that the amount authorized by Congress for the construction of these ships was \$7,800,000 each, and the lowest cost of construction by private contractors was \$8,068,100, or \$268,100 in excess of the sum the Secretary of the Navy was authorized to expend, no recourse was open but to decline to make an award at a figure above the legal authorization.

Added to this insuperable reason why the contract could not be awarded to either of the private shipbuilding concerns upon their bid was the additional fact that neither company guaranteed to complete the ship at any fixed date within a reasonable time. The Newport News Co. frankly placed 40 months as the shortest time for delivery, and the other bidders were equally frank in pointing out that delay must be expected, so that they could give no assurance of early completion. On the contrary, as will be seen above, the companies pointed out the reason why, if awarded the contract, the Government must expect delay in the completion of the ships.

The New York Navy Yard estimated that it could build a ship within 36 months at a cost of \$7,069,923. It is estimated that \$100,000 will be needed for plant improvements. The Mare Island Navy Yard estimated that it could build a ship for \$7,413,156, including certain necessary preparations for construction estimated at \$244,748. It also stipulated that other money would be needed to further equip the yard during construction. Their estimates showed a saving of \$654,944 over the lowest bid of the private shipbuilding companies and a time of con-

struction of 31 months after receipt of structural material. Even with the necessary delay to extend the slip and provide other equipment at Mare Island it is believed that the Government can complete the ships at as early a date as any of the private shipbuilding yards, all of which are crowded with private contracts.

Before awarding the building of these ships to the navy yards I took the precaution of making contracts for steel and armor plate, with guarantees of prompt delivery, and directions have been given to make like contracts for all material needed, so there will be no unnecessary delays. The machinery is now under advertisement. The price quoted for the steel needed in construction was slightly lower than the estimate previously made by the two yards awarded the contract.

The prompt action by the House of Representatives in authorizing the expenditure of \$600,000 of the \$1,920,769 between the lowest bids of the private shipbuilders and the navy-yard estimates will enable the Navy Department to lose no time in making every preparation so that the work can be pushed to the utmost as soon as the ways are clear.

Sincerely, yours,

JOSEPHUS DANIELS.

Hon. JAMES D. PHELAN,
United States Senate.

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

MAHONING RIVER BRIDGE, OHIO.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 8233) granting the consent of Congress to the Republic Iron & Steel Co. to construct a bridge across the Mahoning River, in the State of Ohio, and I submit a report (No. 120) thereon. I ask unanimous consent for the present consideration of the bill.

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

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

ADDITIONAL DISTRICT JUDGE FOR NEW JERSEY.

Mr. HUGHES. I ask unanimous consent for the present consideration of Order of Business 109, being Senate bill 1809, to create an additional judge in the district of New Jersey.

Mr. NEWLANDS. Mr. President, is there likely to be any discussion on this measure?

Mr. HUGHES. I think not.

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, which was read, as follows:

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized and directed, by and with the advice and consent of the Senate, to appoint an additional judge of the district court of the United States for the district of New Jersey, who shall reside in said district, and whose term of office, compensation, duties, and powers shall be the same as now provided by law for the judge of said district.

Sec. 2. That this act shall take effect immediately.

The bill was reported to the Senate without amendment, ordered to be engrossed for 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. CURTIS:

A bill (S. 4340) providing for the inspection, grading, and weighing of interstate shipments of hay and straw, authorizing the Secretary of Agriculture to appoint inspectors for such purposes, to fix standards for grading hay and straw, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 4341) for the relief of Franklin Bannon; to the Committee on Military Affairs.

A bill (S. 4342) granting a pension to Daniel B. Waggoner (with accompanying papers);

A bill (S. 4343) granting an increase of pension to Ludwell J. Mosher (with accompanying papers);

A bill (S. 4344) granting a pension to Rhoda E. Ross (with accompanying papers);

A bill (S. 4345) granting an increase of pension to James W. Dougherty (with accompanying papers);

A bill (S. 4346) granting an increase of pension to William R. Brooks (with accompanying papers);

A bill (S. 4347) granting an increase of pension to Alfred H. Guest (with accompanying papers);

A bill (S. 4348) granting a pension to Mrs. M. A. Campbell (with accompanying papers);

A bill (S. 4349) granting a pension to Joseph Warner (with accompanying papers);

A bill (S. 4350) granting an increase of pension to Francis M. Choat (with accompanying papers);

A bill (S. 4351) granting an increase of pension to Hamilton Rogers (with accompanying papers);

A bill (S. 4352) granting an increase of pension to Stephen Patterson;

A bill (S. 4353) granting an increase of pension to James H. Gunion (with accompanying papers); and

A bill (S. 4354) granting an increase of pension to Gustavus A. Kindblade (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 4355) to promote efficiency of instruction at the Naval Academy by providing for the systematic appointment and compensation of professors and instructors on the teaching staff (with accompanying paper); to the Committee on Naval Affairs.

A bill (S. 4356) to enlarge, extend, remodel, and repair the United States post office and courthouse building located at Baltimore, Md.; to the Committee on Public Buildings and Grounds.

By Mr. SIMMONS:

A bill (S. 4357) to correct the military record of Joseph J. Mitchell (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4358) granting a pension to Hillory M. Wilder (with accompanying papers); and

A bill (S. 4359) granting an increase of pension to Robert H. Cowan (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 4360) authorizing the President to exchange land set aside for military purposes in the Territory of Hawaii for private land; to the Committee on Military Affairs.

By Mr. OLIVER:

A bill (S. 4361) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1900, and for other purposes; to the Committee on the District of Columbia.

By Mr. GALLINGER (for Mr. BURELIGH):

A bill (S. 4362) granting an increase of pension to Corydon B. Lakin; to the Committee on Pensions.

By Mr. GALLINGER (for Mr. GOFF):

A bill (S. 4363) granting an increase of pension to Emma Jane Wamaling (with accompanying papers);

A bill (S. 4364) granting an increase of pension to Isaac Gour (with accompanying papers);

A bill (S. 4365) granting an increase of pension to Isabel T. Congo; and

A bill (S. 4366) granting an increase of pension to Roxalina Kinney (with accompanying papers); to the Committee on Pensions.

A bill (S. 4367) for the relief of James H. Kelly; to the Committee on Military Affairs.

A bill (S. 4368) for the relief of D. A. Barbour and Andrew Gladden; to the Committee on Claims.

By Mr. O'GORMAN:

A bill (S. 4369) to develop and promote the industry of utilizing the natural resources of the United States which are useful for chemical products; to the Committee on Industrial Expositions.

By Mr. HUSTING:

A bill (S. 4370) granting an increase of pension to Henrietta Bown; to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 4371) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. LA FOLLETTE:

A bill (S. 4372) to reimburse in the Treasury the funds of the Stockbridge and Munsee Indians for amounts illegally distributed; and

A bill (S. 4373) to authorize the Secretary of the Interior to dispose of the timber on the so-called "school lands" and "swamp lands" within the Bad River and Lac du Flambeau Indian Reservations in the State of Wisconsin; to the Committee on Indian Affairs.

By Mr. PENROSE:

A bill (S. 4374) granting an increase of pension to Timothy D. Gallagher; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 4375) granting a pension to Mary Lahey Murphy (with accompanying papers);

A bill (S. 4376) granting an increase of pension to Horace J. Poland (with accompanying papers); and

A bill (S. 4377) granting an increase of pension to Harriet A. Mills (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 4378) granting an increase of pension to David McConnell (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 4379) granting a pension to Mattie Jackson; and
A bill (S. 4380) granting an increase of pension to Robert B. Stafford; to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 4381) for the relief of Maxwell Carpenter (with accompanying papers); to the Committee on Military Affairs.

By Mr. DU PONT:

A bill (S. 4382) granting an increase of pension to Thomas E. Sharp; to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 4383) for the relief of the Modern Building & Loan Association of Newark, N. J.; and

A bill (S. 4384) providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911; to the Committee on Finance.

By Mr. SHIVELY:

A bill (S. 4385) granting a pension to Emily Thompson;

A bill (S. 4386) granting a pension to Mary B. Mappin;

A bill (S. 4387) granting an increase of pension to Thomas S. Black;

A bill (S. 4388) granting an increase of pension to Irving Pershing; and

A bill (S. 4389) granting an increase of pension to William L. Fields; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 4390) authorizing a report upon the feasibility of constructing the Colorado River Indian irrigation project; to the Committee on Indian Affairs.

AMENDMENT TO ARMY APPROPRIATION BILL.

Mr. DU PONT submitted an amendment authorizing the President to appoint to the rank of major general on the retired list of the Army, without increase of pay, any brigadier general of the Army now on the retired list who throughout the entire Civil War served continuously and with credit in the field with Regular and Volunteer troops of the line, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

HEARINGS BEFORE COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. SMITH of South Carolina submitted the following resolution (S. Res. 95), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Agriculture and Forestry, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding \$1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expense thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

MANUFACTURE OF ARMOR.

Mr. TILLMAN. Mr. President, I desire to give notice that on Monday next, February 14, 1916, immediately after the conclusion of the routine morning business, I shall ask the Senate to consider Senate bill 1417, a bill to erect a factory for the manufacture of armor. I shall file a report on the bill some time to-day or to-morrow.

NATIONAL CHILD-LABOR LAW.

Mr. KENYON. Mr. President, I desire to give notice that on Friday next, the 11th instant, following the routine morning business, I shall address the Senate on the question of a national child-labor law.

HOUSE BILL REFERRED.

H. R. 10385. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, was read twice by its title and referred to the Committee on Indian Affairs.

IMPROVEMENT OF ROADS.

Mr. BANKHEAD. Mr. President, three or four days ago, when the hour of 2 o'clock arrived the Senate was considering

a motion which I made requesting the Committee on Agriculture and Forestry to return a certain bill to the Senate in order that it might be referred to the appropriate committee.

Mr. President, I have no pride of opinion as to what a good-roads bill shall contain, provided it will lead to the improvement of roads, and I have no pride of opinion whatever as to the person who shall offer such a bill; but this bill—a House bill which came over here—I am persuaded was referred to the Committee on Agriculture and Forestry through an inadvertence or a mistake, created perhaps by the caption or title of the bill itself. If Senators will read the title of the bill and then will read the first section of the bill, they will conclude at once, necessarily, that the title of the bill was carefully prepared with the purpose of misleading the Chair and the clerks at the desk. I am going to read the title of the bill, Mr. President, in order that the Senate may understand it.

The VICE PRESIDENT. What is the number?

Mr. BANKHEAD. H. R. 7617, an act to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

For a number of years, Mr. President, this question has been before the Senate. It has been discussed on the floor of the Senate. A number of bills have been introduced in each session of Congress providing for what is commonly called national aid in support of building and maintaining post roads. There are a half dozen bills of that character now before the Committee on Post Offices and Post Roads. They are being there considered. Of course we do not desire any conflict; we do not desire any precipitate action; we do not desire an effort on the part of one committee to rush into the Senate and put a bill on the calendar in advance of the other. All I am asking is that the Senate shall consider this question in connection with the title of this bill and the body of the bill, in which no reference is made to agriculture and the improvement of roads for the transportation of agricultural products. It was understood from the beginning in the other House and in this Chamber that this bill, or a bill on this subject, was intended purely and exclusively to aid in the building and maintenance of post roads, roads over which the mails of the country were to go, and in order that the rural service might be extended to every part of the country where it was practical to go with a road over which the carriers could travel. That is the only purpose of the bill.

I do not care to say any more on the subject. I am entirely willing to leave the matter to the Senate. This bill has only the purpose to aid in the construction of post roads. I do not know that Congress has authority to appropriate money for the building of any roads except post roads. That is a question, however, that I do not propose to discuss here and now. The only question, Mr. President, is whether or not the Post Office Committee of the Senate, having had these matters under consideration, which have always been regarded as within their proper jurisdiction, shall consider this bill and report it at an early day, as I am sure the committee will, and let the Senate dispose of it. On the other hand, if the Senate shall conclude that the question may be more successfully and wisely handled by the Agricultural Committee, of course I shall have nothing further to say.

Mr. SMITH of Georgia. Mr. President, it is true that there have been road bills referred to the Post Office Committee; it is also true that road bills have been referred to the Agricultural Committee. There have been bills upon this subject before each of those committees, I think, for the past four years. I would say that ordinarily a bill upon this subject might be referred to either committee, but this particular House bill not only through its title, which the Senator from Alabama indicates should carry it to the Agricultural Committee, but all through the bill contains provisions that should carry it to the Committee on Agriculture. When the bill came from the other House the Presiding Officer saw the title of the bill and referred it to the Committee on Agriculture. It is true that several friends of the measure believed that the Committee on Agriculture was the proper committee to which it should be referred, and would have moved to so refer it, but the President of the Senate referred it to the Committee on Agriculture without a motion.

Mr. SUTHERLAND. Mr. President, will the Senator from Georgia permit me to ask him a question?

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

Mr. SMITH of Georgia. Yes.

Mr. SUTHERLAND. Under what provision of the Constitution does the Senator from Georgia think that Congress has power to provide for the building of roads to promote agriculture?

Mr. SMITH of Georgia. Under the same provision of the Constitution under which Congress had power to establish the Agricultural Department and to establish a bureau in the Agricultural Department that has charge of road work. The Senator from Utah can answer that question himself.

Mr. SUTHERLAND. Under what provision of the Constitution is that done?

Mr. SMITH of Georgia. The Senator from Utah has been here longer than I have and has been voting upon these questions, and therefore I do not think he needs any information from me.

Mr. SUTHERLAND. Well, Mr. President, if the Senator from Georgia will permit me to say so, I asked the question in absolute good faith, because I am myself unable to see on what theory Congress can appropriate money to build roads to promote agriculture. We can undoubtedly build roads for post-office purposes, as the Constitution has authorized Congress to establish post offices and post roads; we may build military roads under the war power; and perhaps—though I am not sure about that—we may build roads under the commerce clause of the Constitution as a regulation of interstate commerce; but certainly Congress has not any power to expend money for the mere purpose of promoting any branch of industry within a State.

The point that I was finally coming to was to suggest to the Senator from Georgia that, after all, whatever committee this bill was referred to, it ought to be one of the committees that deals with the subject matter which the Constitution recognizes. The bill ought to go to the Committee on Post Offices and Post Roads, perhaps, because that committee has jurisdiction over that subject, or it might go to the Committee on Military Affairs, if a military road is contemplated; but I can not see—

Mr. SMITH of Georgia. It might go to the Committee on Commerce.

Mr. SUTHERLAND. Or possibly it might go to the Committee on Commerce.

Mr. SMITH of Georgia. The Committee on Interstate Commerce.

Mr. SUTHERLAND. But it seems more appropriately to belong to the Committee on Post Offices and Post Roads.

Mr. SMITH of Georgia. Mr. President, I concede that the bill might go to the Committee on Post Offices and Post Roads; that it might go to the Committee on Military Affairs; that it might go to the Committee on Interstate Commerce—each of those three propositions is submitted in the remarks of the Senator from Utah—but where does the Government administer its work in connection with roads? It administers none of its work under either of those three departments; it does no road construction or road supervision in the Post Office Department; it does none in the Department of Commerce; it does none in the military department; but Congress has established as a branch of the Agricultural Department a Good Roads Bureau. It has an organization, to which appropriations have from time to time been made to stimulate the construction of better roads and to teach the mode of constructing better roads.

Mr. SUTHERLAND. Mr. President, will the Senator from Georgia permit an interruption?

Mr. SMITH of Georgia. I will for a question.

Mr. SUTHERLAND. Congress is not undertaking to build the roads; Congress is simply undertaking to determine whether or not the roads ought to be built. If I am correct in saying that money expended for this purpose must be under one or the other of the clauses of the Constitution to which I have referred, namely, under the post-office clause or the war power or the commerce clause, or all of them, perhaps; in any event, Congress must determine whether or not there is a military necessity for such road construction if it is put upon that clause of the Constitution.

Mr. SMITH of Georgia. I am willing to yield to the Senator from Utah for a question, but I am not willing to yield for him to make a speech.

Mr. SUTHERLAND. I am not going to make a speech.

Mr. SMITH of Georgia. If the Senator will ask the question, I will yield; otherwise I shall not.

Mr. SUTHERLAND. Of course, if the Senator from Georgia is to dictate to me the precise length of my question, I shall have to yield.

Mr. SMITH of Georgia. If it is a question, well and good; but it did not sound like a question.

Mr. SUTHERLAND. It is a question.

Mr. SMITH of Georgia. Then I yield, Mr. President, and agree that the Senator from Utah shall shape his question in his own way.

Mr. SUTHERLAND. Mr. President, I was simply laying the foundation for the question. As I was saying, if the expenditure of this money is to be justified under the war power as a necessity, then that question should be passed upon by the committee which deals with that subject, namely, the Military Committee. If it is to be a road to be built under the post-office clause of the Constitution, then the appropriate committee should determine whether there is good reason for calling into exercise that power, the necessity for post roads, and so on, with reference to the other clause of the Constitution, namely, the commerce clause.

What I desire to ask the Senator is, upon what theory, if I am correct about that, can either of those questions be submitted to the Committee on Agriculture, namely, the military necessity for roads, the necessity for them in connection with post-office affairs, or their use to carry out the interstate-commerce clause of the Constitution? Neither of them presents an agricultural question.

Mr. SMITH of Georgia. Mr. President, the bill is based on all three, so that if the selection of the committee to which the bill should go were to be governed by the line of thought suggested by the Senator from Utah, two-thirds of his reason would die, because only one of the three committees could have it. In point of fact, it is no reason at all. We should select a committee that will have supervision of the work after the bill is passed. We should select to consider the question a committee which has under its supervision the organization provided by the acts of Congress to administer the bill.

Now, let us see what that is; let us see what the bill provides. The Postmaster General has nothing to do with its execution; the Secretary of Commerce has nothing to do with its execution; the Secretary of War has nothing to do with it. The Senator from Alabama reads the first paragraph of the bill, and says that under that paragraph the bill should go to the Committee on Agriculture and Forestry.

Mr. BANKHEAD. No; I did not say that. I said that the title of the bill and that paragraph were prepared in order to mislead the President of the Senate. That is what I said.

Mr. SMITH of Georgia. I would regret to say that a bill was drawn by a Member of either House with language put in it that was intended to mislead the President of this body. It certainly could not mislead the Senate.

Now, let us turn to section 2, which reads:

SEC. 2. That out of any appropriation made under the provisions of this act the Secretary of Agriculture shall deduct the sum which he shall deem necessary to defray the expenses of his department in the administration of this act—

And so forth.

The bill is to be administered under the Secretary of Agriculture. The Secretary of Agriculture reports to the Committee on Agriculture.

Now, let me read from another section of the bill:

SEC. 3. That as soon as may be after the passage of any act making appropriations under the provisions of this act the Secretary of Agriculture shall prepare and file in his office a statement showing the amount of such appropriation he has set apart to defray the expense of his department in the administration of this act and the amount of the balance which will be available for expenditure in each State—

And so forth.

The State highway department of any State, after receiving the statement, may apply to the Secretary of Agriculture for aid.

The Secretary of Agriculture is required to examine the surveys, and he supervises the work. It is the discretion of the Secretary of Agriculture that is exercised in passing upon the roads suggested by any State to determine whether the appropriation contemplated by this bill may be used in their improvement. The Secretary of Agriculture may make, or cause to be made, inspection and examination of the roads constructed. He is required to pass upon the question as to whether they are constructed according to the requirements of the bill. So, Mr. President, everything to be done under this bill will be done, so far as the Government is concerned, by the Secretary of Agriculture and by the forces of the Agricultural Department.

There is now a bureau in the Agricultural Department devoted to good roads. As the Department of Agriculture will execute this bill, surely the proper committee to which to send it is the committee which is in constant relationship with the Department of Agriculture. As the requirements of the bill are complied with the reports will come to, and examinations be made by, the Committee on Agriculture. I submit, Mr. President—

Mr. BANKHEAD. Will the Senator permit me to interrupt him?

Mr. SMITH of Georgia. I yield to the Senator.

Mr. BANKHEAD. I think the bill provides that the Secretary of Agriculture shall make reports to Congress and not to the Committee on Agriculture.

Mr. SMITH of Georgia. The Secretary of Agriculture does make his reports to Congress, but the reports are referred to the Committee on Agriculture. Senators upon committees know that the head of a department whose work is performed in connection with a particular committee comes before that committee; his associates come before that committee; they cooperate with that committee; they study the problems with the committee; and the committee of the Senate upon which will fall the responsibility for the administration of this bill will be the committee that deals with the Department of Agriculture.

Mr. President, the bill has been sent to the Committee on Agriculture and Forestry. The committee has had two meetings with reference to the bill. They were in session this morning, and they have adjourned to meet on Saturday. The committee this morning unanimously passed a resolution expressing the opinion that they had begun work upon the bill; that the bill had been properly referred to them, and advising that the Senate be requested to leave it there.

Of course it is a matter for the Senate. If you wish to discharge the Committee on Agriculture after it has commenced work upon this bill, those of us upon that committee are ready to give up the bill; but we think that if the bill becomes a law the Committee on Agriculture will be called on to administer the bill, and, therefore, it is the proper committee to which the bill ought to have been referred.

Mr. GALLINGER. Question!

The VICE PRESIDENT. The question is on the motion to discharge the Committee on Agriculture and Forestry from the further consideration of House bill 7617 and to refer it to the Committee on Post Offices and Post Roads.

Mr. SHAFROTH. Mr. President, I want to say a few words with relation to this matter before the question is submitted. The suggestion has been made that the bill should go to the Committee on Post Offices and Post Roads because of the fact that the authority to construct roads by the Federal Government is found in the clause of the Constitution relating to the transmission of the mails of the United States. As the Senator from Georgia has said, authority equally is found in the interstate-commerce clause, and also in the power to construct military roads, and both are also mentioned in this bill; but, Mr. President, I do not take it that the constitutionality or unconstitutionality of a bill makes it referable on that account to any particular committee.

When the act comes to be construed by the courts, the sole question will be as to whether or not it is constitutional. If any committee whatever has jurisdiction of the question of whether a bill is constitutional, it is the Judiciary Committee, and that committee is composed of eminent lawyers, capable of determining the question of the constitutionality of any measure that is presented; yet bills naturally belonging to other committees are not referred to the Committee on the Judiciary. Therefore it seems to me that the determining factor as to where the bill should be referred does not depend upon whether the bill is constitutional or unconstitutional.

When the Committee on Post Offices and Post Roads was created there was never any intention in the mind of anybody that the Government should build roads for the postal routes; nobody ever suggested that. There never has been but one road, as I understand, to which the Government has ever contributed.

Mr. HARDWICK. Mr. President, will the Senator yield just for a moment?

Mr. SHAFROTH. I yield.

Mr. HARDWICK. Does not the Senator know that both of the great parties of this country—practically all three of them, for that matter—have pledged their aid to the construction and maintenance of post roads in those words?

Mr. SHAFROTH. Oh, well, that may be; but they did not declare that bills on the subject should be referred to the Committee on Post Offices and Post Roads.

Mr. HARDWICK. No; they were for building post roads, not agricultural roads.

Mr. SHAFROTH. Well, it is absurd to suppose that the roads are to be solely for the transmission of the mails. We know that the object underlying them all is to get good roads. There is no doubt about that. The Government would be very foolish to expend millions and millions of dollars simply to let one carrier go over the road once a day or once every two days. While that may be the hinge upon which you can justify the constitutionality of the act, the ultimate purpose of it, as everybody knows, is to get good roads, so that the farmers can get their products to market, and so that in every way rural life

will be made more attractive to those who wish to pursue the occupation of farming.

The fact that a measure is constitutional or unconstitutional does not determine the committee to which it should be referred. There is contained in this bill a statement that it is also for the purpose of building roads for interstate commerce, and also for the purpose of building military roads. You can not segregate one object and say that one is of any greater importance than the other, as determining the committee to which a bill of this kind should be referred.

Mr. HARDWICK. Mr. President, will the Senator yield for one more question?

Mr. SHAFROTH. Yes, sir; I will.

Mr. HARDWICK. When a bill of similar import to this came over during the last Congress, was it not referred without objection to the Committee on Post Offices and Post Roads?

Mr. SHAFROTH. Oh, that may be; but the fact is that the body of that bill and the body of this bill should not have been referred to the Committee on Post Offices and Post Roads, because they deal with the subject of the Agricultural Department. Every line that is contained in this bill makes some reference to the Department of Agriculture, and provides that the Secretary of that department shall control the matter of building and approving the roads, the payment of the money, and all the other detail work that is necessary in order to complete a road.

Mr. President, from what fund is the money going to be appropriated to pay for the construction of these roads?

Mr. SIMMONS. Mr. President—

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

Mr. SHAFROTH. Does the Senator desire to ask me a question?

Mr. SIMMONS. I do.

Mr. SHAFROTH. I yield.

Mr. SIMMONS. I want to make a suggestion to the Senator. The Agricultural Department deals with a great many different questions. Its jurisdiction is very broad. It deals with questions with respect to which we derive our power of action from various and probably sundry provisions of the Constitution. Now, if before we refer a bill we must determine the source of our constitutional power to enact the proposed legislation, would we not necessarily have to deny the Committee on Agriculture the right to consider bills that relate to subjects the authority to legislate with respect to which is derived from some power in the Constitution other than that which authorizes the creation of an Agricultural Department?

Mr. SHAFROTH. It seems to me the position of the Senator is well taken. I can not conceive why, because there is a reference to the Constitution, one committee should have any preference over the other with relation to the measure. The bill may indirectly affect something within the jurisdiction of that committee, but what committee does it most affect?

Here is a bill which provides that the Secretary of Agriculture shall do certain things. What committee has to pass upon the measures appropriating the amount of money that is to be spent in the building of roads? Is it the Post Office Committee? Is it proposed in any of these measures that the money shall be taken out of the postal receipts of the United States? Oh, no. If it were provided in any of these bills that the roads should be paid for out of the receipts of the Post Office Department, then there might be some reason, it seems to me, in sustaining the position that it should be referred to the Post Office Committee; but no such suggestion has ever been made, either in the bill that came to this body at the last session or in this bill or in any of the bills that I have seen.

The name of this committee is absolutely the only thing upon which those who advocate referring the bill to the Post Office Committee can hang a proposition of reference. What did that name mean at the time the committee was created? Did anybody ever think of building a post road by the Government at that time? Oh, no. It was not expected. They were expected to select routes and provide that the mail should be transported over those routes; but such a thing as taking money out of the Treasury and appropriating it for that purpose was never dreamed of by anyone. Is it possible, where a committee was named under the state of facts that existed at that time, that, therefore, it should sweep within its jurisdiction everything that relates to roads? I think not.

When this bill is enacted you will find that the Secretary of Agriculture, under this bill, will send to the Congress of the United States a report and a statement with reference to the amount of money needed each year for certain roads, and that communication will be referred to the Committee on Agriculture, where recommendations will be made to the Congress as to what

should be done in the presentation of a bill for the appropriations necessary. For that reason, it seems to me, the bill ought to go there.

We have a bureau on good roads in the Agricultural Department now. Was the measure providing for that bureau referred to the Post Office Committee? If not, is it possible that the bureau is not constitutionally organized? Evidently the bill was referred to the Committee on Agriculture, and unquestionably that committee had jurisdiction, and has provided the moneys for the bureau each year and keeps in touch with it. But the Post Office Department would never keep in touch with the bill which is now under consideration if it should become a law. It would have nothing to do with it. We would simply pass the bill and thereafter refer the communications and the appropriations to the Agricultural Committee.

It seems to me, Mr. President, that this bill is clearly within the jurisdiction of the Agricultural Committee, and that the reference ought to stand.

Mr. SUTHERLAND. Mr. President, the Senator from Colorado [Mr. SHAFROTH] is never more delightful than when he is engaged in the pleasant pastime of imagining an argument as having been made, in order that he may demolish it.

I do not think anybody has suggested that because this bill may involve a constitutional question therefore it should go to the Committee on Post Offices and Post Roads, or to any other particular committee. I am not sure whether this bill involves a constitutional question or not. What I do say, however, is that in my judgment Congress has no power to build roads or highways except under one or the other of the constitutional provisions to which I have directed attention.

Congress may build a post road under the provision of the Constitution which gives it the power to establish post offices and post roads. If we are passing this bill under that power, then I say it is appropriate that the bill should go to the committee which deals with that subject matter.

Why do we create committees, and apportion jurisdiction to them, if it is not because they are to deal with those particular subjects—because they are constituted in such a way as to deal intelligently with those particular subjects?

Of course, it is perfectly apparent that the ingenious gentlemen who drew this bill wrote in the provision that it should be administered by the Agricultural Department in order that it might go to the Agricultural Committee, for some reason or other. Does the Senator from Colorado suppose that if an equally ingenious gentleman were to write into the shipping bill a provision that the Agricultural Department should administer that bill, it would thereby become an agricultural question, and the bill should go to the Agricultural Committee? If so, then it is a very simple thing to have nearly anything go to the Agricultural Committee which a Senator is interested in having go to that committee.

Mr. SHAFROTH. Mr. President, let me ask the Senator a question. Has the Senator ever seen a bill for the construction of roads which provided that the revenue should come out of the postal receipts, or that the Postmaster General should have any connection whatever with it?

Mr. SUTHERLAND. Mr. President, I am not familiar with the details of the various bills, and I do not care whether they so provide or not, because the question the Senator is asking me is wholly aside from the argument which I am making. I am making the argument that this appropriation can be justified only because it involves an expenditure for a post road or for one of these other matters I have named. If it involves an expenditure for a post road, obviously the Committee on Post Offices and Post Roads is the fit committee to determine whether or not such an expenditure is justified. The Agricultural Committee is not.

Mr. SHAFROTH. That depends entirely upon what is in the bill, what the detail of it is. The most important thing to be determined in this case is the detail of this bill as to what power shall be vested in the man who is to contract with the States with relation to building these roads.

Mr. SUTHERLAND. Oh, no, Mr. President.

Mr. SHAFROTH. And inasmuch as the Post Office Department has nothing whatever to do with it, but according to this and all the other bills the Agricultural Department has, it seems to me there should be no question as to the appropriate reference of this bill.

Mr. SUTHERLAND. Now, the Senator from Colorado has made his argument twice—once in his own time and once in my time. Let me reply to it by saying that that is not, in my judgment, the important part of the bill. The details are unimportant compared with the main question which is involved, as to whether or not we should make the expenditure at all. The details can be worked out.

It is a matter of a good deal of immateriality, to my mind, whether, when we have determined to make the expenditure, we intrust the expenditure to the Agricultural Department or the Interior Department or some other department. But I insist that if we provide for this appropriation it must be under one or the other of these clauses of the Constitution.

If it is a military necessity that justifies the expenditure of this much money, then the Military Committee knows more about that than the Agricultural Committee does. If it is to regulate or facilitate interstate commerce, then the Committee on Interstate Commerce knows more about the subject than the Agricultural Committee. The main question is to determine whether or not we want to make the expenditure at all.

Mr. SMITH of Georgia. Mr. President—

Mr. SUTHERLAND. I will ask the Senator to pardon me for a moment. The bill should go, however, to one or the other of these three committees. Of course it very often happens that the subject matter of a bill is such that it may be appropriately referred to one of two committees or one of three committees; but the fact that it can only be referred to one of those two or one of those three committees does not justify us in referring it to a committee entirely outside of any of the three.

I now yield to the Senator from Georgia.

Mr. SMITH of Georgia. If, however, the Post Office Committee could only consider its application to post roads and the Military Affairs Committee its application to the necessity for military roads and the Interstate Commerce Committee its application to interstate-commerce transportation, as you could not get the benefit of a committee that would handle all these necessities, is it not eminently proper that it should go where we do our road building?

Mr. SUTHERLAND. Mr. President, one of the things that inevitably must happen, no matter what the roads are used for, will be that they are to be used for post-office purposes. That will be one of them. The bill itself recognizes that, because it says:

Shall in certain cases aid the State in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The bill further along allots the money as follows:

Sixty-five thousand dollars to each State and one half of the remainder in the ratio which the population of each State bears to the population of all of the States as shown by the latest available Federal census and the other half of such remainder in the ratio which the mileage of rural free delivery and star mail routes in such State bears to the mileage of rural free delivery and star mail routes of all the States.

The roads are to be constructed with reference to that item; and among the three uses that I have mentioned, their use for post-office purposes clearly will be primary.

Of course it is possible to refer a bill to two committees jointly, or a subcommittee of two committees, to consider it, and that might be done; but certainly it ought to go to one or the other. As it seems to me that the question of the use for postal purposes predominates, the Post Office Committee, in my judgment, is the appropriate committee to which it should be referred.

Mr. BANKHEAD. Mr. President, as I have said, and as I think the Senate understands, the purpose of this bill is to maintain post roads. The provisions of all of these bills require that there shall be a division; that the State shall put up so much money and the Government so much money; and that the amount appropriated to each State shall be determined by the number of miles of post roads in that State. That is one of the facts that must be ascertained. That, of course, can be done only by the Post Office Department; and there are other things as to which it is absolutely essential that information shall come from other departments. For instance, the Census Department must be consulted as to population, and so forth.

I do not think there can be any doubt that the Post Office and Post Roads Committee should have this bill. They have made the only appropriation that ever has been made by Congress to aid in the building of post roads. The Committee on Post Offices and Post Roads reported that appropriation. Nobody objected to it. The money was appropriated and expended under the direction of the Postmaster General and the Secretary of Agriculture.

Mr. SMITH of Georgia. It was expended under the direction of the Secretary of Agriculture.

Mr. BANKHEAD. No, it was not.

Mr. SMITH of Georgia. Yes; I think it was. That is my clear recollection.

Mr. SIMMONS. Mr. President, the Senator from Alabama [Mr. BANKHEAD] has referred to the fact that we have once

made an appropriation for building roads. I suppose he refers to the \$500,000 appropriated for experimental legislation.

Mr. BANKHEAD. Yes; I referred to that.

Mr. SIMMONS. Does not the Senator know that long before that appropriation was made there had been organized in the Department of Agriculture a Bureau of Good Roads?

Mr. BANKHEAD. Oh, everybody knows that, Mr. President.

Mr. SIMMONS. Does not the Senator know that every Congress since the establishment of this bureau has been providing appropriations, in the Agricultural appropriation bill, for the purpose of enabling that bureau to assist in the construction of good roads in the States in conjunction with the States and communities, under the supervision of Government engineers, and that these roads were not technically constructed for the purpose of aiding the Post Office Department in connection with the transportation of mails, but chiefly for the purpose of demonstrating to the communities in which these roads were built the value and importance of improved, modernized roads?

Mr. BANKHEAD. Mr. President, I should like to ask the Senator from North Carolina a question. Am I mistaken when I state that that appropriation, recommended by the Post Office and Post Roads Committee, was made on an amendment offered by the Senator from North Carolina?

Mr. SIMMONS. No; the Senator is not mistaken about the \$500,000 appropriated for experimental roads referred to by him.

Mr. BANKHEAD. Did not the Senator have the amendment referred to that committee?

Mr. SIMMONS. There was a bill pending before that committee and it was offered as an amendment.

Mr. BANKHEAD. There is one pending there now.

Mr. SIMMONS. Yes; there was a bill pending before that committee, and this amendment was referred, of course, to the committee having charge of that bill; but that does not answer the question. I have admitted that that particular bill, providing for the construction of an experimental road, was referred to the Post Office Committee; but the question which I ask the Senator, and which the Senator has not answered, is if it is not a fact that anterior to the passage of that bill for years there had been organized in the Department of Agriculture a Good Roads Bureau?

Mr. BANKHEAD. I answered that.

Mr. SIMMONS. And that that Good Roads Bureau has been, during all these years, receiving appropriations through the Agricultural appropriation bill for the purpose of aiding in the construction work of good roads in various States and communities.

Mr. BANKHEAD. Mr. President, the Senator is entirely mistaken. I answered his question.

Mr. SIMMONS. I did not understand it.

Mr. BANKHEAD. I answered it by saying that every man in the United States, not only in the Senate but everywhere else, knew that the bureau was organized for that purpose.

Mr. SIMMONS. Every person in the United States knows that there is in the Agricultural Department now, and that there was in the Agricultural Department before the passage of this \$500,000 appropriation, a Bureau of Good Roads; but that was not the question I asked the Senator—

Mr. BANKHEAD. We all admit that. I have stated that there was.

Mr. SIMMONS. That is not the question at all.

Mr. BANKHEAD. I answered it in the beginning by saying that everyone knew it, and I supposed the Senator from North Carolina also knew it.

Mr. SIMMONS. I know it and everyone else knows it. But the question I asked the Senator was whether Congress, through the appropriations made in the Agricultural bill, has not been raising money for roads purposes for years and years before the passage of the bill appropriating \$500,000 for experimental road construction?

Mr. BANKHEAD. I never heard of it.

Mr. SIMMONS. I should like to ask the Senator, then, if he does not know that that bureau in the Department of Agriculture has for years been spending from \$25,000 to \$30,000 a year for the purpose of helping the States, by way of supervision and otherwise, of this Union in the construction of standardized roads and that this money is carried in the Agricultural and not in the Post Office bill?

Mr. BANKHEAD. May I ask the Senator a question?

Mr. SIMMONS. Certainly.

Mr. BANKHEAD. I should like to ask the Senator from North Carolina which department of the Government administers the pure-food law?

Mr. SIMMONS. The Agricultural Department.

Mr. BANKHEAD. Did the Committee on Agriculture and Forestry have anything to do with that?

Mr. SIMMONS. Yes; the Agricultural Committee recommends the appropriations for that purpose.

Mr. BANKHEAD. I am not talking about that. I am talking about the legislation itself.

Mr. SIMMONS. I asked the Senator if any amendment or bill should be offered respecting the execution of our pure-food law or looking to the execution of our laws with reference to meat inspection, would it not go to the Agricultural Committee?

Mr. BANKHEAD. There is no telling what committee it would go to.

Mr. SIMMONS. Mr. President, as a matter of fact, the Agricultural Department has now and has had, and the Senator from Alabama knows it as well as I do, the control of appropriations for the purpose of carrying out the provisions of law with reference to pure food and with reference to meat inspection. The Senator knows, too, that we do not get our power to legislate with respect to these subjects from any law with reference to the Agricultural Department, but that we get that power from the commerce clause of the Constitution. The Agricultural Committee has charge of legislation to execute these purposes, and yet the power to legislate upon those questions can not be found anywhere in the Constitution except in the commerce clause.

Mr. BRYAN. Mr. President—

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Florida?

Mr. SIMMONS. The Senator from Alabama was on his feet.

Mr. BANKHEAD. I was simply on my feet to ask the Senator from North Carolina if he was through.

Mr. SIMMONS. No; I am not.

Mr. BANKHEAD. I just wanted to ask for a vote if he were through.

Mr. SIMMONS. No; I am not through.

Mr. BRYAN. I wish to make a very good-natured suggestion to the Senator from North Carolina. I think the Senator will not be offended at it.

Mr. SIMMONS. No one can be offended at anything the good-natured Senator from Florida does.

Mr. BRYAN. Let me ask the Senator from North Carolina under what clause of the Constitution we have the power to build roads?

Mr. SIMMONS. Under the clause with reference to post offices and post roads, with reference to military roads and interstate commerce. Those are the three sources of power.

Mr. BRYAN. That is all, is it not?

Mr. SIMMONS. It is enough. Is it not enough when you can assign three different sources of power? That would seem to be sufficient.

Mr. BRYAN. The Senator does not contend that there is any pork-barrel clause of the Constitution to which this could be referred.

Mr. SIMMONS. No; I have no acquaintance with pork-barrel legislation whatever.

Mr. BRYAN. The Senator evidently has not read this bill.

Mr. SIMMONS. The Senator has read this bill very carefully, and the Senator discovered this in the reading of the bill, that the title of the bill declares that the legislation is in part for the purpose of promoting agriculture. Where did Congress get the power to create an Agricultural Department? If we have no constitutional power to promote agriculture, why have you instituted and established a Department of Agriculture. The title of the bill says—

To promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways.

That is declared to be the purpose of the bill. And then, Mr. President, after the purpose of the bill is thus specifically declared, it says when the roads are constructed they may be used as postal routes and for the transportation of interstate commerce.

Now, Senators say that there is no constitutional power for this legislation except the power to establish postal roads, and because of that they contend that this bill can not be appropriately referred except to the Committee on Post Offices and Post Roads. I maintain that if an unconstitutional bill is introduced in this body it is entitled to reference, and in determining the question of reference the Senate does not undertake to decide that question. That question, in the first instance, is for the committee, and it is a question for the Senate after the committee has acted and reported. The bill is, in the first instance, referred to the committee that seems to have jurisdiction of the subject matter and purpose as declared in the bill.

This bill provides for roads for the promotion of agriculture, and so on, to be used for transportation in interstate commerce or in carrying the mails, and confers all power and jurisdiction in the execution of the mandate of Congress upon the Secretary of Agriculture. At no place in the bill, as the Senator from Georgia has said, is the Postmaster General mentioned, and no duties in its execution are imposed upon him.

Mr. President, in the other House they have as we have a Post Roads Committee, but they have also a committee known as the Committee on Roads. When this bill was presented in that body it was not sent to the Committee on the Post Office and Post Roads, but to the Committee on Roads.

Mr. President, I have said this much about the matter because I think it is one of very great interest. I do not say that the Senator from Alabama wants this bill referred to his committee because he is opposed to the principle involved in it. I will not be as ungenerous to the Senator from Alabama as he has been to the author of this bill. The Senator intimates that the author of the bill wrote in the title the provision as to its purposes, to which I have called attention, with a view to depriving his committee of jurisdiction and sending it to some other committee supposed to be more favorable to the legislation. I can not believe that; but if he did, Mr. President, it must have been because he felt that the Post Roads Committee was hostile to the legislation, and he wanted to get the legislation before a committee that had not already prejudged the case. I do not know any more justification for this intimation than there would be for an intimation that the Senator from Alabama wants to get it before his committee for the purpose of smothering it, and, of course, I would make no such imputation against the honorable Senator from Alabama.

The VICE PRESIDENT. The question is on the motion of the Senator from Alabama [Mr. BANKHEAD] to discharge the Committee on Agriculture and Forestry from the further consideration of House bill 7617 and to refer the bill to the Committee on Post Offices and Post Roads.

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

Mr. SMITH of Georgia. I ask for the yeas and nays on the question.

Mr. GALLINGER. I demand the yeas and nays.

Mr. JAMES. 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	Holls	Myers	Simmons
Bankhead	Hughes	Nelson	Smith, Ariz.
Beckham	Husting	Newlands	Smith, Ga.
Borah	James	Norris	Smith, S. C.
Brandegree	Johnson, Me.	O'Gorman	Smoot
Bryan	Johnson, S. Dak.	Oliver	Sterling
Catron	Jones	Overman	Sutherland
Chamberlain	Kenyon	Poindexter	Thomas
Chilton	La Follette	Pomerene	Thompson
Clapp	Lee, Tenn.	Ransdell	Underwood
Curtis	Lee, Md.	Reed	Wadsworth
du Pont	Lippitt	Robinson	Walsh
Fall	Lodge	Saulsbury	Warren
Gallinger	McCumber	Shafroth	Weeks
Harding	McLean	Sheppard	Williams
Hardwick	Martine, N. J.	Shields	

Mr. CHILTON. I wish to announce that my colleague [Mr. GOFF] is absent on account of illness. I will let this announcement stand for the day.

Mr. BORAH. I desire to announce the absence of my colleague [Mr. BRADY] on account of illness. I will let this statement stand for the day.

Mr. SMOOT. I desire to announce the absence of the junior Senator from Michigan [Mr. TOWNSEND]. He is compelled to be away on account of illness in his family.

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present.

The Senator from Alabama moves to discharge the Committee on Agriculture and Forestry from the further consideration of House bill 7617, and that it be referred to the Committee on Post Offices and Post Roads.

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

The yeas and nays were ordered.

Mr. SMITH of South Carolina. Mr. President, before the vote is taken by yeas and nays I think, in justice to myself, I should say just a word.

The other day when I took the attitude I did in reference to the bill I was not as familiar with the bill and all the circumstances surrounding it as I am now. In view of the fact that we have a Bureau of Good Roads under the Agricultural Department, and this legislation has already passed the House and been under discussion in the Agricultural Committee, and in view of the fact that it is the object of this legislation to get

good roads, no matter from what committee it may come, and it will ultimately have to stand upon its own merits before this body, I shall not vote for the reference of the bill to the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary proceeded to call the roll.

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

Mr. SUTHERLAND (when his name was called). I inquire whether the Senator from Arkansas [Mr. CLARKE] has voted?

The VICE PRESIDENT. He has not voted.

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

Mr. WALSH (when his name was called). I have a pair with the Senator from Rhode Island [Mr. LIPPITT], who is absent, and in view of that fact I shall not vote. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. SAULSBURY. I have a pair with the junior Senator from Rhode Island [Mr. COLT], but I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. DILLINGHAM. I inquire whether or not the senior Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. The Chair is informed that the Senator from Maryland has not voted.

Mr. DILLINGHAM. Then I withhold my vote, having a pair with that Senator. If at liberty to vote, I should vote "yea."

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. CATRON. I have a general pair with the Senator from Oklahoma [Mr. OWEN]. In his absence I withhold my vote. If I were permitted to vote, I should vote "yea."

Mr. WALSH. I transfer my pair, which I announced a moment ago, with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Mississippi [Mr. VARDAMAN], and vote "nay."

Mr. FALL (after having voted in the affirmative). I voted thinking that the Senator from West Virginia [Mr. CHILTON] had voted. Noticing that he has not voted, and having a pair with that Senator, I withdraw my vote.

Mr. SUTHERLAND. I transfer my pair with the Senator from Arkansas [Mr. CLARKE] to the Senator from Michigan [Mr. TOWNSEND] and vote "yea."

Mr. JOHNSON of Maine. I transfer my general pair with the junior Senator from North Dakota [Mr. GRONNA] to the junior Senator from Indiana [Mr. KERN] and vote "yea."

Mr. CURTIS. Mr. President, I am requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Oklahoma [Mr. GORE];

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

The Senator from Illinois [Mr. SHERMAN] with the Senator from Texas [Mr. CULBERSON].

The result was announced—yeas 42, nays 30, as follows:

YEAS—42.

Bankhead	du Pont	Lodge	Shields
Beckham	Fletcher	McCumber	Smoot
Borah	Gallinger	McLean	Sterling
Brandegge	Harding	Martine, N. J.	Sutherland
Broussard	Hardwick	Myers	Thomas
Bryan	Hitchcock	Nelson	Underwood
Chamberlain	Hughes	O'Gorman	Weeks
Clapp	Johnson, Me.	Oliver	Williams
Clark, Wyo.	Jones	Penrose	Works
Cummins	Lane	Pomerene	
Curtis	Lippitt	Saulsbury	

NAYS—30.

Ashurst	Lee, Md.	Reed	Stone
Hollis	Martin, Va.	Robinson	Swanson
Husting	Newlands	Shafroth	Thompson
James	Overman	Sheppard	Tillman
Johnson, S. Dak.	Page	Simmons	Walsh
Kenyon	Phelan	Smith, Ariz.	Warren
La Follette	Poindexter	Smith, Ga.	
Lea, Tenn.	Ransdell	Smith, S. C.	

NOT VOTING—24.

Brady	Culbertson	Kern	Shively
Burleigh	Dillingham	Lewis	Smith, Md.
Catron	Fall	Norris	Smith, Mich.
Chilton	Goff	Owen	Townsend
Clarke, Ark.	Gore	Pittman	Vardaman
Colt	Gronna	Sherman	Wadsworth

So the motion to discharge the Committee on Agriculture and Forestry from the further consideration of House bill 7617 and refer it to the Committee on Post Offices and Post Roads was agreed to.

RELIEF OF THE ARMENIANS.

Mr. LODGE. I present a concurrent resolution, and ask for its present consideration.

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

The concurrent resolution (S. Con. Res. 12) was read, as follows:

Whereas in countries now engaged in war there are several hundreds of thousands of Armenians in need of food, clothing, and shelter; and

Whereas great numbers of them have been required by conditions growing out of the state of war to leave their homes and their property, deprived of opportunity to make provision for their most elementary wants, causing starvation, disease, and untold suffering; and

Whereas the people of the United States of America have learned with sorrow of this terrible plight of great numbers of human beings and have most generously responded to the cry for help whenever such an appeal has reached them: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That, in view of the misery, wretchedness, and hardships which these people are suffering, the President of the United States be respectfully asked to designate a day on which the citizens of this country may give expression to their sympathy by contributing to the funds now being raised for the relief of the Armenians in the belligerent countries.

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

Mr. BORAH. Mr. President, I am not going to object to the concurrent resolution, but I send to the desk a newspaper clipping, which I ask the Secretary to read in connection with it.

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

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NEWLANDS. Mr. President, I wish to reserve the right to object. I am anxious to proceed with the consideration of the calendar regularly.

Mr. LODGE. I can not think that this resolution will cause any debate whatever. It is precisely similar to the resolution relative to the Polish people and the one in relation to the Jews. The Armenians are in an equally evil plight.

Mr. NEWLANDS. With that understanding, I make no objection.

The VICE PRESIDENT. In the absence of objection, the newspaper clipping which has been sent to the desk by the Senator from Idaho [Mr. BORAH] will be read.

The Secretary read as follows:

SAYS TURKS MADE TORCH OF AMERICAN—ESCAPED MEDICAL MISSIONARY RECOUNTS GHASTLY CRIMES AGAINST CHRISTIANS.

PETROGRAD, January 18.

Dr. Jacob Sargis, an American Methodist medical missionary, who has arrived in Petrograd after narrowly escaping death at the hands of the Turks and Kurds in Urumiah, Persian Armenia, asserts that among the outrages committed against the Christian refugees was the burning to death of an American doctor named Simon, or Shimmun, as he was known there. His identity was not further established, but the story of the outrage, as told by Dr. Sargis, was as follows:

"Dr. Shimmun was in the village of Supurghan when the Turks attacked that place. He was among those who took refuge on a mountain near the lakes. He was captured and told that since he had been a good doctor and had helped the wounded, they would not kill him, but that he must accept the Mohammedan faith. He refused.

"They poured oil on him and, before applying the torch, they gave him another chance to forsake his religion. Again he refused, and they set his clothes afire. While running in agony from the flames the Turks shot him several times. After he fell to the ground unconscious they hacked his head off."

Mr. STONE. Mr. President, I am a little astonished that a newspaper clipping of that character—from what source it comes we are not advised—should be presented in connection with this resolution. The resolution is a very proper appeal to the generosity, the sympathy, and the liberality of the American people in the hope of affording some measure of succor to a large number of men, women, and children who are suffering from the sad effects of the war. This clipping, I presume, is intended to give to this resolution—a resolution of high character and noble purpose—a kind of partisan color.

Mr. LODGE. The Senator is aware that I did not present the clipping.

Mr. STONE. It is in line with some other things which have been presented here from time to time, but it seems to me that it is wholly out of place, especially at this time.

Mr. LODGE. Mr. President, I offered the resolution; I did not present the newspaper clipping.

Mr. STONE. I know the Senator did not present the clipping; the Senator from Idaho sent it to the desk, but for what purpose he sent it it is difficult to say.

Mr. BORAH. Mr. President, I simply wanted to accentuate the situation in that country. I trust it has not become improper for the Senate of the United States to know how citizens of the United States are being treated in other countries. I trust, Mr.

President, we have not become so supinely cowardly as to dread publicity of facts concerning the treatment of our citizens abroad.

Mr. STONE. Mr. President, I do not think we have become so supinely cowardly, or so cowardly in any other way, as to desire to conceal from the American people any facts showing mistreatment of American citizens by any power in the world. The clipping which the Senator from Idaho has sent up to be read in this connection, however, is from, or is supposed to be from, a newspaper, and the American people get their information very largely from newspapers. There can be no question in my mind that the purpose of the Senator from Idaho in sending that paper here at this time was not to inform the American people so much as to give, even to a resolution of this character, some partisan coloring, and I do not think it a proper or even a creditable thing to do.

Mr. BORAH. Mr. President, this article can not possibly reflect upon one more than another. There is not a word in it nor an insinuation in it which reflects upon anybody.

Mr. STONE. What did the Senator send it up for?

Mr. BORAH. I sent it to the desk for the very reason that I stated. I think it is well for us to know and well for the public to know precisely what is transpiring. It has to do with a great many things which are before Congress.

Mr. STONE. What paper is that clipping from?

Mr. BORAH. It is from a New York paper; I have forgotten which one; but it was published in several.

Mr. STONE. The Senator does not even know the paper that printed it, and even the account itself is not very well verified. It leaves a question even as to whether the man was an American citizen.

Mr. BORAH. Mr. President, there is absolute proof.

Mr. STONE. It was a partisan purpose, Mr. President, the Senator had in view and in line with other things that he has been doing here in the Senate.

Mr. BORAH. Mr. President, if the Senator from Missouri wants to assume that that is a reflection upon his party, I have nothing to say as to that. If he is going to rise here whenever anything of that kind is put in the RECORD without any reference to the administration and assume that it is a reflection upon the administration, that is the business of the Senator from Missouri.

Mr. STONE. I merely meant to say, Mr. President, that the intention of the Senator from Idaho manifestly was to make some reflection.

Mr. BORAH. The only one here who has accentuated the partisanship of the matter or suggested it is the Senator from Missouri, and it must be by reason of the fact that there is some consciousness upon his part that it is a reflection on his party to have these facts revealed.

Mr. STONE. I am quite conscious that it is partisan in purpose.

Mr. GALLINGER. Mr. President, I am strongly in favor of this resolution, and I desire to say just a word. We had a day set apart to raise funds for the Poles, a people who are in dire distress. Unless the newspaper press has been wrong in the statement, the relief for those people has been held up by the British Government, the British Government not allowing that relief to be sent to the Polish people. I trust that if this resolution is agreed to Great Britain will not interpose to prevent relief being sent to the Armenians.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

RAILROAD LANDS IN ARIZONA, NEW MEXICO, OR CALIFORNIA.

Mr. CATRON. Mr. President, I wish to call up Order of Business 78, Senate bill 3391, and ask for its immediate consideration. The bill is absolutely necessary or the statute of limitations will run by the 4th of March next, against the law which is now standing, which the bill proposes to extend for two years.

The bill is very short and provides that land belonging to the Atchison, Topeka & Santa Fe Railroad may be exchanged for scrip and the scrip located before the 4th of March next, and as that time will soon run out this bill extends the time for allowing it to be done. The land that they want to exchange is land upon which Indians are living, and the department wants it for the use of the Indians. That land is generally coal land, and the lands which they ask to have taken in exchange for them are not allowed to have coal. The bill is for the benefit of the Government, and I hope that it will be allowed to pass at once so that it can be promptly taken up in the House.

Mr. NEWLANDS. Mr. President, I shall be compelled to ask for the regular order. A resolution has been pending here for some days, which has been debated and ought to be disposed of.

Mr. CATRON. This bill will take but a minute.

Mr. GALLINGER. The morning business is not closed.

The VICE PRESIDENT. There seems to be an objection.

Mr. NEWLANDS. I object.

The VICE PRESIDENT. Are there any further resolutions to be submitted? [A pause.] Morning business is closed, and the calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

THE CALENDAR.

The bill (S. 1053) to provide for stock-raising homesteads, and for other purposes, was announced as first in order on the calendar.

Mr. SMOOT. Mr. President, I will say that a bill has already passed the House with the same object as this bill. The Committee on Public Lands is holding hearings upon the same bill. For that reason I ask that this bill may go over, because I think the program will be that whenever the Public Lands Committee agrees upon the House bill it will report it and ask that it be substituted for this bill.

The VICE PRESIDENT. The bill will be passed over.

INTERSTATE AND FOREIGN COMMERCE.

Mr. NEWLANDS. Mr. President, I move that Order of Business 33, Senate joint resolution 60, which has been debated at some length, be taken up. It is a joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce.

The VICE PRESIDENT. The Senator from Nevada moves that the Senate proceed to the consideration of Senate joint resolution 60.

The motion was rejected.

The VICE PRESIDENT. The Secretary will state the next bill on the calendar.

NEWSPAPER PUBLICATION OF LAND-OFFICE NOTICES.

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 was considered as in Committee of the Whole.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from New Mexico [Mr. FALL], which will be stated.

The SECRETARY. On page 1, line 5, after the word "him," it is proposed to insert "or, in case of a public-land entry, by the entryman."

The amendment was agreed to.

Mr. SMOOT. Mr. President, I desire to ask whether the amendment offered by the Senator from Colorado [Mr. THOMAS] has been acted upon, or whether it is pending?

The VICE PRESIDENT. It has been 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.

Mr. MYERS subsequently said: I move that the vote by which Senate bill 1062 was passed a few minutes ago be reconsidered. It is my bill; I am the author of it. I was much interested in it and in a number of amendments which were pending. It was called on the calendar during my absence, when I was not here, and I knew nothing about it. I very earnestly desire to have the vote reconsidered.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Without objection, the motion to reconsider will be entered.

Mr. MYERS. Can the vote be reconsidered now?

The PRESIDING OFFICER. Without objection, the Chair will put the question. The question is on the motion to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. MYERS. I ask that the bill take its place on the calendar where it was before.

The PRESIDING OFFICER. It will be so ordered.

Mr. MYERS. I also ask unanimous consent that the vote by which each one of the two amendments to Senate bill 1062 was adopted be reconsidered.

The PRESIDING OFFICER. Is there objection?

Mr. BRANDEGEE. The action of the body in passing the bill has been reconsidered, has it not?

Mr. MYERS. The action of the Senate in passing the bill was reconsidered, but not the action of the Senate in adopting the amendments.

Mr. BRANDEGEE. Personally I know nothing about the merits of the amendments, but the Senator by the reconsideration of the bill has left it on the calendar. Many Senators who

spoke about the bill heretofore are not present, and I do not want to give unanimous consent to reconsider the action of the Senate on the amendments.

Mr. MYERS. I think the bill ought to be allowed to go on the calendar in exactly the same condition it was on the calendar, without any amendment, before it was considered to-day. I think that is only fair to all parties.

Mr. SMOOT entered the Chamber.

Mr. BRANDEGEE. The Senator from Utah is now on the floor, he having just entered the Chamber, and I leave it to him.

Mr. SMOOT. Mr. President, there is no objection whatever to the request made by the Senator from Montana to reconsider the bill and place it upon the calendar in the same position it held before.

The PRESIDING OFFICER. The amendments will be reconsidered, without objection.

Mr. MYERS. And that the vote upon the amendments as well be reconsidered and the bill be placed on the calendar just as it was before.

Mr. SMOOT. Yes.

Mr. MYERS. That is unanimously agreed to.

Mr. SMOOT. The request, I understand, is not, then, to consider the bill further.

Mr. MYERS. Oh, no.

Mr. SMOOT. Then I have no objection.

Mr. SHAFROTH. The position which the Senator from Montana takes is that it is necessary to reconsider the amendments that were adopted, and I think it is.

Mr. MYERS. That has been done by unanimous consent.

Mr. SHAFROTH. If that has been done, that puts it in a situation that is all right.

Mr. MYERS. I ask the Chair if the bill is on the calendar now in exactly the same condition it was at the close of business yesterday.

The PRESIDING OFFICER. It is.

Mr. SMOOT. In other words, the bill will go back as No. 9 on the calendar.

The PRESIDING OFFICER. The Chair understands the votes by which the bill was passed and the amendments agreed to have been reconsidered.

Mr. MYERS. And the bill is on the calendar as it was yesterday.

The PRESIDING OFFICER. It will be. The clerks at the desk inform the Chair that the bill came before the Senate this morning with the amendment of the Senator from New Mexico [Mr. FALL] pending.

Mr. MYERS. I know that.

The PRESIDING OFFICER. The amendments of the Senator from Colorado had already been agreed to.

Mr. GRONNA. Mr. President, I simply want to say in this connection that the Senator from New Mexico [Mr. FALL] was very much interested in the bill.

Mr. MYERS. This is not depriving him of any right. It is simply having the bill go on the calendar in the same way it was at 12 o'clock to-day, when the Senate opened.

The PRESIDING OFFICER. The Chair so holds.

Mr. SMOOT. That will leave the amendment offered by the Senator from New Mexico [Mr. FALL] pending when the bill comes before the Senate again.

Mr. MYERS. I am not trying to take away any right from anyone, and I do not want any of my own rights taken away in my absence.

Mr. GRONNA. I have no objection to the course proposed.

The PRESIDING OFFICER. The Chair understands that the bill goes to the calendar in the same position as though it had not been reached and considered to-day.

BILLS AND JOINT RESOLUTIONS PASSED OVER.

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 bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 609) to aid in the erection of a monument to Pocahontas at Jamestown, Va., was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 611) for the erection of a monument to the memory of Matthew Fontaine Maury, of Virginia, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States conferring upon women the right of suffrage, was announced as next in order.

Mr. SMOOT. Mr. President, I have been asked by my colleague [Mr. SUTHERLAND] to state to the Senate, if that joint resolution should come up in his absence, that he would not like to have it considered. For that reason I ask that the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

BEVERLY E. WHITEHEAD.

The bill (S. 707) for the relief of Beverly E. Whitehead, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post Offices and Post Roads, with an amendment, on page 1, line 13, after the date "1903" to insert "Provided, That not exceeding 25 per cent attorney's fee is allowed," so as to make the bill read:

Be it enacted, etc. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$102.60 to Beverly E. Whitehead for the balance due him for the transportation of the United States mails under contract prior to May 31, 1861, on route No. 6199, Georgia, said balance having been found due by the Auditor for the Post Office Department and reported to the Senate by the Auditor for the Post Office Department on January 17, 1903: *Provided,* That not exceeding 25 per cent attorney's fee is allowed.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, is there a written report in this case?

The VICE PRESIDENT. There is not.

Mr. GALLINGER. I think there ought to be reports in all such cases, Mr. President.

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

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

SAN ANTONIO BICENTENNIAL EXPOSITION.

The joint resolution (S. J. Res. 72) to provide for holding the San Antonio Bicentennial Exposition in 1918 was announced as next in order.

Mr. SMOOT. Mr. President, when this joint resolution was reached before, I objected to its consideration. The junior Senator from Texas [Mr. SHEPPARD] is temporarily absent from the Chamber. I have some amendments to offer which I think the Senator from Texas will accept, and therefore I simply ask that it may be temporarily passed over. If the Senator comes into the Chamber before 2 o'clock, it can then be considered, so far as I am concerned.

Mr. MARTINE of New Jersey subsequently said: Mr. President, I desire to ask what was done with Senate joint resolution 72. I did not hear it called.

The VICE PRESIDENT. It was passed over temporarily, at the request of the Senator from Utah [Mr. SMOOT], on account of the absence of the Senator from Texas [Mr. SHEPPARD].

Mr. MARTINE of New Jersey. That is satisfactory. I did not happen to catch that.

Mr. SMOOT. I will say to the Senator from New Jersey that if the Senator from Texas had been in the Chamber at the time I would not have objected to the consideration of the joint resolution.

Mr. MARTINE of New Jersey. That is satisfactory.

Mr. SMOOT. I have no objection to considering it at this time, now that he is here.

Mr. SHEPPARD. Mr. President, I was called out of the Chamber temporarily. I wish to say that it is satisfactory to me to have the joint resolution go over for to-day.

BILLS, ETC., PASSED OVER.

The bill (S. 2406) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was announced as next in order.

Mr. GALLINGER. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 60) creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee was announced as next in order.

Mr. BORAH. Mr. President, I have no desire to postpone or delay the consideration of this joint resolution, but it will be impossible to dispose of it in five minutes.

Mr. NEWLANDS. I will state to the Senator from Idaho that whilst the bill of the Senator from Tennessee [Mr. SHIELDS] has been made the unfinished business, I believe he has indicated a willingness, when it comes up at 2 o'clock, to allow me to dispose of this matter, provided it can be done within a reasonable time.

Mr. BORAH. Very well.

Mr. SHIELDS. I will state, Mr. President—

Mr. CATRON. I object to the consideration of the bill.

Mr. JONES. I ask that the bill may go over.

The VICE PRESIDENT. Objection is made, and the bill will be passed over under the rule.

PROTECTION OF GAME IN YELLOWSTONE NATIONAL PARK.

The bill (S. 3205) to amend "An act to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes," approved May 7, 1894, was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That the following paragraph, forming part of section 4 of an act entitled "An act to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes," approved May 7, 1894, to wit:

"Any person found guilty of violating any of the provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, and fish in the said park, shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than \$1,000 or imprisonment not exceeding two years, or both, and be adjudged to pay all costs of the proceedings," be amended to read as follows:

"Any person found guilty of violating any of the provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, and fish in the said park, shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than \$500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings."

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

WATER-POWER DEVELOPMENT.

The VICE PRESIDENT. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which is Senate bill 3331.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, which had been reported from the Committee on Commerce with amendments.

Mr. SHIELDS addressed the Senate. After having spoken, with interruptions, for nearly two hours and a half he said: Mr. President, I think I shall have to decline to yield further. If allowed to proceed, I can finish in a very few minutes.

Mr. STONE. Mr. President, may I ask the Senator from Tennessee a question? I am very anxious, as the Senator knows, to move an executive session. How long does the Senator think it will take him to conclude?

Mr. SHIELDS. I thought when I began that I would finish in less than an hour, and I myself have occupied only about that time, although it has been nearly three hours since I took the floor. In view of the Senator's desire to move to go into executive session I will ask that the pending bill be laid aside temporarily, and I will yield the floor.

[The speech of Mr. SHIELDS is printed in the Appendix.]

EXECUTIVE SESSION.

Mr. STONE. I am very much obliged to the Senator.

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 1 hour and 35 minutes spent in executive session the Senate, in executive session (at 6 o'clock and 10 minutes p. m.), took a recess until to-morrow, Thursday, February 10, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 9, 1916.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We lift up our hearts in gratitude and praise to Thee, O God our heavenly Father, for Thy goodness and for Thy wonderful works to the children of men, the intellectual gifts with which Thou hast endowed us, the tender and sweet affections which hallow our homes, for our great and growing Republic, for the religion which makes for righteousness in the soul. Help us to show our appreciation of these gifts and inestimable blessings by using but never abusing them, that we may be worthy of Thy love and protection. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HAMILTON of Michigan, on account of serious illness in his family.

COMMITTEE ON FLOOD CONTROL.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to be permitted to move the election of the members of the Committee on Flood Control, and also the election of other members to fill some vacancies on other committees, a list of which I send to the desk.

The SPEAKER. Is there objection to the consideration of the business to which the gentleman from North Carolina refers on Calendar Wednesday?

There was no objection.

The SPEAKER. The Clerk will read the list.

The Clerk read as follows:

Committee on Flood Control: Benjamin G. Humphreys of Mississippi (chairman), Finis J. Garrett of Tennessee, Martin D. Foster of Illinois, Cyrus Cline of Indiana, Joseph J. Russell of Missouri, Robert Cresser of Ohio, Carl Vinson of Georgia, Jeff McLemore of Texas, Riley J. Wilson of Louisiana, William A. Rodenberg of Illinois, Charles E. Curry of California, Charles C. Kearns of Ohio, James W. Husted of New York, William R. Wood of Indiana, and Whitnell P. Martin of Louisiana.

To fill vacancies on the following committees:

Elections No. 1: Joseph B. Thompson of Oklahoma.
Rivers and Harbors: H. Garland Dupré of Louisiana.
Judiciary: J. Randall Walker of Georgia.
Foreign Affairs: Joseph B. Thompson of Oklahoma.
Indians Affairs: William Webb Venable of Mississippi.
Expenses in the Department of Commerce: William Webb Venable of Mississippi.
Patents: William Webb Venable of Mississippi.
Invalid Pensions: Robert L. Doughton of North Carolina, and Warren Worth Bailey of Pennsylvania.
District of Columbia: Michael E. Burke of Wisconsin.
Industrial Arts and Expositions: William Webb Venable of Mississippi.

Mr. KITCHIN. Mr. Speaker, I move the election of these gentlemen to the committees named.

Mr. BENNET. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BENNET. Mr. Speaker, I have been out of Congress for four years and have only an indefinite recollection of the new rules. Is there not a provision in the rules of the Congress that the committees shall elect their own chairmen?

The SPEAKER. There is not. Are there any other nominations? If not, they will be closed. Without objection, these various gentlemen will be considered as elected to the committees named.

There was no objection.

CONGRESS OF NEUTRAL NATIONS.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Florida asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Speaker, the world has stood aghast for a year and a half or more at the horrible war prevailing in Europe, and I desire now to read a resolution (H. J. Res. 147) which I propose to offer. It is as follows:

Resolved, etc., First. That the people of the United States of America, being a peace-loving people, opposed to oppression and aggression of every character and form, and thoroughly wedded to the governmental idea that each and every nation of the earth, weak or strong, should be allowed to work out its own destiny without molestation on the part of any other nation, do hereby declare an absolute and strict neutrality as between each and all the nations of the earth now engaged in war.

Second. That the people of the United States view with horror the awful war now being waged across the seas and sincerely desire, in the interest of humanity and civilization, that the said war may be brought to an end as early as possible in a manner which will be honorable to each and all the contending parties.

Third. That, with a view to seeking such an honorable termination of hostilities, the President of the United States be, and he is hereby, authorized and requested to invite the supreme magistrate or ruler of each and every nation of the earth not engaged in the present war and, like the United States, neutral as between the contending parties, to send two representatives each to a congress of neutral nations, to be held at the city of Washington, D. C., United States of America, at such time as the President may name, to take counsel with each other and consider in what manner the neutral nations may be of service in bringing the war to an end and restoring peace to the distressed lands of our brothers across the seas, and for the further purpose of taking counsel together in order to agree upon and define the rights of citizens of neutral nations upon the high seas during the continuance of hostilities should their efforts to secure peace prove unavailing.

Fourth. That the President is hereby authorized to appoint two able and discreet persons to represent the United States at said congress.

Fifth. That the sum of \$25,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, is hereby appropriated to pay any and all appropriate expenses in and about said congress properly chargeable to the United States.

Mr. Speaker, I know of no other way officially that the United States and the neutral nations of the earth can do their duty in the premises in endeavoring to secure peace among these nations across the water. I therefore ask unanimous consent for the present consideration of the resolution.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of the resolution which he has read. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

ABRAHAM LINCOLN.

Mr. WHEELER. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes on next Saturday, the anniversary of the birth of Abraham Lincoln, after the Journal has been approved and the business on the Speaker's table disposed of.

The SPEAKER. The gentleman from Illinois asks unanimous consent that on Saturday next, the anniversary of the birth of Abraham Lincoln, he be allowed to address the House for 20 minutes on the life and character of Abraham Lincoln after the Journal has been approved and the business on the Speaker's table disposed of. Is there objection?

Mr. RUSSELL of Missouri. Mr. Speaker, reserving the right to object—and I do not intend to object finally—I will ask to have coupled with that the consent of the House to first read the address of Abraham Lincoln delivered at Gettysburg.

Mr. WHEELER. Mr. Speaker, I would have no objection to that.

The SPEAKER. The gentleman from Missouri asks leave to read the Gettysburg address of Abraham Lincoln on Saturday next, before the gentleman from Illinois [Mr. WHEELER] addresses the House. Is there objection to either one of these requests?

There was no objection, and it was so ordered.

THE LATE REPRESENTATIVE WITHERSPOON.

Mr. VENABLE. Mr. Speaker, I ask unanimous consent that Sunday, March 5, 1916, be set aside for appropriate memorial exercises on the life, character, and work of Hon. S. A. WITHERSPOON, late a Representative from the State of Mississippi.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that Sunday, March 5, 1916, be set aside as a day on which to memorialize his predecessor in Congress, Mr. WITHERSPOON. Is there objection?

There was no objection, and it was so ordered.

REORGANIZATION IN THE PATENT OFFICE.

The SPEAKER. The Clerk will call the committees.

The Clerk proceeded with the call of committees.

Mr. ALEXANDER (when the Committee on Patents was called). Mr. Speaker, the gentleman from Indiana [Mr. MORRISON], chairman of the Committee on Patents, is absent, and as ranking member of that committee and by direction of the committee, I call up the bill S. 900, amending sections 476, 477, and 440 of the Revised Statutes of the United States.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 476 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"Sec. 476. There shall be in the Patent Office a Commissioner of Patents, one first assistant commissioner, one assistant commissioner, and five examiners in chief, who shall be appointed by the President, by and with the advice and consent of the Senate. The first assistant commissioner and the assistant commissioner shall perform such duties pertaining to the office of commissioner as may be assigned to them, respectively, from time to time by the Commissioner of Patents. All other officers, clerks, and employees authorized by law for the office shall be appointed by the Secretary of the Interior upon the nomination of the Commissioner of Patents, in accordance with existing law."

Sec. 2. That section 477 of the Revised Statutes be amended to read as follows:

"Sec. 477. The salaries of the officers mentioned in the preceding section shall be as follows:

- "The Commissioner of Patents, \$5,000 a year.
- "The First Assistant Commissioner of Patents, \$4,500 a year.
- "The Assistant Commissioner of Patents, \$3,500 a year.
- "Five examiners in chief, \$3,500 a year each."

Sec. 3. That so much of section 440 of the Revised Statutes as follows the words "In the Patent Office," and refers to said office only, be amended to read as follows:

"One chief clerk, who shall be qualified to act as a principal examiner.

"One librarian, who shall be qualified to act as an assistant examiner.

- "Five law examiners.
- "One examiner of classification.
- "One examiner of interferences.
- "One examiner of trade-marks and designs.
- "One first assistant examiner of trade-marks and designs.
- "Six assistant examiners of trade-marks and designs.
- "Forty-three principal examiners.
- "Eighty-six first assistant examiners.
- "Eighty-six second assistant examiners.
- "Eighty-six third assistant examiners.

"Eighty-six fourth assistant examiners; and such other examiners and assistant examiners in the various grades as the Congress shall from time to time provide for."

The SPEAKER. This bill is on the Union Calendar and the House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Tennessee [Mr. GARRETT] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 900), with Mr. GARRETT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, which the Clerk will report.

The Clerk read as follows:

Senate bill 900, an act amending sections 476, 477, and 440 of the Revised Statutes of the United States.

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I would like to know what this bill is. The Clerk has just gotten to the point where we are enabled to tell.

Mr. ALEXANDER. It is a bill to revise the inspector force in the Patent Office.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ALEXANDER. Mr. Chairman, this bill proposes to reorganize the examining corps of the Patent Office by amending sections 476, 477, and 440 of the Revised Statutes of the United States so as to put into the Revised Statutes certain provisions which have been carried in appropriation bills, and other changes which I will undertake to point out specifically. The bill makes no change in salary from the salaries carried in the appropriation bills for some years past and creates no new offices. But, as will be indicated, it changes the number of employees. The greatest and most important change proposed is to equalize the number of first, second, third, and fourth assistant examiners. At present there are 110 fourth assistants, 88 third, 73 second, and 63 first. Now, the Commissioner says this is objectionable for the following reasons:

Each primary examiner has to supervise the work of twice as many assistants as was the case 30 years ago. It is not practicable to increase the number of primary examiners, because it splits up the classes to an inadvisable extent, and the only relief for an excessive number of assistants relatively to the number of primary examiners is to have more assistants of higher grades and therefore better trained in their work and with better knowledge of their classes. There are on an average 2½ fourth assistants and 1½ first assistants to each division. I am proposing to equalize this and to have 2 for each division in each grade.

The proposed change will also tend to keep the assistants longer in the office, because of the increase of the rate of promotion. During the first two or three years the assistants are of comparatively slight value. The present minimum salary is necessary to get the class of men we need, but it is only by keeping them here for 8 or 10 years that the average quality of service that is required can be secured. The increase in the appropriation per annum by reason of the equalization of the number of assistants is less than \$23,000, and as the total appropriations for salaries for the whole number of assistants is more than \$600,000, this slight increase in salary of the assistants will be far outweighed by the percentage of increase of efficiency.

There are other changes which I will indicate:

First. The bill provides specifically for the post of first assistant commissioner, an office created by the appropriation act of 1909, and fixes his salary at \$4,500, which has been the salary since the office was established.

This office has been created and the office provided for in the appropriation bills, but has not been written into the Revised Statutes.

Second. It states the duties of the two assistant commissioners.

Third. It increases the number of examiners in chief from three to five. The reason for this amendment is that the board passes on appeals aggregating about 1,100 per year. This is more than three men can properly pass upon. The delay and inadequate consideration of cases which naturally follow create unnecessary further appeals with consequent expense and loss of time for applicants and a diversion of the attention of the commissioner from other useful work.

Mr. RAYBURN. Will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. RAYBURN. I notice here in line 16, page 2—

Mr. ALEXANDER. If the gentleman will permit, I prefer to make my statement first and then I will answer his question.

Mr. RAYBURN. The gentleman is on the very point about which I desired to ask.

Mr. ALEXANDER. Very well; ask the question.

Mr. RAYBURN. I was just going to question the necessity of these five examiners in chief. There are three now, as I understand.

Mr. ALEXANDER. Yes.

Mr. RAYBURN. And I am informed by folks who have to do with this department that these men are now and have been absolutely up with their work, and they question very strenuously the necessity of adding these two new examiners in chief and say that if they are not absolutely needed they would gum the work up more than to have only three when they contend that the three examiners are up with their work entirely.

Mr. ALEXANDER. Now, I will give you the statement of the commissioner in that regard. Commissioner Ewing, at the hearing before the committee, in answer to a question, made this statement:

The examiners in chief are charged with the duty of hearing appeals from the primary examiners and from the examiners on interferences. There are three of them, and there is no provision of law whereby an examiner can be assigned to sit with them; therefore if one of them is sick their work is badly handicapped. If two of them are ill, as happened about a year ago, the board is put out of business. As a matter of fact, there is ample work for five men if the work is properly done and done as thoroughly as it ought to be done, and three would make a quorum, and there would always be a body of three sitting. That is why I have asked for five examiners in chief.

Mr. RAYBURN. Just one word further. I do not notice that the commissioner states, nor is the assertion made, that they have been behind, except when two of them happened to be sick a little while. It seems to me that somebody ought to know if they are behind with their work there before it would be necessary to add these two members to that corps.

Mr. ALEXANDER. My information from the commissioner is to the effect that this increase was desired in order to facilitate the work of the department and prevent unnecessary delays. Does the gentleman from Tennessee [Mr. BYRNS] desire to ask me a question?

Mr. BYRNS of Tennessee. I simply wanted to ask a question suggested by the gentleman from Texas [Mr. RAYBURN].

Now, I understand that the work performed by these examiners in chief is practically, if not entirely, current at the present time, taking into consideration the fact that two years ago two of these examiners were ill. If I am correctly informed, the work performed by these examiners in chief is current or as near current as it is possible to make it, taking into consideration the fact that they have to set these hearings and give lawyers who want to be heard time and opportunity to make their argument. Now, if their work is practically current, or is as nearly so as it can be, I do not see any real necessity for adding to the board and making it five instead of three. As a matter of fact, the entire board has to pass upon every single, individual case that comes before it whether you make it five or make it ten.

Mr. ALEXANDER. Under the law I suppose a majority of the board can sit and hear these cases and pass on them.

Mr. BYRNS of Tennessee. If one of these members should happen to be sick, of course it is for a limited period, and in a contested case, or where two members disagree, the case can be set over as it is in cases of appellate courts where there are only three members. But to make the board five, in order to take care of the possibility of some member being sick, seems to me is creating a force that is not needed, judging from the information I have had on the subject, and that is what I wanted the gentleman to enlighten the committee on.

Mr. ALEXANDER. I believe the gentleman is a member of the subcommittee of the Committee on Appropriations, before whom the commissioner appeared recently with reference to the provision for these various officers. Did the gentleman inquire of him as regards the necessity for this increase?

Mr. BYRNS of Tennessee. The commissioner made a statement, and a very strong one, in favor of having five instead of three, but, as I gather, the reason for it is the same reason as given by the gentleman now, and that is that there is a possibility that some one of these present examiners in chief may become ill or for some other reason may not be able to attend the meeting of the board, and if he had five he would always have the guaranty that at least three would be present. But I am frank to say that reason did not appeal to me very much.

Mr. ALEXANDER. Here is what the commissioner stated in his letter to the committee, reinforced by his statement before the committee. He said:

It increases the number of examiners in chief from three to five. The reason for this amendment is that the board passes upon appeals aggregating about 1,100 per year.

Mr. BYRNS of Tennessee. How many of those, if you will pardon me, are interference cases and how many of the kind that are more or less informal?

Mr. ALEXANDER. I do not know. He says:

This is more than three men can properly pass upon. The delay and inadequate consideration of cases which naturally follow create unnecessary further appeals, with consequent expense and loss of time

to applicants and a diversion of the attention of the commissioner from other useful work.

Mr. BYRNS of Tennessee. Now, as I understand it, it is not proposed to create a new board, but these appeals will come before this same board, consisting of five instead of three members, if this law is passed. Now, I could see some reason for that, and really I could understand how it would expedite the work, if there were to be two boards instead of one; but under this law we have one board and five gentlemen sitting upon that board. I take it that every one of the five would insist on knowing what is in the particular case before that board, and they will insist upon investigating and knowing the facts, naturally, before they sign an opinion as members of the board. Now, I fail to see how the appointment of additional examiners in chief will serve to expedite the business before the board in disposing of these appeals.

Mr. ALEXANDER. If the gentleman's argument is sound, there would be no reason for increasing the number of judges on the bench, for the reason that it is assumed, and properly so, that all judges should familiarize themselves with the record in each case. I understand that it is a fact that these chief examiners, on account of the pressure of the work, sometimes O. K. the opinions of law clerks which are presented to them and promulgate them as the opinions of the board. Now, I think that was stated by the commissioner somewhere in the hearings. I would think each examiner should examine the record for himself before writing or concurring in an opinion.

Mr. BYRNS of Tennessee. I have never understood that these present examiners in chief were complaining of the work they have to do. With such a court as that to which the gentleman refers, it is always possible to relieve the members of the court of a great burden of work they have to perform. But I do not understand that to be the proposition here. It is not to relieve these three men of the work they have to do, but, as I say, to provide a quorum in case one is ill.

Mr. ALEXANDER. I believe there have been delays in having these cases adjudicated. Just where the fault lies I do not know. The commissioner wishes to organize the examining corps to facilitate the work of the Patent Office and have the cases disposed of more promptly; and he regards this increase in the number of examiners in chief made as essential in order to do so.

Mr. BYRNS of Tennessee. Now, these three officers are presidential officers, as I understand it. If any one of these three are incapable of doing the work, or are not performing the work properly, there is a way to get at that without adding the burden of \$7,000 in salaries.

Mr. ALEXANDER. There is no complaint that they are not properly performing their duties.

Mr. BYRNS of Tennessee. As the gentleman from Texas [Mr. RAYBURN] stated a while ago, the answer as to whether or not they are doing their work lies in the fact that the work is current to-day, if I am correctly informed.

Mr. FOSTER. Will the gentleman from Missouri yield?

Mr. ALEXANDER. I yield.

Mr. FOSTER. As I understand, the gentleman says there are one or two of these men, assistants, who are appropriated for but not established by law?

Mr. ALEXANDER. Not of this grade.

Mr. FOSTER. I mean of these assistant commissioners—two additional examiners in chief.

Mr. ALEXANDER. None of these. The chief examiners—

Mr. FOSTER. I mean the commissioners. They are fixed by law now, are they not? If they were appropriated for last year, they are.

Mr. ALEXANDER. If the gentleman refers to the two assistant commissioners, he is right; but that is not what we are talking about now. We are talking about examiners in chief.

Mr. FOSTER. I understand that.

Mr. ALEXANDER. Of course, the first assistant and assistant commissioner are already provided for. These officers have been provided for in appropriation bills, but the statute does not provide for them.

Mr. FOSTER. I call the gentleman's attention to the appropriation bill of last year, which did fix these officers as permanent.

Mr. ALEXANDER. Well, we are writing the amendment into the statute now by amending the statute itself; that is all.

Mr. Chairman, the only reasons for these additional chief examiners, as stated by the commissioner, are, first, that in the absence of one of the chief examiners there is no provision of law by which another may be substituted for him; and, second, in the absence of two and the failure of a quorum, the hearing of appeals by the board would be temporarily suspended. The purpose of providing for these two additional

chief examiners is to make the work more efficient and to provide for its continuance and to facilitate the disposition of these appeals and avoid delay and complaint on the part of the public; and, after hearing the Commissioner of Patents, the committee were unanimous in the opinion that these additional examiners should be provided for.

For a number of years the appropriation act has provided that the chief clerk shall be qualified to act as principal examiner, and we have simply put that provision into the statute. This is regarded as very important, because an enormous amount of mail reaching the office contains inquiries which can be answered by the chief clerk if he is thoroughly familiar with the work of the office.

Then, fifth, the librarian should be qualified to act as assistant examiner, because the library is primarily intended for use in making searches. Sixth, while there are at present two law examiners provided by the statute, they are both designed to supervise the initiation of interferences. The commissioner asks that they be increased to five, the other three being needed to do supervisory work. Two of the three have already been provided for. They were provided for in the last appropriation bill. The commissioner is asking, therefore, for one additional law examiner.

Then, seventh, the post of examiner in charge of classification work was established by the appropriation act of 1909 and has been continued ever since. There is no work of the office that is more difficult, and it is a continuing work, since the classification must always be under revision. We have simply written that into the statute. There is no increase of offices.

Eighth, the changes of salary indicated are all merely fixing salaries which have been in appropriation acts for a number of years past.

Ninth, the omission of the provision that two of the second assistant examiners shall be women is not intended to exclude them, but to remove the possible limitation upon the commissioner. Women make excellent assistant examiners, and are appointed whenever opportunity arises. The existing law says two of them may be women. That provision is simply stricken out for that reason.

Tenth, the grades of first, second, third, and fourth assistant examiners, heretofore made a part of the appropriation act, but for several years omitted—the difference being indicated only by the difference of salary—are reestablished, and the grade of fourth assistant examiner will for the first time be placed in the Revised Statutes, it having so far been carried in the appropriation act only.

Under the law there are now 63 first assistant examiners at a salary of \$2,500 a year each. This bill increases the number to 86, making an increase of 23. The number of second assistant examiners under the existing law is 73. This bill increases the number by 13. Their salary is \$2,100 a year. There are now 88 third assistant examiners. This bill decreases the number by 2. The salaries are \$1,800 a year. There are 110 fourth assistant examiners, and we decrease the number to 86, which is a net decrease of 24. The increases are 36 and the decreases 26, making the net increase of assistant examiners 10, but the salaries in the aggregate are not disturbed. They continue or remain as under existing law. The result is that the average salary of the assistant examiners is now \$1,880. The average salary of assistant examiners, if this bill is enacted into law, will be \$1,950, or \$70 increase per examiner. That is because there are more examiners provided for in the higher grades than heretofore, which will somewhat increase the average salary.

Of course the Patent Office is maintained by the fees paid by parties applying for patents, and the surplus revenue from this source is about \$200,000 per annum. The net increase in cost under the provision of this bill will be between \$54,000 and \$55,000, because two of the three additional law examiners have heretofore been provided for in appropriation bills, and will be provided for, I presume, in the appropriation bill this year; and hence, if you take that from the \$61,000, it will leave between \$54,000 and \$55,000 increase.

Mr. Chairman, I reserve the balance of my time.

Mr. CANNON. What is the increased number of employees?

Mr. ALEXANDER. Thirteen—10 assistant examiners, 1 law examiner, and 2 chief examiners.

Mr. CANNON. And about \$60,000 increase of pay?

Mr. ALEXANDER. About \$54,000 increase.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRISP 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 bills of the following titles, in which the concurrence of the House was requested:

S. 2520. An act granting to the State of Nevada 7,000,000 acres of land in said State for the use and benefit of the public schools of Nevada and the State university of the State of Nevada; and

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

REORGANIZATION IN THE PATENT OFFICE.

The committee resumed its session.

Mr. MANN rose.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for an hour.

Mr. MANN. Mr. Chairman, this is a bill with reference to certain employees in the Patent Office, exactly similar, with the exception of five words, to the bill that was passed by the House in the last Congress and afterwards passed by the Senate without objection. Unfortunately, in the closing days of the Congress, it got mislaid somewhere on the Vice President's table or some other place, and was not sent to the President for his signature.

It makes a slight increase in the number of employees in the Patent Office, and makes some increase in the salaries by certain promotions which are authorized, by reason of increasing the number of employees of the higher grades and lessening the number of employees at the lower grades in the positions of assistant examiners.

The Patent Office is not as expensive, probably, as it ought to be. It is one of those offices which more than pays its way, because it turns into the Treasury more than we appropriate for the maintenance of the office. While that is not a sufficient reason for making an increase in the force of the office, still an increase in the patent business in the office warrants some increase in the force, and I think the fact that so many of the third or fourth assistant examiners, after a little experience in the office, resign to take places in private houses at higher salaries, may be a sufficient reason for giving a little additional inducement for assistant examiners to remain there in the Government service, after they acquire the experience, by giving them additional opportunity for promotion.

Under the existing law there are 66 first assistant examiners. This bill proposes to increase the number by 20. They draw salaries of \$2,400 each.

There are now 73 second assistant examiners who draw salaries of \$2,100 each. It is proposed to increase the number by 13.

There are now 88 third assistant examiners at salaries of \$1,800 each, and it is proposed to reduce that number by 2.

There are now 110 fourth assistant examiners at salaries of \$1,500 each, and it is proposed to reduce that number by 24, so that it would leave 86 of each of these classes, first, second, third, and fourth assistant examiners.

Of course that results in some promotions, and hence some increases in salaries, and it is a total of 10 assistant examiners over those now employed in the office.

There has been some criticism or discussion in reference to increasing the number of examiners in chief. There are now three examiners in chief drawing salaries of \$3,500 each. The bill proposes to increase the number to five, and there has been some opposition to that, emanating, I think, from one or more gentlemen in the Patent Office. I myself am not competent to judge of the desirability of that; but Mr. Ewing, the Commissioner of Patents, who is a very excellent commissioner, and who has not been extravagant in his demands for increases in his office, has stated that after very full consideration of the subject he thinks it is quite necessary to increase the number of examiners in chief from three to 5, in order to expedite the business and make sure that the examiners in chief will be able to act. My understanding is, though I did not acquire that information from Mr. Ewing, that each examiner in chief takes a case and writes an opinion upon it. When that opinion is written it is passed to the other two examiners. If one of them agrees with it, he signs the opinion, and it requires the signature of two examiners to put a decision in force, the work, of course, being done primarily by the individual examiners, and it is thought that by increasing the number to five it will give a better opportunity for the different examiners to give careful consideration to the propositions which they are to decide.

Mr. HILL. I know very little about the matter, but this objection is presented to me that the increase in the number of examiners from three to five will make a large duplication of the work. The gentleman just made an explanation as to the

way in which the work is done. I should like to ask this question: If it required the approval of another examiner, making two out of three to make a report effective, would it not require three out of five, and consequently is not the criticism a genuine one that it would require a great duplication of work, and would really accomplish nothing toward perfecting or improving the work of the Patent Office?

Mr. MANN. No; I do not think so; because there will be no more cases for the five to examine than there are for the three to examine, and each one who examines his case in the first instance will be able to give more consideration to it than he is now able to give, because each examiner individually will have a fewer number of cases to pass upon in the first instance. Of course, in the end each one goes theoretically over all these cases, or is supposed to.

Mr. HILL. But as a matter of fact they do not. Is not that so? As a matter of fact, the opinion of two out of three is now considered to be the opinion of the whole board, whereas if this change is made it will hereafter require three out of five to carry the opinion of the board, and consequently will create a great deal of duplication.

Mr. MANN. Why, no; I can not see how it will create any duplication. I think the fact is that when one examiner prepares his opinion it is now submitted to the other two examiners, and it requires the approval of two out of the three to put the decision into force; when if five examiners are provided for it will be submitted to all five; but that is no duplication of the work, because each one has to examine all of these cases in some way, either originally, or when an original decision is presented for approval.

Mr. HILL. Is this a unanimous report from the committee?

Mr. MANN. Yes. The bill was unanimously reported in the last House and in this House. I think it was more fully considered in the last House than it has been in this, for the reason that as a rule when a matter has been very fully considered by one House or one committee or one Congress, it does not always receive as much consideration in the next, where there has been no objection raised. I myself think this bill is unobjectionable, and ought to pass.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SIMS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 95. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy, at Annapolis, Mr. Carlos Hevia y Reyes Gavilán, a citizen of Cuba.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate Senate joint resolution 81, entitled "Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy, at Annapolis, Mr. Carlos Hevia y Reyes Gavilán, a citizen of Cuba."

REORGANIZATION IN THE PATENT OFFICE.

The committee resumed its session.

The CHAIRMAN. The Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

Sec. 2. That section 477 of the Revised Statutes be amended to read as follows:

"Sec. 477. The salaries of the officers mentioned in the preceding section shall be as follows:

- "The Commissioner of Patents, \$5,000 a year.
- "The First Assistant Commissioner of Patents, \$4,500 a year.
- "The Assistant Commissioner of Patents, \$3,500 a year.
- "Five examiners in chief, \$3,500 a year each."

Mr. RAYBURN. Mr. Chairman, I move to strike out the word "five," in line 16, on page 2, and insert the word "three."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 16, strike out the word "five" and insert the word "three."

Mr. RAYBURN. Mr. Chairman, if there is any dissension in the Patent Office, I know nothing whatever about it. I never was in the Patent Office in my life, and if I ever saw anyone who worked in the Patent Office I do not know it; but I have been informed by people who have business in the Patent Office that this board is up with its work as it is now constituted, having three members. I do not doubt that there are many worthy gentlemen in the Patent Office who deserve promotion if a vacancy existed, and many who would make splendid examiners if a vacancy existed on that board now. But I do not

think their demands or their desires are so pressing that we should make this increase, when not even the Commissioner of Patents himself or anyone speaking for him will say that this board is not up with its work, or will say that that is a sufficient reason why we should create two new jobs at a cost of \$7,000 to the Government. Of course, \$7,000 is a small matter, but it is that much.

One other thing and then I am through. They argue that in case somebody upon that board gets sick, possibly two will be sick at the same time, and the board can not act. I call attention to the fact that when you increase the number of examiners upon this board, you increase the percentage of liability that some one upon that board will be sick. And if this court as it is constituted now is up with its work, you will increase the possibility of its getting behind with its work by putting two more men on the court when they all have to sit finally on every question that comes before them. I believe this is unnecessary. I do not think there has been a reason advanced here why these two examiners should be added to the board. The only argument that could be advanced that ought to influence us to increase the court is that the court is now overworked and that they need to have additional examiners to divide the work among, but this has not been shown, and I am therefore opposed to putting the Government to this additional and unnecessary expense.

Mr. SMITH of New York. Mr. Chairman, the appropriation for the Patent Office is approximately \$2,000,000 a year. The Patent Office turns back into the Treasury \$2,200,000 a year, leaving a surplus of \$200,000. The gentleman from Illinois [Mr. MANN] has well stated that is not a sufficient reason for increasing the appropriation in the Patent Office; but in the case of these examiners in chief being discussed there are three, and an additional assistant has been assigned to help those now doing the work. So actually four men are now performing this service, although the fourth man has not the standing or authority of the other three members. The Commissioner of Patents states that if there were five, the work would be done more thoroughly. The Patent Office is an office where the question is almost entirely one of efficiency. You could do the work there with half the men, but you could not do it efficiently. The reason for having five instead of three is to improve the service in the office. The Commissioner of Patents believes that five men are necessary, and I believe, inasmuch as he has reorganized the office and is trying to increase and improve the service of the office, his judgment ought to be accepted, and the amendment should not prevail.

Mr. BYRNS of Tennessee. Mr. Chairman, there is no man for whom I have a higher respect than the Commissioner of Patents. He is an able and exceedingly capable official, but merely because the Commissioner of Patents makes the statement that he believes the work can be done more thoroughly by five rather than three examiners in chief, I must confess does not appeal very strongly to me. Unless the Commissioner of Patents or some one representing him can show that increasing the number of chief examiners from three to five will secure more efficient work, it seems to me that this increase should not be made. It has been stated, and I have not heard it denied, that this work is current and up to date at this time. If that be true, I fail to see why it is necessary to add \$7,000 to the expense of the Government merely to provide for a contingency in case of sickness.

Mr. CARTER of Massachusetts. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. CARTER of Massachusetts. The Commissioner of Patents said there were 2,000 cases now pending. That does not seem to me to support the statement that they are up with their work.

Mr. BYRNS of Tennessee. The gentleman in charge of this bill a while ago made the statement that this board passes upon appeals aggregating a thousand a year.

Mr. ALEXANDER. Eleven hundred.

Mr. BYRNS of Tennessee. How many appeals have they during the year?

Mr. ALEXANDER. I am not able to inform the gentleman as to the number.

Mr. BYRNS of Tennessee. I am informed that it is the number of applications to which the gentleman from Massachusetts refers and not the appeals that are taken to the examiners. There are two classes of appeals, and, if my memory is correct, there are less than 200 appeals in interference cases, and that constitutes the bulk of the work for the examiners in chief. I repeat that I have not heard a statement made, either here or before the committee, showing that the work performed by the examiners in chief is not now practically up to date. The

work is as current as it is possible for a board of that kind to make it current.

Mr. KENT. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. KENT. In what way will there be any greater expedition in the service if this board has five chief examiners instead of three?

Mr. BYRNS of Tennessee. I am not able to see why five men can more expeditiously decide cases than three under their rules of procedure. As a matter of fact, as the gentleman from Texas said a moment ago, it would really serve to delay the work rather than to expedite it, for the reason that all of the members of this appellate court in the Patent Office necessarily must examine these cases. They must necessarily look into them. I can not see, since no new board is to be appointed, how five instead of three will expedite the business.

Mr. ALEXANDER. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. ALEXANDER. Why not have three judges of the Supreme Court of the United States? Why is it necessary to have nine judges to facilitate the transaction of business of the court or add to the efficiency of the tribunal? Yet we know that in the United States court and in the several States we have increased the number of judges in order to increase the efficiency and dispatch the work. I am told that in this department the law clerks prepare the cases and present them to the board, and in many cases they are O. K'd and go out as the opinion of the board. That may or may not be true; but there ought to be enough examiners in chief, so that the work can be properly transacted.

Mr. BYRNS of Tennessee. I venture the opinion that if we establish a board of five examiners in chief instead of three we will have the same practice of the law clerks looking into the questions that may be before the board. Now, with reference to the Supreme Court of the United States or of the supreme courts in the States, in those cases the number of judges was increased because the judges complained that they were overworked, that they could not dispatch the business before the court and were unable to give proper consideration to the cases before them. But this is not a case, so far as I have heard, of anybody on this board being overworked. It is not a case where the examiners in chief are unable to dispose of the business which comes before the board in due time and proper course.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Something has been said here with reference to the amount of money paid in by the Patent Office in excess of the cost of the office. The gentleman from New York stated probably \$200,000; but I submit that is not a satisfactory argument for increasing the expenses of the office, unless they are absolutely needed. This bill proposes to increase the expenses of the Patent Office by \$61,000, as shown by the report submitted by the committee. I am not prepared to say that these other increases are not necessary and are not proper; but it does seem to me that here is one case, in view of all the facts and in view of the failure to show any necessity for it, where \$7,000 of that \$61,000 may be saved to the Government without any detriment to the service being rendered by the Patent Office. The Patent Commissioner, for whom, as I say, I have the highest regard, who is administering his office in such a splendid and efficient manner, states that there is a way by which the revenues derived from the Patent Office may be increased by \$125,000, in addition to the sum now paid in, and that is by revising the fees so as to provide for a \$20 fee with the filing of an application and \$15 for the final fee, whereas it is now \$15 for the filing and \$20 for the final. I simply make that suggestion to the gentleman from Missouri [Mr. ALEXANDER] because it came out in the hearings before a subcommittee of which I am a member, and I hope the Committee on Patents will take that matter up and see if the law can not be amended in accordance with the views of the commissioner.

Mr. HILL. Mr. Chairman, I do not object to the increase of the salary of the assistant examiners. If they are not worth \$1,880 a year, they have no business to be there.

Mr. ALEXANDER. There are no increases provided for.

Mr. HILL. I do not object to the \$7,000 additional for the chief examiners, but the criticism which comes to me and which impresses itself upon me, Mr. Chairman, is that five men who are to do the work which three now do, requiring at

least a majority of the board, however it may be constituted, will increase and delay the continuance of the work in the future. I believe it would be a great deal wiser—and, if left to the board itself, that they would vote for it—if their salaries should be increased from \$500 to \$1,000 each and the number continued as it is, at three. So believing, I shall vote for the amendment of the gentleman from Texas.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. ALEXANDER) there were—ayes 22, noes 44.

So the amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. RICKETTS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD of January 29.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection. There was no objection.

Mr. ALEXANDER. Mr. Chairman, I move that the committee do now rise and report the bill with a favorable recommendation. The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 900 and had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

Mr. ALEXANDER. Mr. Speaker, I move the previous question on the bill to final passage.

The motion was agreed to.

The SPEAKER. The question is on the third reading of the bill.

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

BIDS FOR BATTLESHIPS "43" AND "44."

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter from the Secretary of the Navy giving information relative to the bids on the battleships 43 and 44, in pursuance of a statement I made the other day in response to an inquiry whether I would furnish them.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to insert in the RECORD the letter referred to from the Secretary of the Navy. Is there objection?

There was no objection.

ARMY AND NAVY MEDAL OF HONOR HONOR ROLL.

The SPEAKER. The Clerk will call the next committee.

The Clerk called the Committee on Invalid Pensions.

Mr. RUSSELL of Missouri. Mr. Chairman, at the request of the chairman of the Committee on Invalid Pensions, I call up the bill (H. R. 4701) to establish in the War Department and in the Navy Department, respectively, a roll designated as the Army and Navy medal of honor honor roll, and for other purposes, and I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Missouri calls up the bill H. R. 4701, to establish an Army and Navy medal of honor honor roll, which is on the Union Calendar, and asks unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the House will automatically resolve itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4701, with Mr. GARRETT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4701), which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 4701) to establish in the War Department and in the Navy Department, respectively, a roll designated as the Army and Navy medal of honor honor roll, and for other purposes.

Mr. RUSSELL of Missouri. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. STAFFORD. Mr. Chairman, this is a short bill, and I think it ought to be read for the information of Members.

The CHAIRMAN. The gentleman from Wisconsin objects, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby established in the War Department and Navy Department, respectively, a roll designated as "the Army and Navy medal of honor honor roll." Upon written application made to the Secretary of the proper department, and subject to the conditions and requirements hereinafter contained, the name of each surviving person who has served in the military or naval service of the United States in any war, who has attained or shall attain the age of 65 years, and who has been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty, and who was honorably discharged from service by muster out, resignation, or otherwise, shall be, by the Secretary of the proper department, entered and recorded on said roll. Applications for entry on said roll shall be made in such form and under such regulations as shall be prescribed by the War Department and Navy Department, respectively, and proper blanks and instructions shall be, by the proper Secretary, furnished without charge upon request made by any person claiming the benefits of this act.

SEC. 2. That it shall be the duty of the Secretary of War and of the Secretary of the Navy to carry this act into effect and to decide whether each applicant under this act in his department is entitled to the benefit of this act. This act and the evidence in favor of each claimant's claim shall be liberally and favorably construed in favor of the applicant, and in cases of doubt the applicant shall be given the benefit of the doubt. If the official award of the medal of honor to the applicant, or the official notice to him thereof, shall appear to show that the medal of honor was awarded to the applicant for such an act as is required by the provisions of this act, it shall be deemed sufficient to entitle the applicant to such special pension without further investigation. Otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence now on file in any public office or department shall be considered, and it shall be liberally construed and considered in favor of the applicant as aforesaid and without regard to technical requirements; but no evidence not now on file as aforesaid shall be admitted or considered. A certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the medal of honor was awarded, and of enrollment under this act, and of the right of the special pensioner to be entitled to and to receive the special pension herein granted, shall be furnished each person whose name shall be so entered on said roll. The Secretary of War and the Secretary of the Navy shall deliver to the Commissioner of Pensions a certified copy of each of such of said certificates as he may issue, as aforesaid, and the same shall be full and sufficient authority to the Commissioner of Pensions for the payment by him to the beneficiary named in each such certificate the special pension herein provided for.

SEC. 3. That each such surviving person whose name shall have been entered on said roll in accordance with this act shall be entitled to and shall receive and be paid by the Commissioner of Pensions in the Department of the Interior, out of any moneys in the Treasury of the United States not otherwise appropriated, a special pension of \$10 per month for life, payable quarter yearly. The Commissioner of Pensions shall make all necessary rules and regulations for making payment of such special pensions to the beneficiaries thereof.

Such special pension shall begin on the day that such person shall file his application for enrollment on said roll in the office of the Secretary of War or of the Secretary of the Navy after the passage and approval of this act, and shall continue during the life of the beneficiary.

Such special pension shall not deprive any such special pensioner of any other pension or of any benefit, right, or privilege to which he is or may hereafter be entitled under any existing or subsequent law, but shall be in addition thereto.

The special pension allowed under this act shall not be subject to any attachment, execution, levy, tax, lien, or detention under any process whatever.

SEC. 4. That in case any person has been awarded two or more medals of honor, he shall not be entitled to and shall not receive more than one such special pension.

Rank in the service shall not be considered in applications filed hereunder.

Mr. RUSSELL of Missouri. Mr. Chairman, this bill was introduced by the chairman of the Committee on Invalid Pensions, the gentleman from Ohio [Mr. SHERWOOD], but at his request I have called it up for him. At the last session of Congress this bill was favorably reported by the House Committee on Invalid Pensions and was upon the calendar. It was also favorably reported by the Committee on Pensions in the Senate and was upon the calendar, but was not considered by either body. This bill provides for an Army and Navy medal of honor roll to be selected upon examination of those who can qualify under this act under regulations provided by the Secretary of the Navy and Secretary of War. From the best investigation we were able to make about two years ago it was found that there would be only about 100 of those now upon the roll of honor under the law who could qualify under this act, and if so, the pension provided for in this bill of \$10 per month would amount to about \$12,000 per annum and that, I think, would be about the total cost of the bill if it should be passed. I will now yield to the gentleman from Ohio [Mr. SHERWOOD] that he may more fully explain the provisions of the bill and state the reasons why it should be enacted.

Mr. SHERWOOD. Mr. Chairman, as has already been stated, this bill was unanimously reported by the Committee on Invalid Pensions last year and went on the calendar. This bill only applies to soldiers of past wars including Indian wars, the Civil War, and the Spanish-American War. There have been issued since the organization of the Government about three thousand some two hundred medals of honor. Now, this bill provides that in order to obtain this medal of honor the applicant must have distinguished himself by gallantry and intrepidity beyond the call of duty in the presence of the enemy in actual conflict with the enemy. There are about 101 soldiers

living who would be entitled to this medal of honor. There have been issued, as I said before, over 3,000, and let me illustrate: A whole regiment during the engagement at Gettysburg were doing duty in the city of Washington and were awarded medals of honor under the provisions of existing law. The soldiers who escorted the remains of Abraham Lincoln from Washington to his final burial place in the State of Illinois were issued medals of honor.

Mr. STAFFORD. Will the gentleman yield?

Mr. SHERWOOD. Yes.

Mr. STAFFORD. Do I understand that all the members of the regiment performing duty at Washington were awarded medals of honor?

Mr. SHERWOOD. Of one regiment.

Mr. STAFFORD. That the entire membership of that regiment were awarded medals of honor?

Mr. SHERWOOD. That is what I understand. I understand the reason for that was this: Of course they were 70 miles away from that engagement, but their time was up, and because they agreed to serve after their time was up they were awarded these medals of honor.

Mr. STAFFORD. That was not by any special act, but by departmental authorization under existing law?

Mr. SHERWOOD. At that time.

Mr. STAFFORD. Will the gentleman inform the House what is the existing law as to the awarding of medals of honor?

Mr. SHERWOOD. The law has been so variously interpreted by the different departments that it would be very difficult to answer that question. I am only speaking now of this bill. I do not want to say that heretofore medals of honor have been issued to unworthy soldiers, and I am only going to say this, that none of those soldiers mentioned could obtain medals of honor under this bill. The late Senator from Alabama, Senator Johnston, and the Representative from Virginia, Mr. HAY, have introduced bills similar to this to take care of future wars. Now, I will give you an illustration of soldiers who would be entitled to medals of honor under this bill.

Mr. STAFFORD. Will the gentleman permit there? Do the bills referred to also provide a pension of \$10 per month to those who are awarded medals of honor?

Mr. SHERWOOD. Yes; \$10 a month.

Mr. STAFFORD. The other bills referred to carry a pension?

Mr. SHERWOOD. To illustrate: The Legion of Honor of France, the Victoria Cross of Great Britain, the Iron Cross of Germany, and, I believe, every decoration of every country in the Old World awarding medals of honor carry pensions, and it is on the basis of all the medals of honor that have been issued in all countries of the Old World that we make this very low pension.

It has been said before our committee in the hearing that I would be entitled to a medal of honor under this bill; but I would say, as I said when the dollar-a-day pension bill was pending when it was claimed that I would get the largest pension of any soldier in the United States under that bill—I said that I would never apply for a pension under the bill and never accept it; and I will say the same now. [Applause.] I would not apply for a pension and would not accept it, although I could get a medal of honor on six different occasions during the war. [Applause.]

Mr. MANN. Will the gentleman yield?

Mr. SHERWOOD. I will.

Mr. MANN. If the gentleman is entitled to go on the medal-of-honor roll, would not he ask to do that?

Mr. SHERWOOD. Well, I do not say I would not go on the medal-of-honor roll, but I would not accept a pension.

Mr. MANN. The gentleman could not help it.

Mr. SHERWOOD. That would be a matter up to the Secretary of War by orders from the War Department.

Mr. MANN. They would have to send the gentleman a pension check every quarter, whether he accepted it or not. Of course the gentleman could return it.

Mr. SHERWOOD. No; never until I applied for it. Now, I will give you an illustration of a soldier who would be entitled to a medal of honor under this bill.

Mr. STAFFORD. Before the gentleman proceeds, will he explain what the practice is of other countries in awarding pensions to those who have been placed on their rolls of honor?

Mr. SHERWOOD. I have that down in my office. I did not know that this matter was coming up. But they award very large pensions, comparatively. Different countries award different pensions—some of them are magnificent ones—under those medals of honor. In the Franco-Prussian War the old Kaiser issued medals of honor to 40,000 soldiers, and that war lasted only seven months. In this war in Europe, according to an

article in *Munsey's Magazine* for February, the Kaiser has issued nearly 500,000 of the iron crosses to his soldiers. The number of medals that have been issued by England and by France I have been unable to ascertain.

Mr. STAFFORD. Do those awards of the iron cross by the Kaiser and those medals awarded in Great Britain carry with them a pension?

Mr. SHERWOOD. Certainly they do.

Mr. STAFFORD. I was not aware of that fact.

Mr. DYER. And big ones, too.

Mr. SHERWOOD. The iron cross is not continuous. It has to be revived in every war. It has been revived in this war.

Now, I was going to give you an illustration. For instance, at the Battle of Chickamauga, when Thomas's right was threatened and was really demoralized, Gen. James D. Stedman, in the rear, who was commanding a division of volunteers, voluntarily marched to the support of Gen. Thomas. When they encountered that terrific fire and the line wavered, Gen. Stedman snatched the colors from the color bearer of an Illinois regiment and led that line into battle. He was riding a horse that had been captured from Gen. Zollicoffer at the Battle of Mill Springs. His horse was shot, he was thrown over his head, and his right hand was lacerated. He was stunned, but he still remained on that field and maintained that line. And during a lull in the battle he visited the "Rock of Chickamauga," Gen. "Pap" Thomas, who took his bloody hand and said to him, "Gen. Stedman, you have saved my army."

That is one case where a man would get a medal of honor. [Applause.]

Again, at the Battle of Atlanta, on the 22d of July, 1864, I was in a position where I could see the whole movement. After Gen. McPherson was killed, when his line had become demoralized before his death, it was Gen. John A. Logan, of Illinois—and I saw him make that ride on his war horse "Blackjack"—who rallied the staggering battalions of that army and saved the day. He would be entitled to a medal of honor under this bill. [Applause.]

Again, at the Battle of Franklin, there was not a horse alive on the whole line on our side after the battle. There were 12 Confederate generals that marched abreast the battle line just before our line was reached. Gen. Pat Cleburne rode diagonally across the line between the hostile armies. Of course his horse was shot, and he was pierced perhaps by 40 Minié bullets. If he had been alive, he would have been entitled to a medal of honor.

The late Gen. George W. Gordon, of Tennessee, was captured on my immediate left at Franklin, right in front of the works, and was pulled over the works, wounded in that awful charge, and taken prisoner. Gen. Cockrell, of Missouri, who died a few days ago, was wounded on the front line, in front of my command, at the famous Locust Grove. He would be entitled to a medal of honor under this bill. [Applause.]

We have sifted down, and we find about 101 soldiers, all told, who would be entitled to this medal of honor under this bill, at a cost of about \$12,200. The cost is merely insignificant. I think it is an incentive in case of a future war to know that the Congress of the United States has recognized valor and gallantry on fields of battle.

That is all I care to say now. [Applause.]

Mr. RUSSELL of Missouri. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman reserves 45 minutes.

Mr. MANN. Mr. Chairman, undoubtedly it is not difficult to find or recite innumerable instances of valor and bravery in battle or in war, or, for that matter, in private life and in peaceful pursuits.

I shall not vote for this bill myself. I do not think there is any occasion for it. I think the main purpose of it is to pay an additional pension to a small number of men who, if they have individually good cases, could easily get the pension provided by a special act of Congress. The distinguished gentleman from Ohio [Mr. SHERWOOD], whom we all revere and love, and whom all of us hesitate to oppose on any matters relating to the old soldier boys, stated that there are about 101 persons who would be affected by this bill. It draws the line pretty close when you say "about 101." I could understand "about 100," but "about 101" is very definite and particularly definite in view of the provisions of the bill, because the bill itself assumes that no one can tell how many persons will be affected by it. I will read from the language of the bill:

This act and the evidence in favor of each claimant's claim shall be liberally and favorably construed in favor of the applicant, and in cases of doubt the applicant shall be given the benefit of the doubt.

That looks as though no one could tell. Even if you say that the evidence shall be "favorably" considered, that is a direction to a court that seems rather queer.

Mr. SHERWOOD. I am going to offer an amendment to strike out the word "favorably."

Mr. MANN. I am glad I have produced that result thus far. It is not reported by the committee to strike out.

Then they go ahead and say that certain things:

Shall be deemed sufficient to entitle the applicant to such special pension without further investigation.

And then follows:

Otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence now on file in any public office, etc., shall be considered.

It is very evident from this language in the bill that the gentleman who construed the bill did not anticipate that anyone could say how many people might be affected by it, although the distinguished chairman of the committee thinks it would affect only about 101. I do not think anybody can tell how many would be affected. There were innumerable instances of valor on both sides in the Civil War. There are innumerable instances of valor in every war, but I do not believe that that is the reason why now we should pay an additional pension to those who performed those acts of valor, unless we act upon the cases individually. No one can know after all this length of time what particular cases ought to be acted upon, except as we give them the opportunity to present the case. And then we say that the evidence shall be liberally construed, even if you strike out the word "favorably."

Mr. COOPER of Wisconsin. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. MANN. I yield to the gentleman.

Mr. COOPER of Wisconsin. Will the gentleman inform the committee what his construction is of the language in line 11 on the first page and at the top of page 2, reading:

And who has been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity—

And so forth.

That does not say that a medal of honor shall have been awarded by the Government or who awarded it. He may have gotten the medal of honor from any source. What does that mean?

Mr. MANN. Well, I do not know just what the term "awarded a medal of honor" means. They constantly give medals to soldiers which they call "congressional medals of honor," and people are thereby led to believe that it is because Congress has especially provided in some case that a medal of honor shall be granted, or a congressional medal.

But that is not the case at all. There may be, and probably is, some provision of law lost in the statute books, but resurrected for the purpose, and properly, which authorizes the granting of congressional medals for valor in war. I do not desire to make any objection to that. I think the number of congressional medals which have been granted is very large indeed, much larger in some cases than the facts warranted. It was not by special acts of Congress, although they are called "congressional medals," granted supposedly for special services.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. I yield.

Mr. TILSON. Has the gentleman noted the language, "above and beyond the call of duty"? Does the gentleman understand what is meant in the bill by the words "above and beyond the call of duty"?

Mr. MANN. I do not understand, but that is a matter to be construed.

Mr. MOORE of Pennsylvania. Mr. Chairman, has the gentleman finished his answer?

Mr. MANN. Yes.

Mr. MOORE of Pennsylvania. Will the gentleman yield a moment?

Mr. MANN. Yes.

Mr. MOORE of Pennsylvania. Will the gentleman look at the language on line 5 of the first page, "the Army and Navy medal of honor honor roll"? Would not that raise a very serious question as to the honor of those who would not come upon the "honor honor roll"? That is to say, would we not be dealing unfairly with men who held medals of honor which they worthily won if we should differentiate between those men and those who might be selected for this "honor honor roll"?

Mr. MANN. Well, if there is a small number now, it seems to me a very unjust discrimination to grant this privilege now

to those who remain as against those who have passed away. To hold a medal of honor is principally valuable to hand down to one's descendants, but here is a proposition that proposes to place a small number now on a medal of honor roll which will not contain the names of Gen. John A. Logan or the other brave men to whom my distinguished friend from Ohio [Mr. SHERWOOD] has referred. They are all dead and gone. They can not have their names placed upon this medal of honor roll, and in the future it will be said, if this bill be passed, that this small number of men were the men who received the honor of being placed on the medal of honor roll, while the larger number, who mainly performed the feats of valor, will never have the distinction of having their names on the roll.

Many of us, not myself, still take great delight in what our ancestors did in the Revolutionary War or the War of 1812, or other wars of that character in the early days, and in the Indian wars. Children or descendants of our children a hundred years from now, some of them, may point with great pride, if this bill be passed, to the fact that their ancestor was upon the medal of honor roll, while the children or descendants of one who performed a much greater feat of valor will not have that honor or distinction. A hundred years from now, if this bill be passed, there will be a national society incorporated of descendants of those who in the Civil War were entitled to be placed upon the medal of honor roll, but the great number of people who received a medal of honor will not be on the roll.

However, I do not know whether it is possible to stop any sentimental proposition of this sort which gets into this House. We are unduly influenced at times by sentiment, and sometimes probably not sufficiently influenced. But when it comes to the giving of something where you vote upon it in the House with sentiment attached, it always or almost always goes through. But it is not fair to those who have passed away; I do not think it is fair to those who are living, to say that we propose to give them pay in money for the valor and the valorous deeds which they exhibited. These men were glad and proud to receive the medal of honor which they have received. They were glad and proud to perform the service which they rendered; and now some one is trying to place it upon a financial basis, that we pay this in money. They are paid in the pride of what they did. They do not ask or deserve to be relegated to the idea of performing the feats in order to receive a few paltry extra dollars. [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. SHERWOOD. Mr. Chairman, I move to amend on line 9—

Mr. RUSSELL of Missouri. We have not reached that point yet.

Mr. SHERWOOD. I will move to amend when we reach it.

The CHAIRMAN. The Clerk will read.

Mr. RUSSELL of Missouri. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. TILLMAN].

The CHAIRMAN. The gentleman from Arkansas [Mr. TILLMAN] is recognized for five minutes.

Mr. TILLMAN. Mr. Chairman, as the son of an ex-Confederate soldier I want to ask the Members from the South to vote for this measure. [Applause.] I am pleased by the feeling reference that the distinguished gentleman from Ohio [Mr. SHERWOOD] made to the chivalrous Pat Cleburne, a Confederate general from Arkansas. I think the time has come when the North and South should shake hands across the border. [Applause.]

Give the brave men who have earned this distinction the small pension and the medal contemplated by this measure. As far as the southern soldier is concerned, the only medal he has received is the medal of scars. [Applause.] But he should receive something more.

Later in the session I want to ask the indulgence of the House and the patient hearing of the gentlemen on that side of the Chamber to the bill which I had the honor to introduce on the 6th of December providing pensions for Confederate soldiers. For the first time in the history of the House a serious effort will be made to pass a bill of this kind. I want to give my reasons in a perfectly serious way at the proper time why I think that bill should pass.

I see no reason why the paltry financial aid carried in this bill should not be extended to the veterans entitled to it. I hope this bill will pass without a dissenting vote from the gentlemen on the Democratic side of the Chamber.

I merely wanted to state my position with reference to this measure. The time has come when the whole country should lay aside the bitter sectional feeling that existed years ago growing out of the Civil War.

Mr. KONOP. Will the gentleman yield?

Mr. TILLMAN. Yes.

Mr. KONOP. Will there not be many cases, where deeds of valor were performed by privates, that will not come in under this bill?

Mr. TILLMAN. I think that is true; but no soldier who does not merit the medal will be placed upon this roll of honor.

Mr. KONOP. I think every northern soldier who was brave enough to obey the command of his superior officer and march forth to battle or to a charge ought to be put on that roll, and I do not think there ought to be any special legislation of this kind. I think that those who, as citizens of the country that they loved, fought to save it should have every honor, and I do not think that any few of them ought to be selected and given any special honor. [Applause.]

Mr. TILLMAN. I think a man who specially distinguished himself by a rare exhibition of courage is entitled to more credit than a man who did not do so. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FERRIS 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 and joint resolution of the following titles:

H. R. 8233. An act granting the consent of Congress to the Republic Iron & Steel Co. to construct a bridge across the Mahoning River, in the State of Ohio;

H. R. 9224. An act providing for an increase in number of midshipmen at the United States Naval Academy; and

H. J. Res. 98. Joint resolution making part of the appropriation "Construction and machinery, increase of the Navy," in the naval act approved March 3, 1915, available for the extension of building ways and equipment at the navy yards at New York and Mare Island, Cal.

ARMY AND NAVY MEDAL OF HONOR HONOR ROLL.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That there is hereby established in the War Department and Navy Department, respectively, a roll designated as "the Army and Navy medal of honor honor roll." Upon written application made to the Secretary of the proper department, and subject to the conditions and requirements hereinafter contained, the name of each surviving person who has served in the military or naval service of the United States in any war, who has attained or shall attain the age of 65 years, and who has been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty, and who was honorably discharged from service by muster out, resignation, or otherwise, shall be, by the Secretary of the proper department, entered and recorded on said roll. Applications for entry on said roll shall be made in such form and under such regulations as shall be prescribed by the War Department and Navy Department, respectively, and proper blanks and instructions shall be, by the proper Secretary, furnished without charge upon request made by any person claiming the benefits of this act.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the word "honor" before the word "roll," in line 5, page 1.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 1, line 5, strike out the word "honor" before the word "roll."

Mr. MOORE of Pennsylvania. Mr. Chairman, if this amendment is agreed to, the line will read "Army and Navy medal of honor roll," rather than "Army and Navy medal of honor honor roll."

I offer this amendment because to use the word "honor" as it is used here twice will unjustly and unfairly discriminate as between medal of honor men. There are many of them living, and as the gentleman from Illinois [Mr. MANN] has indicated, many medal of honor men have long since died. To raise a question as between those who are now entitled to the standing of medal of honor men would, it seems to me, be unfortunate. We would at once make it appear that one man holding a badge of honor was not as much entitled to it as another man holding a badge of honor. By striking out the second "honor," as proposed in my amendment, we will create a medal of honor roll, rather than a "medal of honor honor roll." That means the law granting a special pension or special honor to certain men whose services were specially distinguished will not be affected at all, but, at least so far as the law is concerned, we will not undertake to underestimate the services of those men who creditably and honorably hold medals of honor.

Mr. RUSSELL of Missouri. Mr. Chairman, personally I would have no objection to that word being stricken out. When the committee was before our committee we asked them

about the necessity for that. As I understand, this is to be an honor roll within the other honor roll, and if the second word "honor" should be stricken out, then the bill would include all those who have been placed on the honor roll. The purpose of this bill was to place upon a special honor roll within the general honor roll certain men who by reason of distinguished bravery in the presence of the enemy had gone far beyond the call of duty and exhibited extraordinary bravery in battle.

Mr. MOORE of Pennsylvania. I understand that this makes a wheel within a wheel, as it were.

Mr. RUSSELL of Missouri. Yes.

Mr. MOORE of Pennsylvania. That is to say, one man having distinguished himself for bravery upon the field of battle, and having received the medal of honor, would to a certain extent be discredited, because he could not enter this new circle of medal of honor men created by this bill. It seems to me that would be very unfortunate.

Mr. RUSSELL of Missouri. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. RUSSELL of Missouri. The gentleman heard the statement of the gentleman from Ohio, Gen. SHERWOOD, that there were an entire regiment in the city of Washington during the Battle of Gettysburg who were placed upon this honor roll.

Mr. MOORE of Pennsylvania. Yes.

Mr. RUSSELL of Missouri. Does not the gentleman think there should be some distinction between the members of that regiment, who were not in the presence of the enemy at all, who were placed upon that roll, and the other men that he referred to, who distinguished themselves by bravery in the presence of the enemy? Is there not some reason for that distinction?

Mr. MOORE of Pennsylvania. If that entire regiment could qualify under the conditions imposed by this act I would say to the gentleman that there might then be reason for creating a separate roll; but that entire regiment could not qualify as this bill provides, and therefore the bill would properly protect the men whom the gentleman from Ohio [Mr. SHERWOOD] desires especially to protect and honor in this instance.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the enacting clause of the bill.

The CHAIRMAN. The gentleman from Illinois moves to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. RUSSELL of Missouri) there were—ayes 16, noes 34.

Accordingly the motion was rejected.

The Clerk read as follows:

Sec. 2. That it shall be the duty of the Secretary of War and of the Secretary of the Navy to carry this act into effect and to decide whether each applicant, under this act, in his department is entitled to the benefit of this act. This act and the evidence in favor of each claimant's claim shall be liberally and favorably construed in favor of the applicant, and in cases of doubt the applicant shall be given the benefit of the doubt. If the official award of the medal of honor to the applicant, or the official notice to him thereof, shall appear to show that the medal of honor was awarded to the applicant for such an act as is required by the provisions of this act, it shall be deemed sufficient to entitle the applicant to such special pension without further investigation. Otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence now on file in any public office or department shall be considered, and it shall be liberally construed and considered in favor of the applicant as aforesaid and without regard to technical requirements; but no evidence not now on file, as aforesaid, shall be admitted or considered. A certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the medal of honor was awarded, and of enrollment under this act, and of the right of the special pensioner to be entitled to and to receive the special pension herein granted, shall be furnished each person whose name shall be so entered on said roll. The Secretary of War and the Secretary of the Navy shall deliver to the Commissioner of Pensions a certified copy of each of such said certificates as he may issue, as aforesaid, and the same shall be full and sufficient authority to the Commissioner of Pensions for the payment by him to the beneficiary named in each such certificate the special pension herein provided for.

Mr. RUSSELL of Missouri. Mr. Chairman, at the request of the chairman of the committee, I offer an amendment to strike out the words "and favorably," in line 19, page 2.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 19, strike out the words "and favorably."

The motion was agreed to.

Mr. RUSSELL of Missouri. Mr. Chairman, at the request of the chairman of the committee, I offer the following amendment: Strike out the language beginning with the word "but," in line 7, and ending with the word "considered," in line 8.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, lines 7 and 8, strike out the following language: "but no evidence now on file, as aforesaid, shall be admitted or considered."

Mr. MANN. Suppose that language goes out, the gentleman would want to modify his statement that there are about 101 who would be benefited by this act.

Mr. RUSSELL of Missouri. I did not make that statement.

Mr. MANN. Oh, yes.

Mr. RUSSELL of Missouri. I said about 100.

Mr. MANN. I understood the gentleman to say about 101. I may have misunderstood him.

Mr. RUSSELL of Missouri. I may be mistaken myself, but I think not.

Mr. MANN. If you take that language out, it will change the number very much.

Mr. RUSSELL of Missouri. It will admit other testimony; what the effect will be I can not say.

Mr. MANN. That of itself is an admission that no one can tell how many will be affected by it.

Mr. RUSSELL of Missouri. I think it is indefinite, but the best judgment we could get from the authorities was that the number would be about 100.

Mr. BOOHER. Will the gentleman yield?

Mr. RUSSELL of Missouri. Yes.

Mr. BOOHER. In estimating that there would be 100 men placed on the roll under this bill, the department based its estimate on the fact that the evidence was now in the department.

Mr. RUSSELL of Missouri. I can not say upon what they based it. Of course, under this bill no one could be placed on this roll that had not distinguished himself for extraordinary bravery in the presence of the enemy, and he must be 65 years of age and must have distinguished himself by going beyond the requirements of his duty.

Mr. BOOHER. But by striking this out you permit the applicant to introduce any testimony he pleases, not record evidence, but his affidavit and the affidavit of others, and there is no telling how many he will place on the roll.

Mr. SHERWOOD. The estimate was based upon the number now on the rolls and the number that would be entitled to medal of honor under this bill. Then we took the number of deaths up to last September and estimated how many would be alive entitled to this medal of honor when it shall have passed.

Mr. BOOHER. Does the gentleman think that they ought to permit evidence to be introduced indiscriminately?

Mr. SHERWOOD. We ought to allow men who have evidence to file it.

Mr. BOOHER. If the amendment is adopted, it will open the door to all kinds of evidence. I think that clause ought to remain in the bill.

Mr. SHERWOOD. The Secretary of War will scrutinize the evidence very carefully.

Mr. BOOHER. If the bill is to pass, I think that clause should remain in it. The cases ought to be confined to where the evidence is now in the possession of the department.

Mr. MOORE of Pennsylvania. If the gentleman from Missouri will look at paragraph 1, he will find that the whole matter of submitting evidence is to be left to the rules and regulations prescribed by the War and Navy Departments.

Mr. BOOHER. If this clause remains in the bill, they will have to take the evidence now on file; but if you strike the clause out, any kind of evidence can be introduced, and the department must consider it.

Mr. MOORE of Pennsylvania. The clause says "no evidence not now on file shall be admitted or considered." The presumption is that, 50 years having elapsed since the Civil War, the department has in its possession full information, and no new evidence can be adduced.

Mr. BOOHER. If you strike the language out, any kind of evidence can be introduced.

Mr. SHERWOOD. Take the Battle of Franklin as an illustration. Here is an order issued by the commanding general complimenting a soldier for gallantry in that charge. He distinguished himself for gallantry over and above the line of duty. That order was put in the mail to go to the War Office, but was destroyed and never got there. If that evidence is now available, and that fact can be demonstrated, why should that soldier be excluded from filing his evidence?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. RUSSELL of Missouri) there were 29 ayes and 8 noes.

So the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out, on page 3, beginning with line 4, the words "and it shall be liberally construed and considered in favor of the applicant as aforesaid and without regard to technical requirements."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, beginning with line 4, strike out the following language: "And it shall be liberally construed and considered in favor of the applicant as aforesaid and without regard to technical requirements."

Mr. MOORE of Pennsylvania. Mr. Chairman, I understood the gentleman from Ohio, in presenting the matter, to say that he intended to offer an amendment of this kind. It ought to be adopted, because in the first paragraph of the bill we have provided what qualifications a man shall have who applies for special consideration, he being a medal of honor man. We have assigned to the War and Navy Departments the duty of preparing rules and regulations governing evidence.

Mr. SHERWOOD. Let me say to the gentleman from Pennsylvania that there is no objection to his amendment.

Mr. MOORE of Pennsylvania. I did not think that the gentleman wanted to prejudice the claim, as this first paragraph would do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. Moore].

The question was taken, and the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, in view of the acceptance of that amendment, I offer another, which I think the committee will accept, to strike out, on page 2, beginning with line 18, the words:

This act and the evidence in favor of each claimant's claim shall be liberally and favorably construed in favor of the applicant, and in cases of doubt the applicant shall be given the benefit of the doubt.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 17, strike out the following language:

"This act and the evidence in favor of each claimant's claim shall be liberally and favorably construed in favor of the applicant, and in cases of doubt the applicant shall be given the benefit of the doubt."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SHERWOOD. Mr. Chairman, we do not object to that.

Mr. MOORE of Pennsylvania. The committee does not object to the striking of this out?

Mr. SHERWOOD. No.

Mr. SLOAN. Mr. Chairman, I object to the provision being stricken out. I object to anything further being done to this bill, if we expect to pass it, which will make it difficult for anybody entitled to obtain benefits under its provisions.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. MOORE of Pennsylvania. I think if the gentleman had listened to me he would have better understood the purport of this amendment. The first section provides how the applicants shall apply and imposes the qualifications. It also provides that the two Departments of War and Navy shall provide regulations. Everything has been done in the bill that gives the applicant the right to distinguish himself from other medal of honor men, except that in these two paragraphs, one of which has just been stricken out—

Mr. SLOAN. Mr. Chairman, I refuse to yield further. My point is this. We are reducing the provisions of this bill so far as they may relate to the private soldier, one of whom I have specially in mind who had an ambition to obtain one of these medals of honor. When he made his application at the department he was given to understand that the evidence was not there to warrant his request, and because it was not on file, because it was not a matter of record, he was therefore not entitled to it. The door was closed to him in his efforts to obtain this medal.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. If there is any virtue in this bill at all, it ought to be so thoroughly liberalized that every one of the hundreds of thousands of private soldiers of the Union Army who live to-day shall have the right and opportunity, not only to make this application, but to use whatever evidence there is on file in the department, and in addition then to obtain evidence from his comrades or from whatever source he may, and further have the benefit of it throughout its introduction, its construction, and determination so liberally construed, that he will have fair opportunity to establish his claim.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. MOORE of Pennsylvania. We have just voted out of the bill this provision:

But no evidence not now on file as aforesaid shall be admitted or considered.

Mr. SLOAN. I understand that no outside evidence can come in.

Mr. MOORE of Pennsylvania. Oh, yes, it can. That is the very point. The amendment the gentleman is discussing is an amendment which prejudices the case. We ought to leave the department some discretion.

Mr. SLOAN. If we are going to have this, I would be glad to have it prejudged in favor of most of them.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. BOOHER. Mr. Chairman, I move to strike out of section 2 the language contained in the last sentence of that section on page 3.

The CHAIRMAN. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 3, line 14, after the word "roll," strike out the following:

"The Secretary of War and the Secretary of the Navy shall deliver to the Commissioner of Pensions a certified copy of each of such of said certificates as he may issue, as aforesaid, and the same shall be full and sufficient authority to the Commissioner of Pensions for the payment by him to the beneficiary named in each such certificate the special pension herein provided for."

Mr. BOOHER. Mr. Chairman, I thoroughly agree with the gentleman from Illinois that placing a man's name on a roll of honor, that roll being kept in the War or the Navy Departments, is a sufficient reward above his other comrades, who probably would have performed the same feat if the opportunity had been presented to them. Why give the man \$10 pension extra? Why say, in addition to keeping his name on a roll of honor, always open to the inspection of everyone, that in addition thereto we will add to his pension \$10 a month above those received by men who suffered just as great hardships as he did during the war? I am in favor of a roll of honor, but I am not in favor of making a roll of honor to be assured by dollars and cents in the shape of a pension. I believe that the roll of honor is enough within itself when he gets the same pension as his comrades get for like service without this addition. I hope the amendment to strike out all reference to pensions in this bill will be sustained.

Mr. RUSSELL of Missouri. Mr. Chairman, of course the effect of this will be to strike out the pension of \$10 a month that this bill carries to this roll of honor that is proposed to be composed of about 100 men, and, if we are correctly informed by the authorities, is to cost the Government approximately \$12,000 a year.

Now, of course, this strikes at the very life of the bill. If the committee desires to strike it out they have the right to do so, but this is a very insignificant amount of money to be paid to men who have exhibited extraordinary bravery in the presence of the enemy on the field of battle. This bill requires they must have gone not as far as their duty called them to go, but beyond the call of duty in the service of their country. I think this amendment ought not to be adopted.

Mr. SHERWOOD. Mr. Chairman, here we are discussing a bill for an appropriation of about \$12,000 for the most gallant and intrepid men in the service at a lower pension than any country around the world pays for medal-of-honor heroes. I was on the floor of this House when the appropriation went through for \$400,000 in three minutes to suppress the hog cholera. I believe God made man erect with head and heart above his belly and that that kind of a human being is entitled to more consideration than the unthinking hog, whose head is on a level with his belly. [Applause.]

Mr. KONOP. Will the gentleman yield?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 3. That each such surviving person whose name shall have been entered on said roll in accordance with this act shall be entitled to and shall receive and be paid by the Commissioner of Pensions in the Department of the Interior, out of any moneys in the Treasury of the United States not otherwise appropriated, a special pension of \$10 per month for life, payable quarter-yearly. The Commissioner of Pensions shall make all necessary rules and regulations for making payment of such special pensions to the beneficiaries thereof.

Mr. MILLER of Minnesota. Mr. Chairman, I would like recognition to strike out the last word. I would like to ask the chairman of the committee, the gentleman in charge of the bill, if they would view with favor an amendment looking toward the raising of that \$10, which looks pitifully small and insignificant.

nificant to me. I do not want to be foolish enough to try to increase it, if the matter has been carefully considered by the committee.

Mr. SHERWOOD. What is the amendment?

Mr. MILLER of Minnesota. A proposition to increase the amount from \$10 to \$18 a month. Mr. Chairman, I move to strike out the figures "\$10," in line 1, page 4, and insert in lieu thereof the figures "\$18."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 1, strike out the figures "\$10" and insert in lieu thereof "\$18."

Mr. MILLER of Minnesota. Mr. Chairman, in all seriousness I offer this amendment. I have been pleased beyond that which I ordinarily feel in the way of pleasure by the remarks made by the gentleman from Ohio [Mr. SHERWOOD], in charge of the bill, to-day calling attention to specific instances in which these medals of honor could be granted and membership upon this roll attained. While I do not believe we should in general exalt deeds in time of war above the deeds of our citizenry in time of peace, yet there do come critical moments when the heart and nerve of the soldier must rise supreme over every consideration if the Nation he serves is going to be saved. It is not that this man or that man is willing to risk his life, the happiness of his family, and his children and his future that his country may be benefited or saved. It is something a little beyond that. When you combine those qualities of heart and courage with that intellectual keenness, that quickness of judgment, that exaltation of soul that literally lifts mind above matter, lifts a man to the highest point he ever reaches, then heroism and achievement are combined and should be recognized. This combination must exist in order that membership on this roll of honor may be secured. Not every brave man combines the other qualities essential to necessary achievement under this act. When, however, the qualities of heart and mind are present, and the deed—heroism—is performed, I think this Nation, the greatest and richest in the world, can well afford to recognize such achievement and patriotism beyond \$10 a month—less than the amount we pay to widows to-day. A man must be 65 years old before he can enjoy the benefits of this act—

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MILLER of Minnesota. In a moment.

Mr. MOORE of Pennsylvania. It is on the amount. Of course, the gentleman understands this is in excess of existing pensions?

Mr. MILLER of Minnesota. I understand that thoroughly. But this is supposed to be in direct consideration of what he has done, in direct recognition of the merits of his achievement. As I was saying to you, a man must have attained the age of 65 years before he can enjoy any of the benefits of this act, and if he has lived through the hours that made possible his heroism he probably has not many years to live beyond the 65, and it will be a recognition during but a few months at best. Therefore, it seems to me, that \$18 a month will be more in keeping with the dignity of the country and more in keeping with a proper recognition of his services, and yet I share the feeling which is expressed that no monetary consideration can measure heroism and bravery. No man living would think to risk and to do that which this bill requires him to do because he thought in his old age he would get a pension of \$10 a month. That is not his part. The payment of the pension is our part. Our part is the \$10 or \$18 a month, and let us measure it up somewhere in keeping with the dignity of our Nation and our country. As the chairman of the committee has already stated, the amount we give in such pensions is less than given by any other nation of the world, so while we are not exalting the deeds of the battle field above the deeds of the lives of our citizens, let us make it commensurate with our dignity by increasing this amount from \$10 to \$18. [Applause.]

Mr. RUSSELL of Missouri. Mr. Chairman, the committee opposes this proposed amendment for the very good reason that the committee that represented these men who expected to be placed upon this roll of honor, if this act should pass, did not ask it. They stated to our committee that they did not want to add a large pension to the present pensions they now draw, because it would look too much like it was a matter of pay and pensions instead of a matter of honor. They only asked that \$10 be allowed as pension under this bill, and we placed it at this amount in obedience to the request that was made by these soldiers when they came before our committee.

I can agree with all that my friend from Minnesota [Mr. MILLER] says of his admiration of these gallant soldiers. We want to do them justice. We recognize the great service that they have rendered in preserving this Union during the Civil War and their great service in other wars, but I am not in favor of giving them large pensions now in addition to the liberal

pensions they are already drawing. I am opposed to this amendment, and I hope the committee will vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. RUSSELL of Missouri. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to; and the Speaker having resumed the chair, Mr. MOON, 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. 4701) to establish in the War Department and in the Navy Department, respectively, a roll designated as the Army and Navy medal of honor honor roll, and for other purposes, and had directed him to report the same to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. RUSSELL of Missouri. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill. The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of the bill will, as their names are called, answer "yea," those opposed will answer "nay," those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 211, nays 108, answered "present" 1, not voting 114, as follows:

YEAS—211.

Alexander	Emerson	Kettner	Rowe
Allen	Esch	Key, Ohio	Rowland
Ashbrook	Evans	Kiess, Pa.	Rubey
Austin	Fairchild	King	Russell, Mo.
Ayres	Farr	Kinkaid	Russell, Ohio
Bailey	Ferris	Kreider	Schall
Barchfeld	Fess, Ohio	Leshler	Scott, Mich.
Barnhart	Focht	Lieb	Sells
Beakes	Fordney	Lobeck	Shackleford
Bennet	Foss, Ill.	McAndrews	Sherwood
Britt	Foster	McArthur	Shouse
Britten	Freeman	McCracken	Sinnott
Brown, W. Va.	Fuller	McClulloch	Sloan
Bruckner	Gallagher	McDermott	Smith, Idaho
Brumbaugh	Gandy	McFadden	Smith, Mich.
Buchanan, Ill.	Gardner	McKenzie	Smith, N. Y.
Burke	Gillett	McKinley	Snell
Caldwell	Glynn	McLaughlin	Snyder
Cantrill	Good	Madden	Steele, Iowa
Capstick	Gray, Ind.	Magee	Stephens, Cal.
Carter, Mass.	Gray, N. J.	Mapes	Stephens, Nebr.
Cary	Green, Iowa	Matthews	Sterling
Casey	Greene, Mass.	Mays	Stone
Chandler, N. Y.	Griest	Meeker	Stout
Charles	Guernsey	Miller, Minn.	Sulloway
Chipperfield	Hadley	Moon	Sutherland
Cline	Hamilton, N. Y.	Mooney	Sweet
Conry	Hamilin	Moore, Pa.	Swift
Cooper, Ohio	Hart	Morgan, Okla.	Switzer
Cooper, W. Va.	Hastings	Moss, Ind.	Taggart
Copley	Haugen	Mudd	Tague
Costello	Hayden	Murray	Tavener
Cox	Heaton	Neely	Taylor, Colo.
Crago	Helvering	Nichols, Mich.	Thomas
Cramton	Henry	North	Thompson
Crosser	Hernandez	Oakey	Tillman
Curry	Hicks	Overmyer	Timberlake
Dale, Vt.	Hinds	Paige, Mass.	Tinkham
Danforth	Hollingsworth	Parker, N. Y.	Towner
Darrow	Hopwood	Phelan	Treadway
Davenport	Howell	Platt	Van Dyke
Dempsey	Hulbert	Porter	Vare
Dewalt	Humphrey, Wash.	Pou	Volstead
Dillon	Husted	Powers	Wason
Dixon	Hutchinson	Pratt	Watson, Pa.
Doiling	Igoe	Ralney	Wheeler
Doollittle	Johnson, S. Dak.	Raker	Williams, T. S.
Dowell	Johnson, Wash.	Ramseyer	Williams, W. E.
Drukker	Kearns	Randall	Williams, Ohio
Dunn	Keating	Rauch	Wilson, Ill.
Dyer	Kelster	Ricketts	Wood, Ind.
Eagan	Kennedy, Iowa	Roberts, Nev.	Woods, Iowa
Ellsworth	Kennedy, R. I.	Rogers	

NAYS—108.

Abercrombie	Dickinson	Kincheloe	Rucker
Adamson	Dies	Kitchin	Sears
Alken	Dupré	Konop	Sherley
Almon	Eagle	La Follette	Sims
Anderson	Edwards	Lee	Sisson
Aswell	Elston	Lenroot	Slayden
Bacharach	Frear	Lever	Smith, Minn.
Barkley	Garland	Lloyd	Smith, Tex.
Bell	Garner	London	Stafford
Black	Garrett	McClintic	Steagall
Blackmon	Godwin, N. C.	McLemore	Stedman
Booher	Goodwin, Ark.	Mann	Stephens, Miss.
Boylan	Hardy	Martin	Summers
Buchanan, Tex.	Harrison	Miller, Del.	Taylor, Ark.
Burnett	Heflin	Miller, Pa.	Tilson
Byrnes, S. C.	Helgesen	Morgan, La.	Tribble
Byrns, Tenn.	Helm	Nicholls, S. C.	Venable
Caraway	Hill	Norton	Vinson
Carter, Okla.	Holland	Oldfield	Walker
Clark, Fla.	Hood	Oliver	Walsh
Coleman	Houston	Page, N. C.	Watkins
Collier	Huddleston	Park	Watson, Va.
Cooper, Wis.	Hughes	Parker, N. J.	Wilson, La.
Crisp	Humphreys, Miss.	Price	Wingo
Davis, Tex.	Jacoway	Quin	Winslow
Decker	Johnson, Ky.	Rayburn	Young, N. Dak.
Dent	Kent	Rouse	Young, Tex.

ANSWERED "PRESENT"—1.

James

NOT VOTING—114.

Adair	Finley	Langley	Ragsdale
Anthony	Fitzgerald	Lazaro	Reavis
Beales	Flood	Lehbach	Relly
Browne, Wis.	Flynn	Lewis	Riordan
Browning	Gallivan	Liebel	Roberts, Mass.
Burgess	Gard	Lindbergh	Rodenberg
Butler	Glass	Linthicum	Sabath
Callaway	Gordon	Littlepage	Sanford
Campbell	Gould	Loft	Saunders
Candler, Miss.	Graham	Longworth	Scott, Pa.
Cannon	Gray, Ala.	Loud	Scully
Carew	Greene, Vt.	McGillicuddy	Shallenberger
Carlin	Gregg	McKellar	Siegel
Church	Griffin	Maher	Sleep
Coady	Hamill	Mondell	Small
Connelly	Hamilton, Mich.	Montague	Sparkman
Cullop	Haskell	Moore, Ind.	Steele, Pa.
Dale, N. Y.	Hawley	Morin	Steenerson
Dallinger	Hay	Morrison	Stephens, Tex.
Davis, Minn.	Hayes	Moss, W. Va.	Stiness
Denison	Hensley	Mott	Talbott
Dill	Hilliard	Nelson	Temple
Doremus	Howard	Nolan	Ward
Doughton	Hull, Iowa	Oglesby	Webb
Driscoll	Hull, Tenn.	Olney	Whaley
Edmonds	Jones	O'Shaunessy	Wilson, Fla.
Estopinal	Kahn	Padgett	Wise
Farley	Kelley	Patten	
Fields	Lafean	Peters	

So the bill was passed.

The Clerk announced the following pairs:

On the vote:

Mr. HAYES (for) with Mr. HOWARD (against).

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. FIELDS with Mr. LANGLEY.

Mr. GLASS with Mr. SLEEP.

Until further notice:

Mr. HILLIARD with Mr. STINESS.

Mr. HAY with Mr. KAHN.

Mr. WEBB with Mr. CANNON.

Mr. MAHER with Mr. MOTT.

Mr. GRIFFIN with Mr. SANFORD.

Mr. RIORDAN with Mr. HAMILTON of Michigan.

Mr. OLNEY with Mr. GREENE of Vermont.

Mr. MORRISON with Mr. RODENBERG.

Mr. TALBOTT with Mr. DAVIS of Minnesota.

Mr. DOOLING with Mr. MOSS of West Virginia.

Mr. DOREMUS with Mr. JAMES.

Mr. DALE of New York with Mr. GRAHAM.

Mr. GALLIVAN with Mr. GOULD.

Mr. ADAIR with Mr. ANTHONY.

Mr. BURGESS with Mr. BROWNE of Wisconsin.

Mr. CANDLER of Mississippi with Mr. BEALES.

Mr. CARLIN with Mr. CAMPBELL.

Mr. STEPHENS of Texas with Mr. DALLINGER.

Mr. COADY with Mr. DENISON.

Mr. CULLOP with Mr. EDMONDS.

Mr. DOUGHTON with Mr. HAWLEY.

Mr. ESTOPINAL with Mr. HULL of Iowa.

Mr. FITZGERALD with Mr. LONGWORTH.

Mr. GREGG with Mr. HASKELL.

Mr. HULL of Tennessee with Mr. NELSON.

Mr. LAZARO with Mr. MOORES of Indiana.

Mr. LINTHICUM with Mr. MORIN.

Mr. MCGILLICUDDY with Mr. PETERS.

Mr. O'SHAUNESSY with Mr. REAVIS.

Mr. PADGETT with Mr. ROBERTS of Massachusetts.

Mr. PATTEN with Mr. NOLAN.

Mr. RAGSDALE with Mr. SCOTT of Pennsylvania.

Mr. SABATH with Mr. LOUD.

Mr. SMALL with Mr. LAFEAN.

Mr. SPARKMAN with Mr. MONDELL.

Mr. WILSON of Florida with Mr. LEHLBACH.

Mr. WISE with Mr. TEMPLE.

Mr. FLYNN with Mr. SIEGEL.

Mr. MONTAGUE with Mr. WARD.

The result of the vote was announced as above recorded.

The SPEAKER. The Doorkeeper will open the doors.

On motion of Mr. RUSSELL of Missouri, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. MANN. Mr. Speaker, an amendment was offered and agreed to, to the body of the bill, which would require an amendment of the title.

The SPEAKER. Without objection, the title will be amended to conform to the text.

There was no objection.

Mr. THOMAS S. WILLIAMS. Mr. Speaker, my colleague, Mr. DENISON, is unable to be present because of illness. He requested me to announce that if present he would have voted "aye."

Mr. CARY. Mr. Speaker, I would like to ask unanimous consent to extend my remarks in the RECORD on this subject.

The SPEAKER. The gentleman from Wisconsin [Mr. CARY] asks unanimous consent to extend his remarks in the RECORD on the bill just passed. Is there objection?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] asks unanimous consent to extend his remarks in the RECORD on the bill. Is there objection?

There was no objection.

The SPEAKER. Has the Committee on Invalid Pensions any more business? If not, the Clerk will call the next one.

The Clerk called the Committee on Pensions.

PENSIONS, WAR WITH SPAIN, ETC.

Mr. KEY of Ohio. Mr. Speaker, I call up the bill H. R. 54.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union, with the gentleman from Tennessee [Mr. GARRETT] in the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 54, with Mr. GARRETT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 54, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act any officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States, either as a regular or volunteer, during the War with Spain or the Philippine insurrection or in China, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, and who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow without means of support other than her daily labor, and an actual net income not exceeding \$250 per year, or leaving a minor child or children under the age of 16 years, such widow shall upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act, at the rate of \$12 per month during her widowhood, and shall also be paid \$2 per month for each child of such officer or enlisted man under 16 years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and shall commence from the date of application therefor after the passage of this act: *Provided further*, That said widow shall have married said officer or enlisted man previous to the passage of this act: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private.

Sec. 2. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than \$10, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding \$500 or be im-

prisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Mr. KEY of Ohio. Mr. Chairman, this bill in its present form is designed to pension the widows and minor children of all volunteer soldiers and sailors who served 90 days or more during the War with Spain and received an honorable discharge therefrom, all furloughs to be computed as service, and to certain soldiers of the Regular Establishment.

The committee intended and, after an exhaustive discussion of the matter, believe that this bill in its present shape provides for the following beneficiaries:

First. The sum of \$12 per month to every widow of a volunteer soldier or sailor who served 90 days or more during the War with Spain, including the period of all furloughs in such service (the Philippine insurrection and Boxer uprising in China are included), provided she married the soldier prior to the passage of this act and has a net annual income not in excess of \$250 a year. Such widow would also receive \$2 per month additional for each minor child under 16 years of age.

Second. In event such a volunteer soldier or sailor dies leaving no widow, but leaving minor children under 16 years of age, the bill would allow \$12 per month to such minor children, to be equally divided between them, plus \$2 per month additional for each minor child as long as they were under 16 years of age.

Third. The amendment to the bill would make the same provision for widows and minor children of soldiers or sailors who served in the Regular Establishment between April 21, 1898, and July 4, 1902, who rendered 90 days or more actual military or naval service in connection with the above-mentioned hostilities. Your committee does not believe that the provisions of this bill should extend to the widows or minors of soldiers or sailors of the Regular Establishment whose service was rendered entirely within the confines of the United States and was in no manner connected with any of the above-mentioned hostilities, and the amendment was drawn for the purpose of excluding all such.

The pension is limited to such widow who is without means of support other than her daily labor and who has not an actual net income exceeding \$250 a year. This monthly allowance is the same as that allowed by statute to the widows and orphans of veterans of other wars and Indian campaigns, only that the existing statute does not exempt any on account of the income she might possess. This greatly lessens the number who would be benefited by the proposed law.

The number of widows and orphans who would come within the provisions of this bill can not be definitely estimated.

The United Spanish War Veterans made an investigation and reported that there are about 4,000 widows of men who served in the Spanish and Philippine Wars; but how many of them would be excluded from a pension under this bill on account of not being dependent on their own labor or for having an income of more than \$250 a year could only be conjectured. Destitute widows and orphans of these veterans are now assisted by the United Spanish War Veterans; but surely no one will claim that those who went forth to fight should now carry the burden of those dependent ones while the great mass of our people who stayed at home should be exempt from contributing their just share.

Under the existing law it is necessary for a widow to prove that her husband died from disabilities incurred in the service, and this in many cases is an impossible task. You will recall that for the first time in the history of our country large numbers of men served in the Tropics under the most unfavorable conditions. The summer of 1898 was one of the hottest ever known. Most of our men were called suddenly from the peaceful walks of life and were sent into the swamps and jungles of Cuba, where the drinking water was unfit for a human being and the food supply was of a very questionable quality. Their constitutions were quickly undermined, and the vast majority were never again as strong and robust as they had been before. Conditions in the Philippine campaign were nearly as bad. These men, returning again to the civil walks of life, were not as well able to care for themselves or families as though they had not been soldiers. Finally, who can say how much their Army experiences shortened their days? No one. Under these circumstances it is impossible for the widow to prove her right to a pension, and it is to do away with the necessity of proof under these circumstances that this bill was drawn.

There were about 434,000 men who served in these wars, of whom about one-fourth were in the regular service. Between 75,000 and 100,000 were assigned to the Philippine Islands. There were 826 battles and skirmishes, and the total mortality was about 12,000 lives. Of course, a far greater number died of sickness in those fever-laden tropical countries than were killed in battle.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. MILLER of Minnesota. I would like to inquire if the number given there, 12,000, is the total number of killed in battle and died of wounds and from sickness? That included all those classes?

Mr. KEY of Ohio. Yes. It included those who died from sickness or other causes incident to service.

Mr. MILLER of Minnesota. That is an interesting fact.

Mr. KEY of Ohio. These men were not drafted into the service, but went at their country's call without even a bounty. Now for us to refuse to care for their dependents, as well as we care for the dependents of the veterans of other wars, would be discriminating against our brave and worthy men.

When the National Government made provision for pensioning the soldiers of the Civil War, the public debt was, in round numbers, \$2,300,000,000, or \$60 per capita. To-day it is \$1,027,000,000, or \$10 per capita. Then the national wealth was thirty billions while now it is nearly two hundred billions, so that the burden to be borne is exceedingly small.

Your committee has tried hard to obtain an accurate estimate of the cost if this bill should become a law. This has been a difficult matter, as there are uncertain elements entering into it. In 1912 the then Commissioner of Pensions furnished data to the Secretary of the Interior, who gave an estimate of the cost of a bill quite similar to this one as being \$2,500,000 annually. The same estimate was given by the present Secretary of the Interior on information furnished by the Commissioner of Pensions. That is, the cost would be \$2,500,000 for the first year and small increases for a number of years. The statement was made in both cases that it was impossible, from the data in the Pension Office, to give an accurate estimate. The reason is that the subject of dependence has never entered into any of the claims of widows and orphans of these veterans, and so they have no accurate data to guide them.

Your committee could not agree with this estimate, and for a time was at a loss to know how the estimate was made. On inquiry it was learned that the officer who made it used as his basis what he termed "a law of average." He secured a table of the average number of marriages among men of a given age, and then applied it to the maximum number of men who served between April 21, 1898, and July 4, 1902. Following out this rule showed that there would be 15,000 claims the first year at a cost of \$2,500,000 and a gradual increase for some years afterwards.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. DYER. This bill, then, would lessen the probable cost?

Mr. KEY of Ohio. Yes; materially.

Mr. DYER. Below the bill in the Sixty-third Congress?

Mr. KEY of Ohio. Yes, sir.

Mr. DYER. I will ask the gentleman if the bill which was favorably reported in the Sixty-third Congress passed the House?

Mr. KEY of Ohio. Yes; it passed the House by a vote of about 3 to 1.

Mr. DYER. And also in the Sixty-second Congress?

Mr. KEY of Ohio. Yes; and by a vote of substantially 3 to 1 in the Sixty-second Congress.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. MOORE of Pennsylvania. In the matter of Civil War pensions there is a law providing that widows shall not have pensions who married the veterans after the year 1890?

Mr. KEY of Ohio. Yes; after June 27, 1890.

Mr. MOORE of Pennsylvania. What is the provision in this law respecting marriages?

Mr. KEY of Ohio. I will come to that. I have it all set out in this statement.

Mr. MOORE of Pennsylvania. Has any date been fixed, or does it take effect from the passage of the act?

Mr. KEY of Ohio. Under this bill, widows will have the same pensionable status as the widows of all soldiers and sailors of other wars, with the exception of the dependency clause in this bill of \$250 per annum and marriage prior to date of passage of act.

Mr. MOORE of Pennsylvania. Up to the passage of the act?

Mr. KEY of Ohio. Yes.

Mr. MOORE of Pennsylvania. So that the sooner the bill is passed the more the Government will save on marriages?

Mr. KEY of Ohio. Yes.

Mr. SWITZER. Mr. Chairman, will the gentleman yield there?

Mr. KEY of Ohio. Yes.

Mr. SWITZER. I understand this bill will not cost as much annual appropriation as the bill that passed in the Sixty-second Congress and in the Sixty-third Congress?

Mr. KEY of Ohio. Yes.

Mr. SWITZER. I understand so.

Mr. KEY of Ohio. If the gentleman will wait a moment, I will make it clear to Members of the House why this bill will not cost as much as the bill that was passed in the Sixty-second Congress.

We could see no warrant for this peculiar method of arriving at this conclusion. We believed that a fairer plan would be to have an estimate upon the number of claims filed. In the Bureau of Pensions there are about 5,000 rejected claims of widows and orphans affected by this law. The Spanish War veterans give some aid to these people and have a list of about 4,000 of them. If we base our estimate on 5,000, the cost for the first year would be \$720,000, but, in order to be absolutely safe, we will say there are twice that number, or 10,000. This would bring the cost up to \$1,440,000. This is the reason that we have placed the maximum cost for the first year at about \$1,500,000.

The official report of the Commissioner of Pensions for the fiscal year 1913 shows that there were 59,852 persons removed from the pension rolls, and 19,758 were added during that year, leaving a net loss of 40,094. There was an unexpended balance during that year of \$5,348,215.65. Reports of the Commissioner of Pensions for the fiscal years 1914 and 1915 show that there was about the same decrease each of those years. Those on the pension rolls are decreasing, from death, remarriage, minors attaining the age of 16 years, failure to claim pensions, and other causes, nearly 60,000 a year, or 5,000 a month. The amount remaining unexpended from the appropriation runs about \$5,000,000 a year.

We take the position that if this bill would cost twice as much as the estimate of the Interior Department, which I think I have shown to be much too high, still this rich and prosperous country should not refuse to help the widows and orphans of those who risked their lives in defense of their country. If we have to scrimp in anything, let it not be with the helpless and dependent ones of those who faced bullets and tropical fevers when called upon by their country to do so.

Mr. Chairman, I wish to call your attention to an important change in this bill from the one introduced in the Sixty-third Congress. That bill did not make an exception for the men in the Regular Establishment who did not take part in our foreign wars between April 21, 1898, and July 4, 1902. The Committee on Pensions in the Sixty-third Congress had this matter up for consideration and made an effort to obtain some exact data that would be a guide in shaping this provision of the bill. No information could be obtained from the War Department, however, and the committee was informed that no such data could be secured.

From all the information the committee could secure from various sources at that time, it came to the conclusion that there was not a very large number of the Regular Establishment affected, and therefore they were all included in the provision of the bill.

When this bill was under consideration the committee again attempted to obtain this information, and was officially advised by the Adjutant General of the War Department that there were 24,400 in the Army alone who would be affected. As this bill is intended to relieve only the widows and minor children of those serving in the Regular Establishment who actually took part for at least 90 days in the military service in Cuba, the Philippine Islands, or China, we have excluded from its provisions all sailors, soldiers, and marines of the Regular Establishment who were not actually so engaged.

We have placed the attorney fee at \$10, which is the same as that allowed under the act of June 27, 1890. In many cases there will be considerable correspondence in the case, so if we made the fee less than this amount the better class of attorneys would not handle the cases. In a large share of the cases no attorney will be needed, so no fee will be required.

Nearly 18 years have rolled by since war was declared on Spain, and the young men who flocked to the colors are now passing middle life. They have a splendid organization, known as the United Spanish War Veterans. It numbers among its members a large share of those still living who upheld our standard in that war. They have never made a single request for legislation in their own behalf, but they stand solidly behind this measure. It is not for themselves, but for the dependent ones of those who are sleeping their last long sleep. I think we should heed this one request and grant this pension.

About a dozen Members have introduced bills for about the same purpose. This committee has given careful consideration to all of them, and we believe we have adopted the best ideas they contain. We hope this bill will cover the field so thoroughly that it will not be necessary to pass private pension bills to relieve the distress of widows in any case.

In our country we have adopted the policy that we actually owe something to those who have defended their country and also to those women who gave up their husbands for service at the front and who often suffered privations and many hardships as a result. It is no longer considered a gift or a donation from the Government, but simply payment for services rendered. The vast majority of the men who went as volunteers to the Spanish War were young and just commencing to build homes and rear their families. Most of them had no accumulations whatever, so you can imagine what each family would have to live on from what a soldier could save from his very meager salary. In most cases it was not over one-fourth what he could have earned if he were at his regular vocation. He gave up his salary and the comforts of home when President McKinley called for volunteers to uphold the Nation's honor. He went into tropical lands, under a blazing summer sun, endured the pests of flies, mosquitoes, and deadly vipers, drank swamp water, and ate food so bad the dogs would not eat it at home, and all for a compensation of \$16 a month. In times of peace those men could not have been hired to endure the miseries of that service, aside from the danger of the battle, for \$100 a month. Then who can say the Government does not owe their families something? During the absence of their husbands many of these poor women went out to work as servants to support their little ones, and, no doubt, a large number of them are working to-day trying to take the place of both father and mother that those children might be educated and started aright on the great highway of life. Let us lighten that burden for them a little. Out of the superabundance of this great country, with its accumulated wealth of nearly \$200,000,000,000, let us give a little to those widows and orphans. The amount for each is very little. Only \$2 a month for each child and \$12 a month for each widow, and this only on condition that she does not have an income of \$250 a year, or about \$21 a month. Even that amount is small for anyone to live on during these times of high cost of living, without supporting any children, so imagine what it must mean for the widow and several helpless children. This is not a charity; it is simply plain justice to the needy dependents of our brave soldiers.

I want to call the attention of the committee to a typographical error in the bill. At the proper time I shall offer an amendment to correct it. By referring to the bill on the first page, and to the report accompanying the bill, you will see that where "1908" appears it should be "1898." It is my purpose to correct this by an amendment at the proper time. Manifestly it was a typographical error.

Now, the gentleman from Ohio, my colleague [Mr. SWITZER], asked me a while ago why we thought this bill would not require as much of an appropriation as the bill passed in the Sixty-third Congress. My opinion is based on these grounds: When we passed the bill in the Sixty-third Congress, as I stated a while ago, we made an effort to learn the number of members of the Regular Establishment who had served abroad. I ought to go back and preface my remarks by the statement that on February 2, 1901, it was decided to increase the Regular Establishment up to 100,000. At that time we had a standing army numbering about 50,000, so that there were about 50,000 men added to the Regular Establishment at that time.

In the Sixty-third Congress we endeavored to secure from the Interior Department, through the Bureau of Pensions, some estimate as to the number of men in the Regular Establishment who actually took part in these wars; that is, those members of the Regular Establishment who left the confines of the United States and who participated in these hostilities either in Cuba, the Philippines, or the Boxer uprising. We were not able to get that information, but we were assured that there were just a very small number, just a mere handful, and we decided to cover those in and let them go in with the volunteers. This year we asked for the same information, and if the gentleman will refer to the report he will see in the letter of The Adjutant General that he states that there are about 24,400 members of the Regular Army who did not leave the confines of the United States. These men were doing post duty, and it is not the intention of the committee to have the members of the Regular Establishment who were doing post duty, and who did not actually participate in these wars, come under the provisions of this bill. So therefore if we have 24,400 less, of course it will not take as much money to carry out the pro-

visions of this bill as it would have taken to carry out the provisions of the bill passed in the Sixty-third Congress.

Mr. SWITZER. As I understand it, only the widows of soldiers who saw some foreign service or who were being trained for the purpose of taking part in the foreign service will receive pensions. Is that correct?

Mr. KEY of Ohio. This bill provides that every volunteer soldier who was honorably discharged—all furloughs to be included—that the widows of such soldiers shall receive pensions of \$12 a month, but it includes only those members of the Regular Establishment who left the confines of the United States and actually participated in those hostilities.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. SMITH of Michigan. I should like to ask the gentleman whether or not any service was performed in those wars by any other soldiers except those who volunteered?

Mr. KEY of Ohio. Yes; when the War with Spain broke out there were a number of members of the Regular Establishment who were covered in. These members of the Regular Establishment were rushed to Cuba at that time, and they, of course, participated in that war just as much, if not more, than some of the volunteers; and the committee felt that it would not be right to discriminate against those members of the Regular Establishment who went to Cuba and the Philippines and actually participated in those hostilities, and we thought they should be included; but the committee did not feel that the members of the Regular Establishment who were taken in after the War with Spain had practically closed and who were merely doing post duty within the United States should be included.

Mr. SMITH of Michigan. What is meant by "soldiers of the Regular Establishment"?

Mr. KEY of Ohio. The Regular Army and Navy of the United States.

Mr. SMITH of Michigan. Is it necessary that a soldier should have been engaged in battle in order to come within the terms of this bill?

Mr. KEY of Ohio. No; but rendered service in connection with hostilities.

Mr. ASHBROOK. Will the gentleman yield for a question?

Mr. KEY of Ohio. I will.

Mr. ASHBROOK. I have endeavored to follow my colleague very closely in his statement concerning this bill, but I failed to catch it, if he made the statement how many soldiers there were who were engaged in the Philippines or in the war in Cuba or the Boxer uprising. I would like to know just how many soldiers' widows might be beneficiaries, if every soldier married and left a widow—in other words, how many soldiers were engaged in these three services?

Mr. KEY of Ohio. All told, in the regular establishment and the volunteers there were about 434,000.

Mr. ASHBROOK. Four hundred and thirty-four thousand?

Mr. KEY of Ohio. Yes; including those in the Regular Army and those in the Volunteer Service during our war with Spain, those who participated in the Boxer uprising and in the war in the Philippines, and those who went to Cuba.

Mr. ASHBROOK. Then, do I understand that if all those 434,000 soldiers married and then died and left widows, it would be possible for that many widows at some time to become beneficiaries under this law?

Mr. KEY of Ohio. No; that would not be the case.

Mr. ASHBROOK. What would be the case? I should like to know what are the possibilities under this bill, as to the number of beneficiaries?

Mr. KEY of Ohio. If the gentleman will bear with me a moment, I think I can answer that. I will say to my colleague that that is set out in the report, which gives all of the information from every source the committee could obtain.

Mr. ASHBROOK. I do not think the gentleman understands my question. There are not 430,000 soldiers who saw service on foreign soil whose widows might be beneficiaries, are there?

Mr. KEY of Ohio. I did not say that all saw service on foreign soil.

Mr. ASHBROOK. How many soldiers saw service during the period mentioned in this bill on foreign soil?

Mr. KEY of Ohio. I can not tell the gentleman how many living within the confines of the United States saw service on foreign soil. It would be a difficult matter to get this information.

Mr. SMITH of New York. How many pensionable widows can there possibly be under this provision?

Mr. ASHBROOK. That is what I am trying to find out.

Mr. KEARNS. If the gentleman will allow me, there were 443,000 men who would have a pensionable status under the bill. If everyone left a widow, there would be 443,000 of them.

Mr. KEY of Ohio. Less 24,400 that we have excluded, which was in the bill in the Sixty-third Congress.

Mr. ASHBROOK. Mr. Chairman, I may be very obtuse on this subject, but surely there were not 443,000 soldiers who saw service on foreign soil.

Mr. KEARNS. No; 443,000 soldiers whose widows might be entitled to a pension if this becomes a law. The widow of every man who was a volunteer would get a pension, but if she was the widow of a Regular Army soldier she would not get a pension unless the Regular Army soldier had seen service in the Philippines, Cuba, or in China.

Mr. ASHBROOK. What I would like to know is how many beneficiaries there can possibly be under this bill?

Mr. KEARNS. No one can tell, for you do not know how many are married.

Mr. ASHBROOK. Assume that they were all married.

Mr. KEARNS. Then it would be the difference between 443,000 and 24,200.

Mr. DYER. There is a provision that they must not have a net income of over \$250.

Mr. ASHBROOK. That would not exclude many.

Mr. DYER. It would exclude mine.

Mr. LOBECK. Will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. LOBECK. On page 3 of the report it says:

Of the 443,000 who served in these warfares, about one-fourth were in the regular service, and from 75,000 to 100,000 were assigned to duty in the Philippine Islands.

In these warfares there were 826 battles and skirmishes, in 515 of which men were killed or wounded. The whole mortality of the campaigns was 12,000 lives.

Mr. KEY of Ohio. The larger part of the soldiers who lost their lives lost them on account of climatic conditions which were unusual at that time.

Mr. LOBECK. That ought to give you some idea of how many pensions would come by reason of this bill. A good many men have died since and left no widows.

Mr. KEY of Ohio. And a good many would not marry.

Mr. SMITH of New York. And a good many wives may have died first.

Mr. BENNET. Will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. BENNET. In my part of the country there are many fine young men who rushed into the Regular Army at the very first of the War with Spain, with the idea that they could get to the front quicker that way than by going into the volunteer organization. I understand that some of those organizations were not ordered outside of continental America. Are they covered by this bill?

Mr. KEY of Ohio. The bill covers every volunteer soldier, but only the regular soldier who rendered some actual service in connection with that war.

Mr. BENNET. The gentleman did not understand my question. I will make it specific. There was a young man from Port Jervis, in Mr. PLATT's district, who enlisted in the Fifth Regular Artillery organization, that had been in the Regular Army for a hundred years, his idea being that in that way he would get into actual service quicker than by going with the Volunteers. I do not think his battery was ordered out of the United States. What I want to know is whether this bill would, if he died, give his widow a pension.

Mr. KEY of Ohio. It was an exceedingly difficult matter to frame this bill so as to cover in all of the Regular Army soldiers. When the war was declared there was a small number of the Regular Establishment that did not leave continental America, and it is barely possible that a few of those soldiers might not benefit by this bill. But the great majority of the Regular Establishment, when war was declared, were sent off to Cuba, and a very small percentage of the members of the Regular Army covered in who did not leave continental America. Many of these, however, were engaged in actual military duty in connection with this war.

Mr. BENNET. If, as a matter of fact, this Artillery was not ordered out of the country, the widow of this young man I have mentioned would not come in under this bill.

Mr. KEY of Ohio. I do not think she would, the way the bill is drawn.

Mr. GARDNER. Will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. GARDNER. Suppose a man was in the Coast Artillery in the Spanish War, does the gentleman mean to say that his widow would not have the benefit of the bill?

Mr. KEY of Ohio. The way the bill is drawn, if the member of the Regular Army left the confines of the United States and participated in—

Mr. GARDNER. I am not talking about that. Suppose he stayed in the coast defense where if any ships came across he would be under fire. Is not his widow just as much entitled to the benefit of the bill as if he went down to Camp Thomas?

Mr. KEY of Ohio. The amendment to this bill is intended to cover the widows and minor children of every soldier and sailor of the Regular Establishment whose record shows that he rendered actual military or naval service in connection with this war. In my opinion the provisions of this bill cover the case which you have just mentioned and would give a pension to such a man's widow.

The committee felt that those men were not to be considered in the same class as the others who had gone into Cuba and actually participated in those hostilities unless they show actual military or naval service in connection with this war.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. LENROOT. When did the House first pass a bill on this subject—in 1912?

Mr. KEY of Ohio. It was in the Sixty-second Congress. It was substantially the same bill as was passed last year.

Mr. LENROOT. In the Sixty-second Congress that bill confined the benefits to widows who had married soldiers prior to the passage of that act, which the gentleman says was in 1912?

Mr. KEY of Ohio. Yes.

Mr. LENROOT. This will bring it down to the passage of this act. I want to ask the gentleman, if the committee was of opinion that only widows would be entitled to the benefits of the act who married prior to 1912, what condition has arisen since that time to change that so that it should be extended?

Mr. KEY of Ohio. This bill was patterned after the act of June 27, 1890, and that bill when it passed pensioned all widows up until the passage of the act, June 27, 1890. The beneficiaries of this bill have the same pensionable status as the widows of every other war, with the exception that there is a dependency clause in this bill of \$250 a year.

Mr. LENROOT. If that is a good reason, it would be to the benefit of the widows of the Spanish soldiers to postpone the operation of this bill for two years more, if it is to be extended every two years.

Mr. KEY of Ohio. If the bill should become a law, of course, that bar would remain there.

Mr. LENROOT. And if two years from now we apply the same rule, we would let in that many more widows.

Mr. KEY of Ohio. Yes; the longer you defer the passage of the bill, that would be true.

Mr. LENROOT. Then, the fact is, the committee has not undertaken to fix any time that would be just on the merits to cut off widows from the benefits of this bill?

Mr. KEY of Ohio. No, they have not, except those who marry after the passage of the act.

Mr. LENROOT. Does the gentleman not think the committee ought to?

Mr. MANN. Mr. Chairman, will the gentleman yield there?

Mr. KEY of Ohio. Yes.

Mr. MANN. Is it not a fact that however just or unjust it may be, the theory of the act of 1890 and the theory of this bill is that it will not offer a premium to women to marry these old soldiers, thinking that in case of widowhood they would be entitled to a pension, a thing that they can not know before the bill becomes a law. I do not say whether it is just or unjust, but that was the theory of the act of 1890 and undoubtedly the theory of this.

Mr. KEY of Ohio. You state the case exactly.

Mr. POWERS. Mr. Chairman, will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. POWERS. I would like to know whether the provisions of the gentleman's bill cover widows of soldiers who married after their service in the Army was over?

Mr. KEARNS. Yes.

Mr. BENNET. Mr. Chairman, will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. BENNET. I read from the top of page 2 of the bill:

Or any officer or enlisted man of the Regular Establishment who rendered 90 days or more actual military or naval service in the United States Army, Navy, or Marine Corps in the War with Spain or the Philippine insurrection or in China between April 21, 1908, and July 4, 1902, inclusive.

Is the gentleman from Ohio of the opinion that the words "actual military or naval service" mean that a man must have gone out of the country and have actually participated in a battle?

Mr. KEY of Ohio. That is the construction that the committee felt would be placed upon it when they had the bill worded as it is.

Mr. BENNET. I am very frank to say that I think the committee is wrong, and that any officer or enlisted man in the Regular Establishment who answered one single bugle call is covered by that, and I am glad they are.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. KEATING. I want to say, Mr. Chairman, that the Committee on Pensions was informed that the Pension Bureau would construe that language to mean that the soldier must have served outside of the United States; that that was the construction which would be put upon it under their decisions.

Mr. BENNET. If the Pension Bureau puts that construction upon it, I will leave it to any lawyer on this floor whether the Pension Bureau in some way will not be reversed, because actual military service means that when a man has taken the oath and comes under authority he is doing actual military service.

Mr. KEATING. Who would reverse the Pension Bureau?

Mr. BENNET. The Secretary of the Interior might. He has the power.

Mr. KEATING. The Secretary of the Interior is the head of the Pension Bureau, as a matter of fact.

Mr. BENNET. He is over the Pension Bureau.

Mr. KEATING. He is bound by the decisions of the Pension Bureau. The Pension Bureau has interpreted similar language in other bills.

Mr. KEY of Ohio. I would call the gentleman's attention to line 3 on page 1 of the bill. Please understand the way the bill is worded:

That from and after the passage of this act if any volunteer officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the War with Spain—

Now, just note the reading of the bill on page 2, where it says that members of the Regular Establishment are to be affected "who rendered 90 days or more actual military or naval service in the Army or Navy of the United States," and so forth. Now, before this bill was drawn I had the examiner of the committee to discuss with the construing officials of the Bureau of Pensions this amendment, and it was their opinion it would require some actual military or naval service of the Regular Establishment to give title.

Mr. BENNET. All I can say is that while I was out of this House on a temporary recess, owing to reasons over which I had absolutely no control, I participated in several courts-martial and had occasion to look up the statutes in reference to actual military service, and while it is absolutely bootless for the gentleman and myself to argue back and forth I want to say to the gentleman it is my hope, based on my experience, which I think justifies the hope, that the young man whose case I instanced will be covered by this language.

Mr. MANN. "Actual military service" would, of course, cover any service and would cover any service in the War with Spain. It does not say "during the War with Spain," but it says "military service in the War with Spain." Now, say a man was out here on the plains in the Army, was he in the War with Spain until—

Mr. KEY of Ohio. The gentleman from Illinois expresses it better than I could myself.

Mr. BENNET. Mr. Chairman, take the case which the gentleman from Massachusetts [Mr. GARDNER] stated of a man who was in the Regular Establishment and was put in the Coast Artillery at Fort Wadsworth—I do not know he used the name, but I will use the name—he was put there to man the coast defenses during the War with Spain, in the War with Spain, prepared to man that battery against the fleet which at one time was thought to be coming to this country to attack our coast ports. What is the other instance the gentleman cited?

Mr. MANN. I gave an instance of a man on the plains, and if the War Department holds that man was serving in the War with Spain, his widow is entitled to a pension under this bill.

Mr. BENNET. That is what I say.

Mr. MANN. Oh, no.

Mr. BENNET. The gentleman says unless he went out of the country.

Mr. MANN. He would have to go out of the country in a War with Spain.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUSSELL of Missouri 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 bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4308. An act to purchase a site and erect thereon a suitable building for post office and other governmental offices at Sandusky, Ohio, and for other purposes.

PENSIONS, WAR WITH SPAIN, ETC.

The committee resumed its session.

Mr. SELLS and Mr. MILLER of Delaware rose.

The CHAIRMAN. Does the gentleman from Ohio yield the floor?

Mr. KEY of Ohio. The gentleman from Ohio yielded to the gentleman from Illinois. I desire to ask how much time I have remaining?

The CHAIRMAN. The gentleman has 10 minutes remaining.

Mr. KEY of Ohio. I reserve the balance of that time.

Mr. SELLS. Mr. Chairman, am I recognized for one hour?

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. SELLS. No; I am not.

The CHAIRMAN. The Chair calls attention to the new rule under which we operate on Calendar Wednesday, which provides that there shall be only two hours of general debate, to be divided equally between those in favor and those opposed to a measure. Now, the gentleman from Ohio [Mr. KEY] is in favor of the measure, and has occupied 50 minutes. If there is any gentleman who is opposed to the bill, the Chair will recognize him for one hour at this time. If not, the Chair recognizes the gentleman from Tennessee.

Mr. SELLS. I understood that if any gentleman was opposed to the bill he was entitled to time. I was simply asking to be recognized because some gentlemen on this side desired to be heard in behalf of the bill. I yield 10 minutes now to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Chairman and gentlemen, this is the third time that a bill of this character has been before the House, twice having been passed, and this time it will also be passed without question. I was interested to note that no Member of the House at the present time feels disposed to take the hour offered to him in opposition to the bill. I think it speaks well for the sentiment among the membership of the House and in addition reflects the sentiments of the constituencies from which they come. There are two or three things in this bill I think worthy of special commendation, and I desire to address myself to one of the features wherein I do not quite agree with the gentleman from Illinois [Mr. MANN]. I understood the gentleman to say—and if I am incorrect in my understanding he will correct me—that if the language on the top of page 2 read “during the War with Spain” and not “in the War with Spain,” as it does, it might make a difference. I do not know just what distinction the gentleman sought to draw by his statement, and I can not see any difference there whatever, and it seems to me that the gentleman from New York [Mr. BENNET]—

Mr. MANN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield?

Mr. MILLER of Minnesota. Certainly.

Mr. MANN. “During the War with Spain” would be a matter of time. We have had this matter discussed several times before, as the gentleman remembers. I only speak from an impression and an indefinite recollection, but my recollection is that there was deliberate intent on the part of the House here before, while this is now proposed as an amendment to say that in the war meant in the military service engaged in some way in the war. Originally the bill did not contain any provision in reference to service in China.

Mr. MILLER of Minnesota. I agree with the gentleman entirely in that respect. The service rendered must be in the Army, Navy, or Marine Corps that was engaged in some way, directly or indirectly, in the War with Spain, but he might simply have had military service during that period.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. MILLER of Minnesota. Certainly.

Mr. COOPER of Wisconsin. What does the gentleman understand to be the difference, if any, between “actual” military or naval service in the war and the expression without the use of the word “actual.”

Mr. MILLER of Minnesota. No difference, in my judgment. The legal effect is the same whether the word “actual” is there or not. If a man is engaged in the Military or Naval Establishment of the United States, he is actually in it.

Mr. COOPER of Wisconsin. Suppose he belonged to the Regular Army and was in a hospital.

Mr. MILLER of Minnesota. During the entire period of time?

Mr. COOPER of Wisconsin. Yes.

Mr. MILLER of Minnesota. He would be engaging either actually or by construction in the War with Spain.

Mr. COOPER of Wisconsin. He would be in the military service?

Mr. MILLER of Minnesota. He would not be in the military service.

Mr. COOPER of Wisconsin. He would be in the hospital. He would be drawing pay, and as a member of the military service he would not be in the actual service in the sense that this bill contemplates.

Mr. MILLER of Minnesota. The word “actual” means something—

Mr. COOPER of Wisconsin. I do not agree with the gentleman, although he may be correct.

Mr. MILLER of Minnesota (continuing). If he belongs to the Regular Army, even though he is in the hospital all the time.

Mr. GARRETT. Will the gentleman from Minnesota yield?

Mr. MILLER of Minnesota. I will.

Mr. GARRETT. I do not know the language of the law or upon what the construction was based, but I wish to call the attention of the gentleman from Minnesota and of the committee to a construction that was made of the Civil War pension act. There were a number of regiments made up at Rock Island prison from Confederate soldiers who had been captured and who were prisoners of war. They enlisted in the Union Army, or in the Army of the United States, with the understanding that they should not be sent back South to fight their former comrades in arms, but would go West to operate on the plains and guard the frontier against Indians. And for many years those gentlemen sought to obtain a pension, and for many years they were refused on the ground that they were not actually engaged in the service. But finally—I hope I am not taking up too much of the gentleman's time—

Mr. MILLER of Minnesota. The gentleman is taking it up to good advantage. He can take all he wants.

Mr. GARRETT. But finally there was a construction given the law by the Secretary of the Interior—I have forgotten whom now. I think the first construction given favorable to them was by a Pension Commissioner from Kansas—I think his name was Ware—and that was sustained by the then Secretary of the Interior, whose name I have forgotten for the moment, whereby it was held that inasmuch—at least this was the logic of their holding—inasmuch as they went out there and released soldiers in the Regular Army who could go down and engage in what was technically called in the act “the War of the Rebellion,” they had a pensionable status; and they are drawing pensions to-day under that construction.

Mr. MILLER of Minnesota. I thank the gentleman for his statement, which is very pertinent to this subject.

Mr. LINTHICUM. A parliamentary inquiry, Mr. Chairman. I would like to know how we are proceeding. If there is no one opposed to this bill, how is the extra hour allowed? I understood by the rule which we adopted the other day that if there was no opposition to the bill it was but one hour.

Mr. MANN. I submit, Mr. Chairman, that a parliamentary inquiry is not in order when anyone has the floor.

Mr. MILLER of Minnesota. I am sure if the gentleman from Maryland had been in when the question was put by the Chair he would be aware of the parliamentary situation.

Mr. KEY. Mr. Chairman, a parliamentary inquiry. I can not understand why—

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] has the floor.

Mr. MILLER of Minnesota. Referring again to the question propounded by the gentleman from Wisconsin [Mr. COOPER], I think the distinction, if there is any to be made, is that this man, who was in the hospital, would not be engaged in a war with Spain any more than he would have engaged in the War with Spain if he had been in Sitka, Alaska, or temporarily in Siberia. He would not have been engaged in that war. If he were in a military organization that was engaged in the War with Spain, then he would be in that war, whether the word “actual” were used or otherwise.

Mr. COOPER of Wisconsin. I will say to the gentleman that if he will look at line 7 he will find this language, following that which we have been discussing:

And who has been honorably discharged therefrom.

It does not make any difference whether you say you honorably discharged the man from actual service or honorably discharged a man from the military service. The word “actual,” as demonstrated by that language, is superfluous.

Mr. MILLER of Minnesota. I agree with the gentleman.

Now, Mr. Chairman—

Mr. CARY. Will the gentleman permit an interruption?

Mr. MILLER of Minnesota. Yes.

Mr. CARY. I would like to ask the gentleman if a man in a regiment or company which was ordered to Cuba or the Philippines was taken sick and placed in a hospital, and could not follow his company, is entitled to a pension under this act?

Mr. MILLER of Minnesota. Certainly. There is no question about that.

Mr. GARDNER. I did not get the gentleman's answer.

Mr. MILLER of Minnesota. Certainly. He would be entitled to a pension.

Mr. GARDNER. May I put a question to the gentleman? In his State during the Spanish War, if I mistake not, there was an Indian uprising, in which there were a number of regular soldiers killed. Unless I am mistaken, they belonged to some Infantry companies in a regiment that did see service. Are the widows of the soldiers who were engaged in putting down those Indian uprisings pensionable under this bill?

Mr. MILLER of Minnesota. I do not think any such condition as that existed during the period of time specified in the bill.

Mr. GARDNER. I think so.

Mr. MILLER of Minnesota. I should say that was not a part of the War with Spain.

Mr. GARDNER. Say that Companies A, B, and C, were sent to Camp Thomas as part of the headquarters detachment, the widows of the men serving in those companies would be pensionable; but the widows of men in Companies D, E, and F, who were fighting the Indians in Minnesota during that time, would not be pensionable?

Mr. MILLER of Minnesota. That is true. Mr. Chairman, again let me say—

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. MILLER of Minnesota. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman's time has expired.

Mr. SELLS. Mr. Chairman, I yield five minutes more to the gentleman.

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes more.

Mr. LINTHICUM rose.

The CHAIRMAN. For what purpose does the gentleman from Maryland rise?

Mr. LINTHICUM. I rise to make a point of order that the debate is not in order, because the gentleman from Minnesota is not opposed to the bill; that under the rule we adopted the other day, if there is no one opposed to the bill, there is but one hour given for debate, and unless the gentleman is opposed to the bill he is not entitled to the floor.

Mr. MILLER of Minnesota. Mr. Chairman, I am opposed to the word "actually" in the bill. [Applause.]

Mr. LINTHICUM. That rule will be found in the last paragraph of Rule XXIV as amended, that not more than two hours of general debate shall be permitted on any measure called up on Wednesday, and all debate shall be confined to the subject matter of the bill. The time is to be equally divided between those for and against the bill. Now, if the gentleman is not opposed to the bill, I make the point of order that he is not entitled to the floor.

Mr. MANN. Well, Mr. Chairman, the gentleman from Maryland [Mr. LINTHICUM], while he has read the rule loudly enough has not read it carefully. The rule provides that there shall not be more than two hours' general debate. This is the limitation. It provides that debate is to be divided between those in favor of the bill and those against the bill. The Chair correctly stated the case. The limitation is for two hours' debate. There is no rule that says the debate shall be one hour, but that it shall not exceed two hours.

Mr. LINTHICUM. How can the two hours be equally divided between those for and against the bill if there is nobody against the bill?

Mr. MANN. It can not be, and hence that shows that it can not be done. [Laughter.] If there is nobody opposed to the bill, it is impossible to divide an hour equally between those for and those against.

But that is not the gentleman's point of order. The point of order was to the effect that the general debate ceased in an hour if no one was opposed to the bill. That is not the rule. The rule is that the general debate shall not exceed two hours. If anyone desired to take the floor in opposition to the bill, he had the opportunity. So the point of order does not lie.

Mr. MURRAY. Mr. Chairman, the reading of the rule is that not more than two hours shall be consumed. That is the limitation. If the rule had said that they must have two hours, the gentleman from Illinois would be correct, but it is limited to two hours. In what way? If there are those who are in favor of

the bill and those opposed to it, the time must be divided equally. The rule is mandatory that it shall be divided equally. The House must sit for an hour if no one is opposed to it, if he be correct. The House must sit for an hour in the absence of an express declaration that you must debate two hours. In the event there is no one against the bill, the time is up when the hour is exhausted.

The CHAIRMAN (Mr. GARRETT). The Chair is prepared to rule. This rule crystallizes into parliamentary law what has been a long-continued practice of the House; that is, that debate shall be—

Mr. SLAYDEN rose.

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. SLAYDEN. I want to correct one declaration that was made, at least, that there is nobody opposed to the bill. I am opposed to the bill. [Laughter.] I am opposed to any more pension bills now. We have been prodigal already in that respect, and while I recognize the utter hopelessness of defeating a bill for pensions with an organized vote for it, I want to protest that there is somebody in the House who is opposed to the existing pension system.

Mr. MANN. Nobody said that nobody opposed to the bill had come into the House.

The CHAIRMAN. The Chair called attention to the rule under which we are operating, and announced his readiness to recognize anyone opposed to the bill. No one then arose asking for recognition for purposes of debate, and therefore the Chair recognized the gentleman from Tennessee [Mr. SELLS]. The Chair thinks that the point of order made by the gentleman from Maryland [Mr. LINTHICUM] is not well taken.

Without going into refinements about it, it would arbitrarily limit the debate otherwise than as fixed by the rule itself. If a case should arise where no one was opposed to the bill and no one demanded recognition, then there could in fact be only one hour of debate. The Chair does not think that was the purpose or the spirit or the intention of the rule, and the Chair therefore overrules the point of order made by the gentleman from Maryland [Mr. LINTHICUM].

Mr. MILLER of Minnesota. Mr. Chairman, I am recognized for five minutes.

The CHAIRMAN. The Chair does not know how much time the gentleman has consumed. The gentleman from Tennessee [Mr. SELLS] yielded to the gentleman 10 minutes.

Mr. SELLS. I then yielded to him five minutes more.

The CHAIRMAN. Then the gentleman from Minnesota is recognized for five minutes.

Mr. MILLER of Minnesota. Mr. Chairman, as the membership of the House well knows, under the law as at present the veteran of the Spanish-American War or of the insurrection in the Philippines, in order that he may secure a pension for disabilities incurred in that service must be able to prove, and prove in a very satisfactory way, too, first, that the disability exists, and secondly, that it did result from his military service.

This bill goes a little step further when it treats with the widow of the veteran. It says that should the soldier die, then his widow shall not be compelled to establish that the disability from which he died was incurred in the military service.

Is there reason for this? I say yes, and I say it with all the feeling that I can command. When we engaged in the war against Spain and proceeded to put down the insurrection in the Philippines, we wrote a new chapter in American achievement and American experience. We sent our boys, who had lived all their lives in a temperate land, where climate and health conditions were as nearly perfect as they can well be anywhere in the world, into tropical lands, East and West, where health conditions and sanitation are the worst of any place in the world. Not only did we send these boys from this healthful climate to fight for the flag, to fight for the principles we hold dear to humanity, but as we all know, they were largely volunteer organizations, and one of the first things that a volunteer military organization does is to fail to keep its health records very accurately or very well.

Why, cases have been called to my personal attention where the men in the Philippine Islands were marching day in and day out, in the heat of the tropical sun, in the downpour of the tropical torrents, many of them sick, some of them moving on, almost sick unto death, and no record whatever was kept of hospital treatment, because there were no hospitals there. No record was kept by the physicians of the treatment they gave to those men on the march and in the camp; so that I am sure it is within the knowledge of every Member of this House that there are many of these cases wherein it is absolutely impossible to establish the connection between the disability and the military service, although that connection does in fact exist.

If it is impossible for the man when he is living, it is certainly impossible—more impossible, if such a thing could be—for his widow to establish it when he is dead. So I think it is needful that we take this additional step now and for all time, so that the widow of a Spanish-American War veteran, or of a veteran of the Philippine war, shall have the same status before the law as the widow of a veteran of the Civil War.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. COOPER of Wisconsin. I was not in the Hall when the bill was first presented this afternoon. The gentleman mentioned the fact that two or three bills of a similar character have previously passed the House. He and I both voted for those bills.

Mr. MILLER of Minnesota. Yes.

Mr. COOPER of Wisconsin. Can the gentleman, in a few words, tell the committee whether there is any essential or important difference between the pending bill and the other two measures?

Mr. DYER. No.

Mr. MILLER of Minnesota. There is no essential difference, as I am informed, except that this bill is a little more restrictive than the bill which passed in the Sixty-third Congress. The Sixty-third Congress included both regular and volunteer soldiers who had participated in these campaigns. This one gives to the widows of all volunteer soldiers the opportunities of the bill, but as to the Regular Establishment restricts it to the widows of those who served outside of the United States. I think that is a correct statement.

Mr. DYER. Yes.

Mr. MILLER of Minnesota. So, Mr. Chairman, I am heartily in favor of this bill. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SELLS. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. Mr. Chairman, I shall give this bill my hearty support. Its purpose is to pension widows and minor children of officers and enlisted men who served 90 days or more in the War with Spain or the Philippine insurrection and who were honorably discharged. Under its provisions the widow during her widowhood will get \$12 per month and her minor children \$2 per month until they reach the age of 16 years. The widow, however, to use the language of the bill, must be "without means of support other than her daily labor and actual net income not exceeding \$250 per year."

Under the present law, the widows of the veterans of other wars get this allowance of \$12 per month whether they be rich or poor and whether the death of their husbands was caused by disabilities or injuries incurred in the service or not. It is nothing but right that the widows of soldiers who served in the War with Spain or in the Philippine insurrection be put upon an equal footing with the widows of veterans of other wars, which this bill seeks to do. I favor this bill, because in its passage we say to the young manhood of our country who rush to the defense of the flag in days of its peril that "should you lose your lives in defending the honor, the integrity, and the safety of our common country, fear not that the widows and orphan children that you leave behind you will not be cared for by the Government you defended."

Under the provisions of this bill it will not be necessary for the widow to show that which she is at times unable to show, that the death of her husband was caused by injuries received in line of duty while in the service, but all that she will need to prove is that her husband served his country 90 days or more in the War with Spain or the Philippine insurrection. This is as it should be.

Our country is devoted to peace. It is not the desire of our people to engage in wars. War spells death and destruction. It means misery and want and woe. It is not to the liking of our people to engage in it, and I dare say that if the peoples of other lands and countries would but do us right we would never engage in another war. But wars there have been and wars there will be. Sad to say, the history of the world is largely composed of them. The millennium is not yet. The day will come, and possibly at no distant date, when our country will again be called to arms. When that call is made, the best blood and brains of the land will rush to the defense of the colors as in days gone by, and I for one want them to know that they will be fighting for a grateful country, for a country that will not force their loved ones to seek the poorhouses of the country after their defenders are no more.

Mr. SELLS. I yield to the gentleman from Oregon [Mr. McARTHUR].

Mr. McARTHUR. Mr. Chairman and gentlemen, this bill is designed to pension the widows and minor children of volunteer soldiers and sailors and of certain soldiers and sailors of the regular establishment who served in the War with Spain, the Philippine insurrection, or the Boxer uprising. It provides that such widows must have been married to the soldiers or sailors prior to the passage of this act and it establishes automatically a pension of \$12 per month, upon satisfactory proof of the death of the soldier or sailor, provided the widow has a net annual income of less than \$250 a year. It also provides that widows may draw \$2 per month additional for each minor child of the deceased under the age of 16 years.

If such widows remarry, their pensions will automatically cease or will be divided among the children of the deceased until they attain the age of 16 years. There are numerous other provisions as to details, but they have been pretty thoroughly explained by the gentleman from Ohio [Mr. KEY], the author of this bill and the chairman of the Committee on Pensions, of which I have the honor of being a member.

RESEMBLES EXISTING LAWS.

In a general way this bill resembles the existing laws relative to pensions for widows of men who fought in other wars, although these other laws do not contain the restrictive clause prohibiting the payment of a pension to a widow whose income is more than \$250 per year. This restrictive clause, however, will confine the operation of the proposed measure to cases where widows and orphans are practically destitute, but will deny benefits to those who are in reasonably good circumstances. In this respect the pending measure is an improvement over the existing laws, as it can not be charged that pensions will be paid to widows who are not really in need of financial assistance. There have been many criticisms of our pension system, but these criticisms have been directed at the abuses of the system rather than at the great mass of just and meritorious cases. There have been some fraudulent claims in the past, but these have been the exception rather than the rule, and I do not believe that there exists in this country any person so narrow or penurious who would withhold pensions in meritorious cases.

MEN ASK NOTHING FOR THEMSELVES.

Although nearly 18 years have elapsed since the outbreak of the War with Spain, this is the first general legislation that has ever been urged by the United Spanish-American War Veterans. These men, you will observe, are asking nothing for themselves, but only for provision and protection for their widows and orphans. For a number of years many of these widows and orphans have been cared for by the United Spanish-American War Veterans and its subordinate branches, but is it fair to ask those who risked their lives for our country to make this financial sacrifice when the burden should be borne by the great body of the people who are enjoying the blessings of life, liberty, and property under our flag and by virtue of our Constitution? All fair-minded people will agree that there is but one answer to the question.

VICTIMS OF TROPICAL DISEASES.

I was very much interested in the remarks of the gentleman from Minnesota [Mr. MILLER]. I well remember the outbreak of the Spanish-American War and the splendid fashion in which the young men from my State volunteered and went to the front.

The regiments from Oregon and other Western and North-western States were ordered to the Philippine Islands, and were there for more than a year. These young men were taken from a mild, temperate climate into the intense heat of the Tropics, and required to undergo strenuous campaigns in a country which was reeking with malaria and other tropical diseases disastrous to the health of people who are accustomed to the climatic conditions of the Temperate Zone. Many of them fell on the field of battle, others died of disease, and many more were so shattered in health that they died within a few years or became permanently disabled. They represented the very best type of our young manhood and the patriotic citizenship of our Republic, and to refuse to pass this bill in the interest of their widows and orphans would be a wanton disregard of our public trust and our country's obligations. The small amount of these proposed pensions will not seriously embarrass the Public Treasury, but even if it should prove a burden, it will be borne ungrudgingly, for the American people will not deny or evade the payment of their just debts and obligations.

MUST DEFINE OUR PENSION POLICY.

The passage of this bill will add another chapter to our general pension policy and will further establish and define the attitude of the Government toward our soldiers and sailors and

their widows and orphans. We must make this policy clear and well defined, not only for those who have already defended our country, but for others who may fight for us in the future. In this connection, however, I hope and pray that we will never again be engaged in a war of any character, although we should prepare ourselves for any emergency which may arise and be ready to defend our country from invasion. [Applause.]

WE MUST "CARE FOR HIS WIDOW AND HIS ORPHANS."

Our country has never maintained a large standing army. I do not say this with any reference to the program of preparedness, which I intend to support, but only as a matter of history. In time of war we have summoned large numbers of men to the colors. They have left their homes, their loved ones, their vocations, their all; in many instances, never to return; and in others, to be crippled and maimed for life. It is the history of all wars in this and every other country, that the brunt of work falls upon the men in the ordinary walks of life—the great body of the common people who are the bone and sinew of the Nation. The average man who enlists is not independent financially, and in a position to leave his loved ones a competence. He should be assured at the time of his enlistment that when he is gone the strong arm of the Government will, in the language of the immortal Lincoln, "care for his widow and for his orphans."

SPANISH-AMERICAN WAR DEVELOPED NEW PATRIOTISM.

I honor and revere the brave men, living and dead, who fought through the great Civil War and wrote an epoch-making page in the world's history. They belong to a distinctive class and their deeds of valor and bravery will never be erased from the memory or the affections of the American people. The Spanish-American War drew together and healed all elements of discord that existed in this country by reason of the Civil War, and the courage and patriotism of the sons of the North and the courage and patriotism of the sons of the South, as they fought shoulder to shoulder at San Juan and Malabon, became the common heritage of the American people. The Spanish-American War was a war for humanity and we must not forget the brave boys who fought under our flag in that war and, as a tribute to their valor and patriotism, I trust that the pending bill will pass without a dissenting vote. [Applause.]

Mr. SELLS. Mr. Chairman, I agreed to yield five minutes to the gentleman from Texas [Mr. SLAYDEN], who desires to be heard against the bill.

Mr. SLAYDEN. Mr. Chairman, I am very much obliged to the gentleman for his courtesy; but are the rights of those who are opposed to the bill forfeited by the present parliamentary status?

The CHAIRMAN. The Chair is of the opinion that that is probably true. At the conclusion of the remarks of the gentleman from Ohio [Mr. KEY] the Chair inquired if there was anyone opposed to the bill who desired time. No one rose, and thereupon the Chair recognized the gentleman from Tennessee [Mr. SELLS] for an hour, and under that particular parliamentary status, the gentleman from Tennessee having recognition and being entitled to the floor, the time has passed from the control of the Chair.

Mr. SLAYDEN. I thought I was filing a claim on behalf of the rights of the opponents of the measure when I addressed the Chair and disagreed to the declaration that there was no opposition to the bill.

Mr. MANN. But that was half an hour too late; that was all.

Mr. SLAYDEN. I was asking if I was too late.

The CHAIRMAN. The Chair will state to the gentleman that what he has recited as having occurred at the conclusion of the remarks of the gentleman from Ohio [Mr. KEY] was some time before the inquiry by the gentleman from Texas.

Mr. SLAYDEN. I am very much obliged to the gentleman from Tennessee [Mr. SELLS] for his courtesy, and I will avail myself of it for a few minutes, probably not for five minutes, as I have expressed myself on this legislation in previous Congresses. I want to call attention to one or two facts that I think ought to be considered, and particularly in view of conditions as they exist at this time.

This body is charged with being persistently, flagrantly, notoriously extravagant, and it takes no man's experience in the marshaling of evidence to prove it. This is a grossly extravagant body, and, as I said a few minutes ago, I now repeat with deliberation that I do not believe it is possible to bring before this Congress any pension bill supported by any important number of the people back home, clothed with the franchise, that it will not pass.

Now, there are one or two lines in this bill to which I want to call attention, wherein I think there should be changes if the bill is to pass, as of course it will pass, being a raid upon the Treasury.

After defining those who shall have pensions it says:

Such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act, at the rate of \$12 per month during her widowhood.

Not as a result of injuries received in the war, but upon due proof of the death of her husband. It specifically states that she shall not be called upon to prove that the death was due to any service rendered the country. Under the terms of this bill, if I do not misunderstand it, an ex-soldier of the Spanish War may marry a buxom young woman to-day and get run over by a motor car to-morrow, or fall off a stepladder, or get drowned, and his 18 or 20 year old bride, if she does not marry again, will be pensioned for life.

Now, the widows of the Civil War veterans were not treated with that large liberality. I speak from memory, but my recollection is that in order to cure abuses of old men getting married to young women, putting them on the pension roll and making them a burden to taxpayers for a long life, the law said that they must have married the soldier prior to June 27, 1890. Now you are setting a premium on this thing, and, Mr. Chairman, I shall offer an amendment to this bill—I think two—if I can get recognition, specifically requiring that there shall be proof that the soldier's death is due to disease incurred or wounds or hurts received in the military service. That I shall offer in lines 13 and 14, on page 2, and then, on page 3, line 3, I shall move to strike out the words "passage of this act" and substitute the words "termination of said service," so that it will read "the widow shall have married said officer or enlisted man previous to the termination of said service."

I recognize the uselessness of opposition to this bill. I am only offering a very feeble protest, pitching a straw against the cyclone of extravagance, and trying to save a few dollars out of the hundreds of millions that we are going to be called upon to expend. [Applause.]

Mr. SELLS. Mr. Chairman, I yield to the gentleman from Illinois [Mr. CANNON] five minutes.

Mr. CANNON. Mr. Chairman, I shall vote for this bill. A considerable number of people who are beneficiaries of the bill were never outside of the United States proper. I do not speak slightly of them on that account because really, under the insanitary conditions where volunteers assemble, there is often more disease and death than there is to the soldier in the field of battle.

This bill pensions the widows of the Spanish War soldiers and the war in the Philippines, on the soldier's death, without regard as to whether he died from injuries received in the Army or in the line of duty. I am willing to vote for that, although that was never the case with the widow of the soldier of the Civil War up to 1890. After 1890 the widow was not required, provided she married prior to that time, to prove that the death of the veteran was due to Army service in the line of duty. But that was 26 years ago. There has been much talk in the sensational magazines and in the newspapers about young women, sometimes not of good character, marrying old soldiers in order that they might be pensioned. Gentlemen, I think probably I represent as large a soldier district as any in the United States, and I want to say to you that wives of men who fought for the Union died, and many of the soldiers remarried. Children were born, and yet no pension comes to them unless the death is traced to the line of service between sixty-one and sixty-five. This bill is not subject to amendment in that regard, and I have no desire to try to amend it, because it treats of the War with Spain, and such an amendment would not be germane. I am willing that it should pass, and that it should rest on its own merits, but I want to appeal to the chairman of the Committee on Pensions which reported this bill, or the Committee on Invalid Pensions, and his colleagues, to report a bill for the consideration of the House to care for the widows who married 26 years ago and subsequently. [Applause.] I do not know whether the committee will do it or not, but I hope that it will, and I believe that the House would pass it almost unanimously. [Applause.]

Mr. KEY of Ohio. Mr. Chairman, I yield to the gentleman from Ohio [Mr. OVERMYER].

Mr. OVERMYER. Mr. Chairman, I only wish to say a word in favor of this bill on behalf of the very large number of Spanish War widows and Spanish War veterans in my district. I believe that the destitute widow of a Spanish War veteran is just as destitute as any other destitute widow of a soldier. In other words, her needs, if she is destitute, are just as great as if she were the widow of a veteran of any other war. I believe that the test of patriotism to which a soldier must submit is determined not by the length of the service rendered, but the test is really made when he enlists and offers that service, and the

fact that the Spanish War soldier did not serve so long or see so many battles is not the test by which to determine his patriotism.

At this time when talk of preparedness is heard on every hand it is especially proper that this Congress say to the young men of this country that if the necessity arises for them to offer their service this Government holds out the promise that in case of their death in that service the widow and orphans will be provided for.

Therefore, speaking for the very large number of Spanish War widows, some of whom I know are destitute, and speaking also for a very large number of Spanish War veterans, some of whom are inmates of the soldiers' home in my district and in such physical condition that in a few years more they will leave widows in very bad circumstances, I ask your support for this measure.

Mr. KEY of Ohio. Mr. Chairman, I yield two minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I am in favor of this bill. I feel that the widows of the men who rushed to the colors at the time of need, although they may marry the soldier, as some one has just said, just prior to the passage of this bill, are entitled to consideration at our hands. The same situation existed with reference to the widows under the Civil War pension bill, except that we have now moved away from 1890. After a while we will have moved away from the date this bill is passed, and then we will be looking back and will think the widows who married since that time ought to be pensioned. I think we have moved so far away from 1890 that there ought to be some provision, as the gentleman from Illinois [Mr. CANNON] has said, made for the widows who married soldiers since that date. I have in mind the case of a woman who married an old soldier in 1896. She is precluded from having a pension. We have been unable to get her one; and yet that poor woman to-day, having nursed her soldier husband for 18 years through a long spell of sickness, is dependent upon the aid of her friends and the city of Baltimore for support. I feel, therefore, that we have moved so far away from 1890 that some provision ought to be inserted, either in this bill or in some other one, which will make the provision suggested by the gentleman from Illinois [Mr. CANNON]. The Spanish War veterans rushed in at a time when the country was not prepared for war, and because of insanitary conditions which they had to live through many of them were disabled for life. I am in favor of this bill and hope that it will pass.

Mr. SELLS. Mr. Chairman, I yield two minutes to the gentleman from South Carolina [Mr. RAGSDALE].

Mr. RAGSDALE. Mr. Chairman, I am opposed to this bill for the reason that, to my mind, it is unjust to the men in the regular service. Let us take two men, say, living in the same community. One of them elects to go into civil life and one feels that the call of his country justifies his going into the regular service in time of peace. Each of them go about their respective vocations. A war breaks out. One of them has become prepared to render service to his country and goes on the battle field. The other is unprepared to render service, but goes to the colors. After the war is over neither one of them has been scratched; neither one has been injured; neither one has seen a battle field. Yet, Mr. Chairman, when both die we say that the widow and children of the man who went in time of peace and prepared himself to defend the flag and his country is entitled to no consideration, but that the family of the man who stayed in the quiet walks of life, who tried to amass a fortune, who disregarded the needs of his country, and who sought in no way to prepare himself, is entitled to consideration. I think that is very unjust. At this time, when this country, as the President has said, needs to put itself in condition to defend itself against the world, I ask if this Congress ought not to hesitate before heaping another burden of debt upon it, before increasing this pension list. This is no sectional speech that I am making. The people of my country will get the same benefits that the people of other parts of the Union will under this bill. I am besought from people in my country to engage with you in enacting this bill into law; but, Mr. Chairman, while I believe this country ought to stand for protecting the flag in the future, ought to stand for the men who to-day are enlisting and who are putting the country in a condition to protect itself in the future, because I honor and respect the men in the Regular Army, privates in the Army, and sailors in the Navy, and because I think legislation of this kind discriminates against them in favor of volunteers I oppose the legislation and think it is manifestly unjust and unfair.

Mr. SELLS. Mr. Chairman, I would like to ask how much time I have remaining?

The CHAIRMAN. The gentleman has 28 minutes remaining. Mr. SELLS. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, a country like ours will never maintain a great standing army. There is no danger of so-called militarism in a people of our kind or in a country situated as we are, and yet the time may come when the people of a country like ours must fight, must be prepared to fight, and in the end whatever provision we may make for a Regular Army, or even for a National Guard, if we ever have much war we must depend upon the young boys who volunteer to give their lives for their country. [Applause.] And especially at this time, with the possibility—although I believe and hope not a probability—of entanglements abroad, it is quite appropriate that we should say to the people of our country, and especially to the younger men upon whom we must rely, "You offer us your lives when you enlist voluntarily, and, by the eternal, if you die we will take care of your widows." [Applause.]

Mr. SELLS. Mr. Chairman, I yield two minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Chairman, I very much approve of the provision in this bill that eliminates the necessity of the widow of a veteran of the Spanish-American War or of the Philippine insurrection proving that the death of her husband was occasioned by reason of disabilities incurred in the war. I have in mind one young man from my home town who enlisted in that service. In the Philippine Islands he was attacked with malaria and was in a hospital approximately six months. When he left his home with his company he was as fine a specimen of manhood as I ever saw. When he returned he was merely the shadow of his former self. Eventually in the course of time he contracted tuberculosis and died, leaving his family in absolute poverty. If that widow were compelled to prove that he died as the result of disability occasioned by his service in the Philippine Islands, she would not be able to do so, and yet, Mr. Chairman, death touched him in the islands. His vitality was destroyed; he was unable to combat the germs of tuberculosis that he might have mastered if he had been in his original health, and while she would have been unable to prove that his death was the result of a disability incurred in the islands, as a matter of fact his death was primarily caused by his service in that insurrection. More than that, the absolute poverty in which his family now live is the direct result of the illness that he contracted in the Philippines and that prevented him for months from such labor as he performed before his enlistment.

I agree with the gentleman from Illinois [Mr. CANNON] in that I would like to see returned to this House from the proper committee a bill which makes provision for the widows of soldiers of the War of the Rebellion who have married since the passage of the last pension law. I feel, Mr. Chairman, that there are many cases, probably every Member of this House is more or less familiar with them, of soldiers of the War of the Rebellion who would have been a public charge if it had not been for the kindness, the solicitous care, and attention that has been given them by wives whom they have married in recent years.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SELLS. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman and gentlemen, I believe that I can perhaps speak for as many of the men who served their country in the War with Spain as anyone here. I have the honor to be at the head of the United Spanish War Veterans, the organization that is composed of those who thus served, and which includes the campaigns in Cuba, Porto Rico, the Philippines, and China, as well as the thousands who did not get an opportunity to leave this country. They were ready to go and were anxious to do so, but were not needed. They are entitled to as much consideration as those who did. Those who stayed suffered more than those who were fortunate to go. The fever-stricken camps in this country were worse for the men than the bullets. Many have died, and many more have lost their health due to those insanitary and ill-arranged camps. Yet the men who are living to-day are not here in this bill asking for themselves anything, but they ask you to remember the widows and the orphans of those who have died and who are in want. Many of the men who served their country with honor and credit and who are living to-day are broken in health as a result of that service, and but few of them are getting a pension. The Government should do justice to these men also, and without the asking and begging. The Government has failed in this respect in many deserving cases.

This bill, however, is not for them. It is only for the widows and orphans, and some of you, perhaps, would be surprised to know that there are many deserving of this consideration. You would be surprised to know of cases that have come to my attention of widows of soldiers who served their country with honor and credit in the Philippines, in Cuba, and in Porto Rico, too, who are to-day in dire poverty and distress.

We are hearing calls upon every hand to-day—from the President of the United States, from the Secretary of War, from the Secretary of the Navy, and from others high in official life—asking us to prepare our country for defense, and we understand and know that if we prepare our country for defense we must have men with which to do it. We may have the battleships, we may have the best guns it is possible to make, but, my colleagues of the House, unless you have men of character and of intelligence, such as we had in 1898 to 1902, to man these guns and ships, we can accomplish but little with them. [Applause.] And it is because the American Congress in the past and because it is to-day standing up for patriotism and for the men who served their country with honor that we are able in time of peace to raise an army as large as we want and need in this country. The War with Spain was not a very long war and it did not take a very great time to recruit all the men that were needed. The fact is, gentlemen, if we had had a trained army for this service against Spain the war would not have lasted so long. You can not recruit a well-drilled, disciplined, and efficient army in a little time, and especially when the equipment has been badly neglected.

And while I appeal to you to-day to vote for this bill in recognition of these women and children who are deserving, we also urge upon you, in the name of these men who served their country in the Spanish War and in the Philippines, we urge upon you in the name of 400,000 or more, to not wait until war comes before you start to prepare, but start now to train your men and get things ready in case war does come, so that diseases and the results of service will not be so serious to the men as they were to those who served in the Spanish War and the Philippines because of the conditions they had to encounter. [Applause.]

Mr. SELLS. I yield three minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Ours is the one great country that does not depend upon a great military establishment. I do not think the country ever will assume any such atmosphere of defense. While I believe in an increase of our national defense and will vote for any reasonable program of that kind, yet I am convinced we never will become a country whose defense depends wholly upon the regular arm. We will always have to depend upon the volunteer soldier, I am sure, in the midst of a great crisis. And while the volunteer does not hesitate on his duty nor ask whether there is going to be a pension given him when he returns, should he be so fortunate, I am sure that everyone does desire to know what may happen to his family, his wife and children, in case of his death. I think that this bill is in the right direction in continuing the policy we have always followed, to care for those dependent upon the soldier who, when he is gone, can no longer give support to those who have been dependent upon him. And for that reason I am sure that this legislation will meet with the approval of the American people. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act if any officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States, either as a regular or volunteer, during the War with Spain or the Philippine Insurrection or in China, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, and who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow without means of support other than her daily labor, and an actual net income not exceeding \$250 per year, or leaving a minor child or children under the age of 16 years, such widow shall upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act, at the rate of \$12 per month during her widowhood, and shall also be paid \$2 per month for each child of such officer or enlisted man under 16 years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16: *Provided,* That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and shall commence from the date of application therefor after the passage of this act: *Provided further,* That said widow shall have married said officer or enlisted man previous to the passage of this act: *Provided, however,* That this act shall not be so construed as to reduce any pension under any act, public or private.

Mr. KEY of Ohio. Mr. Chairman, I offer the following committee amendment in order to correct a typographical error.

The CHAIRMAN. The Clerk will report the first committee amendment as it appears in the bill.

The Clerk read as follows:

Page 1, line 3, at the end of the line insert the word "volunteer."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Also the following committee amendment was read:

Page 1, lines 5 and 6, strike out the words "either as a regular or volunteer."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. GARDNER. Mr. Chairman, I am opposed to that amendment. By it you do a grave injustice to the soldiers of the Regular Army. I find that in the Spanish War no less than 234,000 enlisted men and officers of the Regular and Volunteer forces were not employed or failed to serve abroad. Of this number about 200,000 were volunteers. This bill makes the widows of every one of them pensionable, but the proposed amendment denies a pension to the widow of the Regular soldier who enlisted, prepared to face the music. Most of the Regulars, except the coast artillerymen, were sent to the front, but some were held back to do their duty at Army posts or for recruiting purposes and some were held back to suppress Indian disturbances. Can you offer any reason why widows of the latter should not be entitled to a pension, while widows of the 200,000 volunteers who did not leave their country should be entitled to a pension?

A good many of those volunteers never entered the service until July, and then, when the protocol was signed they were furloughed; and that furlough counts as service under this bill. Let me call your attention to the case I spoke of when the gentleman from Minnesota [Mr. MILLER] was speaking. I find that the Indian disturbance at Leech Lake, Minn., took place in October, 1898. I find that eight companies, or parts of eight companies, of the Third United States Infantry suppressed those Indian disturbances. Now, if any of those men have since died, unless they also saw service elsewhere, their widows will have no pensionable status under this amendment, whereas the widows of men in the other companies of the Third United States Infantry that were sent to Mobile and became part of the Fourth Army Corps, and subsequently were sent to Cuba, I believe, would be entitled to a pension.

Mr. KEY of Ohio. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. KEY of Ohio. Is it not true that the soldiers that the gentleman has in mind, who helped put down this rebellion, had just returned from Cuba? Had not all, or nearly all, of those soldiers seen service in Cuba before going up to Minnesota?

Mr. GARDNER. I have not any idea whether they had or had not been down to Cuba.

Mr. KEY of Ohio. I think the gentleman will find that they had been.

Mr. GARDNER. I think it highly unlikely. But be that as it may, it would be unjust to draw a distinction between the widow of a regular soldier who did not serve outside of the United States and the widow of the volunteer just because there were 200,000 of us. Now, do justice to the widows of the Regulars.

Mr. MANN. Mr. Chairman, it is necessary to draw a line somewhere always. My friend from Massachusetts [Mr. GARDNER] draws a much more arbitrary line than the bill does. It would be a much more arbitrary line to say that the Regular Army soldier who took no part at all in the War with Spain should be able to marry and leave a widow, who should draw a pension, but that the widow of the Regular Army soldier who happened to go into the Regular Army the next month, and who might have had just as much military service as the other one, should not have a pension. Unless we propose to pass a law giving to the widow of every Regular Army soldier at any time a widow's pension you have got to draw a line somewhere. I do not know any line that is safer to draw than to say: "We will grant a pension to the Regular Army soldier if he had service in the War with Spain; and if he did not, we will leave him on the same footing as we leave all other Regular Army soldiers."

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARDNER. Then why not leave the Volunteer who did not have actual service in the War with Spain on the same basis with those Regulars who were not fortunate enough to have been ordered to the front?

Mr. MANN. That is so easy to answer that I am going to answer it. We pay, or propose to pay, and have paid, pensions to widows of Volunteer soldiers, because we want it known that it is the policy of this country to take care of the widows of men who stepped into the Army out of private life, with no desire to make it their vocation, but solely to meet an emergency. [Applause.]

Now, the question of the Regular Army soldier is entirely different. If some one wishes to propose that, in order to induce men to enter the Regular Army, we shall pay pensions to their widows, that is a proposition which may be worthy of consideration. But it has nothing to do with the question now pending before the House. We inserted the provision last year that is now carried in this bill, for the Regular Army soldier who actually served in the war, as a concession, not desiring to draw the distinction at that time between the men who volunteered to go into the Volunteer service and the men who volunteered to go into the Regular Service; and those who volunteered to go into the Regular Service, in the main, received the benefit of this act, as they ought to. [Applause.]

Mr. GARDNER. Mr. Chairman, I move to strike out the last word. These men who went into the regular service offered their lives just exactly the same as any volunteer offered his life. Many of them when they enlisted could foresee that trouble with Spain was ahead of us. Do you suppose it was the pitiful \$13 a month that these Regulars got which induced them to enter the service? Was it the fault of certain companies of the Third Infantry that they were held in Minnesota while other companies of the Third Infantry were incorporated into the Fourth Army Corps at Mobile? When a man was held back by his Government while his fellows were sent to Mobile, when he found that he must risk his life putting down an Indian outbreak, is his widow not to be pensioned when you are going to give pensions to the widows of some 200,000 of us Volunteers who, in spite of our readiness to do so, never received the coveted order to leave the United States during the Spanish War?

Mr. RAGSDALE. Mr. Chairman, I move to strike out the last word.

Mr. DYER. I make the point of order that the amendment before the committee has been debated on both sides.

The CHAIRMAN. The Chair will recognize the gentleman from South Carolina [Mr. RAGSDALE] in opposition to the pro forma amendment.

Mr. DYER. Mr. Chairman, a parliamentary inquiry. Is there not also pending before the committee now a committee amendment which has not been disposed of?

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] moved to strike out the last word.

Mr. DYER. He rose first to speak in opposition to the committee amendment, which has not been voted upon, and then he made another motion to strike out the last word.

Mr. RAGSDALE. The motion of the gentleman from Massachusetts [Mr. GARDNER] is still before the committee. I would like to be recognized to speak on that.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina.

Mr. RAGSDALE. Mr. Chairman, it seems to me that in the consideration of this bill we are dividing the men who served in the United States Army, even in time of war, who rallied to the support of the flag, who offered their bodies in defense of their country, into two classes. The man who prepares himself, the man who gives up his money making, the man who goes in and equips himself, as the greatest military experts of this country are urging our young men to do, in time of peace, is treated as a machine and is to have no consideration. When the war breaks out, the call to the colors may take him right on the battle front. These men see service such as that in which they are engaged on the Mexican border to-day. They may be called to any part of the world to serve this Government. They may have to leave everything that they have behind them, and with the absolute knowledge that if they are in the service they can not escape. Yet we make this difference between them: The man who avoids preparing himself, who deliberately refuses to go into the Army or into the Marine Corps or into the Navy, the man who avoids giving any of his time to the country for the small pittance that we pay, that man is made a hero and a martyr, and we protect his widow and his children; but we say to the man who goes into the Army in time of peace and fits himself to be really efficient, the first man who goes to the front in time of war, the man who braves the dangers, and, as in the case of Mexico, settles the difficulty before the volunteer can even be called, we say to that man, "Unless you are absolutely wounded or killed you are entitled to no consideration." Why, Mr. Chairman, how can we have the Army that we ought to

have? I have heard gentlemen on this floor state here that we could never have an Army unless service was made compulsory; that we could never have a larger Navy unless by conscription. I say, Mr. Chairman, that it is not fair that the men who give up professions and trades and agriculture to go into the service and fit themselves to be finished soldiers or sailors should be treated as machines, when they have qualified themselves to defend this country if the spark that the President has told us about should fall and set our country on fire, while to the man who delays and hangs back and does not fit himself we say, "Do not do anything for your country until the time comes, when you can not equip yourself in time, and then we will make of you a martyr and a hero and we will put your family on the pension roll." [Applause.]

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. GARDNER) there were 89 ayes and 18 noes.

So the amendment was agreed to.

The CHAIRMAN. The Chair is informed that there is an amendment at the desk to the next committee amendment, and that will be considered first. The Clerk will read.

The Clerk read as follows:

Amendment to the committee amendment:
Page 2, line 5, after the word "twenty-first," strike out all down to and including the word "eight," in line 6, and insert in lieu thereof the words "eighteen ninety-eight," so that the amendment as amended will read, "or in China between April 21, 1898, and July 4, 1902, inclusive."

The CHAIRMAN. The question is on the amendment to the committee amendment.

The question was taken, and the amendment to the committee amendment was agreed to.

The CHAIRMAN. The Clerk will now report the committee amendment as amended.

The Clerk read as follows:

On page 1, line 10, after the word "discharge," insert "including all furloughs, or any officer or enlisted man of the Regular Establishment who rendered 90 days or more actual military or naval service in the United States Army, Navy, or Marine Corps in the War with Spain or the Philippine insurrection or in China between April 21, 1898, and July 4, 1902, inclusive."

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. SLAYDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by striking out the words "passage of this act," in line 3, page 3, and insert in lieu thereof the words "termination of said service."

Mr. SLAYDEN. Mr. Chairman, the purpose of that amendment is to take away the handicap of an early marriage by these young widows, to encourage matrimony, and perhaps to save a little money for the Treasury of the United States. [Laughter.] I hope the amendment will be unanimously agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. MILLER of Delaware. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 7, on page 1, after the word "insurrection," strike out the words "or in China."

Mr. MILLER of Delaware. Mr. Chairman, I would not offer the amendment if it were not for the fact that the committee's first amendment has been adopted, and therefore, in my opinion, warrants the amendment I have just offered. It will be observed that in the first paragraph in line 3, the word "volunteer" is inserted, and in lines 5 and 6 the words "either as a regular or volunteer" are stricken out. According to the language in the paragraph just referred to, it would read as follows: "That from and after the passage of this act if any volunteer, officer or enlisted man, who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the War with Spain or the Philippine insurrection or in China," and so forth.

There were no volunteers serving in China during the Boxer rebellion in 1900, and my attention was called to that fact when I read the first paragraph. I have just returned from the telephone, where I consulted with The Adjutant General. He informs me that the only troops that served in China were the Sixth Cavalry, two squadrons; one battery of the Third Field Artillery; one battery of the Fifth Field Artillery; the Ninth Infantry; eight companies of the Fourteenth Infantry; four companies of the Eighteenth Infantry; and the Engineer, Signal,

and Hospital Corps. All of these were regulars, and a gentleman from my own State, Brig. Gen. James H. Wilson, was second in command of the expedition, the late Gen. Chaffee being the first in command.

I ask the chairman of the committee, the gentleman from Ohio [Mr. KEY], if he will adopt this amendment, because, as it is now worded, the words "in China" are utterly superfluous and might lead to confusion. There were no volunteer troops serving in China. I would not have offered the amendment without consulting people who have served in this House longer than I have, and also the proper authority in the War Department. Of course if the gentleman from Ohio [Mr. KEY] does not care to accept the amendment, I shall not press it. I offer it because I think the words are superfluous.

Mr. REAVIS. Does it apply also to the words in line 5, on page 2?

Mr. MILLER of Delaware. In reply to the gentleman from Nebraska, I will state that this does not apply to the words in line 5, on page 2, because the gentleman will observe the italics there deal with the Regular Army Establishment.

Mr. KEY of Ohio. Mr. Chairman, if the information the gentleman received is correct, I would have no objection; but if there should be some mistake about the information he received, it might be an injustice to some volunteer who might have had that service.

Mr. MANN. I think it is quite certain that there were no Volunteers serving in China.

Mr. KEY of Ohio. I have no objection to the amendment, and I accept it.

Mr. CARY. Mr. Chairman, I would like to ask the gentleman what harm it would do if the words were left there?

Mr. KEY of Ohio. I can not see what harm it would do.

Mr. MANN. It would be superfluous; but it would certainly be a reflection upon the intelligence of this House to pass a bill to provide for volunteer service of soldiers in China when there were no Volunteers there.

Mr. CARY. Suppose I were in China at that time and volunteered to join the Regulars?

Mr. MANN. The gentleman's case would not be covered by this provision. It would be covered by the other provision.

Mr. KEY of Ohio. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Delaware.

The amendment was agreed to.

Mr. REAVIS. Mr. Chairman, I move to strike out the last word. I think the language contained in lines 18 and 19, page 2, is a little ambiguous, and I doubt whether it states exactly what the committee intended. I refer to the language "and in case of the death or remarriage of the widow, leaving a child or children." How would the remarriage of a widow leave a child or children?

Mr. MANN. Mr. Chairman, I will say to the gentleman that I think this is an exact copy of the law in reference to the Civil War and that language has been construed until people now know what it means, though I am frank to confess that no one can read the language of that section and tell what it means offhand. It has been construed until the language is understood.

Mr. REAVIS. I offer the suggestion that it would be better to say "in case of the remarriage of the widow or the death of a widow leaving a child or children." There would be no ambiguity about that and it would not be subject to construction.

Mr. MANN. The whole language is ambiguous, but it has been construed until they know what it means.

Mr. KEY of Ohio. Mr. Chairman, the wording of this bill was taken verbatim from the act of June, 1890, and that has stood the test ever since the passage of the act. This is an identical copy of that. I do not see how they could go wrong on this.

Mr. REAVIS. May I ask the gentleman what construction was placed on the language "in case of the death or remarriage of the widow, leaving a child or children"?

Mr. KEY of Ohio. If the widow should remarry, the \$12 which she would be receiving would go to the child, plus the \$2 that the child would receive.

Mr. REAVIS. Then the construction placed upon it is that if the widow with children remarries the payment of the pension is transferred from the widow to the child?

Mr. KEY of Ohio. Exactly; together with the \$2 that the child would receive until the child arrives at the age of 16 years.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. POWERS. Mr. Chairman, I move to strike out the last word. I would like to inquire of the chairman of the committee

if the words "daily labor," on page 2, line 9 of the bill, have been construed in other pension acts heretofore?

Mr. KEY of Ohio. Yes.

Mr. SLOAN. Mr. Chairman, I move to amend section 1—

Mr. KEY of Ohio. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Ohio moves that the committee do now rise.

The motion was agreed to; accordingly the committee rose, and Mr. RUSSELL of Missouri having assumed the chair as Speaker pro tempore, Mr. GARRETT, 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. 54 and had come to no resolution thereon.

RESIGNATION FROM A COMMITTEE.

The SPEAKER pro tempore laid before the House the following resignation from a committee.

The Clerk read as follows:

Hon. CHAMP CLARK,
Speaker House of Representatives.

MY DEAR MR. SPEAKER: I beg to herewith tender you my resignation as a member of the Committee on Foreign Affairs, to take effect immediately. With great respect, I am,

Sincerely and cordially, yours,

J. R. WALKER.

FEBRUARY 9, 1916.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RETURN OF SENATE JOINT RESOLUTION 81.

The SPEAKER pro tempore laid before the House the following resolution of the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
February 8, 1916.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate Senate joint resolution 81, entitled "Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy, at Annapolis, Mr. Carlos Hevia y Reyes Gavilán, a citizen of Cuba.

Attest:

JAMES M. BAKER, Secretary.

The SPEAKER pro tempore. Without objection, the request is granted.

There was no objection.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2520. An act granting to the State of Nevada 7,000,000 acres of land in said State for the use and benefit of the public schools of Nevada and the State University of the State of Nevada; to the Committee on the Public Lands.

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

S. 4308. An act to purchase a site and erect thereon a suitable building for post-office and other governmental offices at Sandusky, Ohio, and for other purposes; to the Committee on Public Buildings and Grounds.

S. J. Res. 62. Joint resolution extending the time for filing the final report of the Joint Committee to Investigate Rural Credits; to the Committee on Banking and Currency.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 76. Joint resolution authorizing the Secretary of War to loan 1,000 tents and 1,000 cots for the use of the encampment of the United Confederate Veterans to be held at Birmingham, Ala., in May, 1916.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 4954. An act directing the Secretary of War to reconvey a parcel of land to the Anshe Chesed Congregation, Vicksburg, Miss.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned to meet to-morrow, Thursday, February 10, 1916, at 12 o'clock noon.

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 the Treasury, transmitting a supplemental estimate of an appropriation required by the United States Public Health Service for the fiscal year ending June 30, 1917 (H. Doc. No. 666); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of Grand River, Mich. (H. Doc. No. 667); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of Arcadia Harbor, Mich. (H. Doc. No. 668); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

4. A letter from the Secretary of State, transmitting a report and a supplemental report made by the commissioner in charge of the water work of the Mexican Boundary Commission in compliance with the requirements of the Diplomatic and Consular appropriation act approved March 4, 1915; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HENRY, from the Committee on Rules, to which was referred the resolution (H. Res. 129) governing the consideration of H. R. 9419 and H. R. 10405, reported the same without amendment, accompanied by a report (No. 158), which said resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the resolution (H. Res. 128) governing the consideration of H. R. 10384, reported the same without amendment, accompanied by a report (No. 159), which said resolution and report were referred to the House Calendar.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 2744) to correct title to certain lands in Colorado, reported the same with amendment, accompanied by a report (No. 161), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FIELDS, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 146) authorizing the Secretary of War to loan, issue, or use quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Mississippi River and its tributaries, reported the same with amendment, accompanied by a report (No. 162), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 3518) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 157), which said bill and report were referred to the Private Calendar.

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (H. R. 2534) to adjust the claims of certain settlers in Sherman County, Oreg., reported the same with amendment, accompanied by a report (No. 160), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on the Public Lands was discharged from the consideration of the bill (H. R. 4296) for the relief of Alexander Read, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVENPORT: A bill (H. R. 11148) transferring the counties of Osage and Pawnee from the western judicial district of the United States court in the State of Oklahoma to the eastern judicial district of said court in said State, for judicial purposes; to the Committee on the Judiciary.

By Mr. CARTER of Oklahoma: A bill (H. R. 11149) to establish a fish-hatching and fish-cultural station in the State of Oklahoma; to the Committee on the Merchant Marine and Fisheries.

By Mr. ASWELL: A bill (H. R. 11150) for the relief of mail contractors; to the Committee on Claims.

By Mr. SMITH of Texas: A bill (H. R. 11151) authorizing the Secretary of the Interior to make further survey of the Pecos River and Valley in Texas and New Mexico, to determine the feasibility and cost of an irrigation project thereon, and to make an appropriation for such survey; to the Committee on Irrigation of Arid Lands.

By Mr. KALANIANA'OLE: A bill (H. R. 11152) to provide retirement pay in certain cases for judges of United States district courts in the Territories; to the Committee on the Judiciary.

By Mr. HASTINGS: A bill (H. R. 11153) to provide for an annual per capita payment to the Choctaws and Chickasaws; to the Committee on Indian Affairs.

Also, a bill (H. R. 11154) making an appropriation in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, Seminole, and Osage Nations and the Quapaw Agency in Oklahoma; to the Committee on Indian Affairs.

By Mr. DARROW: A bill (H. R. 11155) to amend section 1754 of the Revised Statutes of the United States; to the Committee on Reform in the Civil Service.

By Mr. SMITH of Texas: A bill (H. R. 11156) to authorize the Secretary of the Interior to cause to be appraised and to sell the Boise & Arrowrock Railroad, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. EDWARDS: A bill (H. R. 11157) to amend an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

By Mr. KING: A bill (H. R. 11158) establishing an armory plant for the purpose of manufacturing firearms at or near the city of Quincy, Ill.; to the Committee on Military Affairs.

By Mr. ADAMSON: A bill (H. R. 11159) extending certain privileges to the judge, the district attorney, and the marshal of the Canal Zone; to the Committee on the Judiciary.

By Mr. WALKER: A bill (H. R. 11160) to repeal an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898, and all amendments thereto; to the Committee on the Judiciary.

By Mr. STEPHENS of Nebraska: A bill (H. R. 11161) providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska; to the Committee on Indian Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 11162) to amend an act entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes," approved September 30, 1890, and for other purposes; to the Committee on the Public Lands.

By Mr. CLARK of Missouri: A bill (H. R. 11163) increasing the number of cadets at the United States Military Academy; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 11164) authorizing the Secretary of War to deliver to the village of Russellville, Brown County, Ohio, one condemned bronze or brass cannon, with the carriage and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. GARDNER: A bill (H. R. 11165) to provide suitable medals for the officers and crew of the United States vessel of war *Kearsarge*; to the Committee on Naval Affairs.

Also, a bill (H. R. 11166) to provide badges and ribbons for officers and men now or formerly of the Volunteer and Regular Army who participated in engagements or campaigns deemed worthy of such commemoration; to the Committee on Military Affairs.

By Mr. AIKEN: A bill (H. R. 11167) to provide for the construction of a public building at Greenwood, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. TALBOTT: A bill (H. R. 11168) granting 30 days' leave of absence in each year, without forfeiture of pay during such leave, to employees at the United States navy yards, gun

factories, naval stations, and arsenals; to the Committee on Naval Affairs.

By Mr. CROSSER: Resolution (H. Res. 131) authorizing a subcommittee of the Committee on the District of Columbia to make certain investigations relative to the central heating, lighting, and power plant in the District of Columbia; to the Committee on Rules.

By Mr. OLNEY: Resolution (H. Res. 132) authorizing the printing of the annual report of the Chief of Bureau of Foreign and Domestic Commerce to the Secretary of Commerce for the fiscal year ended June 30, 1915; to the Committee on Printing.

By Mr. HUMPHREYS of Mississippi: Resolution (H. Res. 133) authorizing the chairman of the Committee on Flood Control to appoint a clerk and a messenger for said committee; to the Committee on Accounts.

By Mr. HAYDEN: Resolution (H. Res. 134) authorizing the codification of the laws relating to Indian affairs; to the Committee on Indian Affairs.

By Mr. NORTON: Resolution (H. Res. 135) to discharge the Banking and Currency Committee from further consideration of H. R. 393 and H. R. 6838, providing for a system of rural credits, and to consider said bills in the House; to the Committee on Rules.

By Mr. CLARK of Florida: Joint resolution (H. J. Res. 147) looking to the restoration of peace; to the Committee on Foreign Affairs.

By Mr. MILLER of Delaware: Memorial from the General Assembly of the State of Delaware, relative to the Federal migratory bird act; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 11169) granting an increase of pension to Harry R. Buckmaster; to the Committee on Invalid Pensions.

By Mr. ALMON: A bill (H. R. 11170) granting a pension to Sarah M. Harris; to the Committee on Pensions.

Also, a bill (H. R. 11171) for the relief of Henry C. Armistead, sr.; to the Committee on War Claims.

Also, a bill (H. R. 11172) granting a pension to Mary Elizabeth Presnell; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 11173) granting an increase of pension to Emily Whitney; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 11174) granting an increase of pension to John H. Agner; to the Committee on Pensions.

By Mr. CARTER of Oklahoma: A bill (H. R. 11175) granting an increase of pension to William F. McLean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11176) granting a pension to Mrs. J. T. Bottoms; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11177) to remove the charge of desertion from the name of George W. Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 11178) for the relief of James M. Ray; to the Committee on Military Affairs.

Also, a bill (H. R. 11179) granting an increase of pension to Malinda K. McGowen; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 11180) granting an increase of pension to Ellen M. Hoover; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 11181) granting a pension to Sarah F. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11182) granting an increase of pension to Stephen Skeen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11183) granting a pension to Virgile O. Adams; to the Committee on Pensions.

By Mr. DIES: A bill (H. R. 11184) for the relief of the heirs of the late Seymore White; to the Committee on Claims.

Also, a bill (H. R. 11185) for the relief of the heirs of the late A. B. Pedigo; to the Committee on Claims.

Also, a bill (H. R. 11186) for the relief of Joshua H. Truitt and the legal representative of James Truitt, deceased; to the Committee on Claims.

By Mr. DOOLING: A bill (H. R. 11187) granting a pension to Anna Cole; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 11188) granting a pension to Fritz Hintermeier; to the Committee on Pensions.

By Mr. FINLEY: A bill (H. R. 11189) for the relief of the heirs of James Henry Taylor and Angie Taylor, deceased; to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 11190) granting an increase of pension to William Hockenbroucht; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 11191) for the relief of Daniel D. Dorsey; to the Committee on Military Affairs.

By Mr. GANDY: A bill (H. R. 11192) granting a pension to Michael Nelson; to the Committee on Pensions.

Also, a bill (H. R. 11193) granting a pension to Ernest Blaseg; to the Committee on Pensions.

By Mr. GILLET: A bill (H. R. 11194) for the relief of Albert W. Phelps; to the Committee on Claims.

By Mr. HICKS: A bill (H. R. 11195) for the relief of Jennette Hooker Powell; to the Committee on the Public Lands.

By Mr. HOLLINGSWORTH: A bill (H. R. 11196) granting a pension to Emory French; to the Committee on Pensions.

Also, a bill (H. R. 11197) granting a pension to Conrad Pearch; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11198) granting an increase of pension to Mary Fieber; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 11199) granting a pension to William E. Crookshanks; to the Committee on Pensions.

Also, a bill (H. R. 11200) granting an increase of pension to W. D. Medley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11201) granting an increase of pension to George W. Conley; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 11202) granting an increase of pension to James F. Dowis; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 11203) granting an increase of pension to Margaretha R. Schnake; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 11204) for the relief of John H. McAtee; to the Committee on Military Affairs.

Also, a bill (H. R. 11205) granting a pension to Charity E. Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11206) granting a pension to Henry T. Barnard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11207) granting a pension to Robert E. Jones; to the Committee on Pensions.

By Mr. McCULLOCH: A bill (H. R. 11208) granting a pension to Anna D. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 11209) granting a pension to Mary C. Kaiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11210) granting an increase of pension to George B. Cock; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 11211) granting a pension to Anna Schmiege; to the Committee on Pensions.

By Mr. MAHER: A bill (H. R. 11212) granting a pension to Elizabeth McGuinness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11213) granting a pension to Mary Julian Conway; to the Committee on Pensions.

By Mr. MILLER of Delaware: A bill (H. R. 11214) granting an increase of pension to John E. Louer; to the Committee on Pensions.

By Mr. MORGAN of Louisiana: A bill (H. R. 11215) for the relief of the heirs of Isabella Ann Fluker; to the Committee on Claims.

Also, a bill (H. R. 11216) for the relief of the heirs of Henry Ware, deceased; to the Committee on War Claims.

By Mr. NORTH: A bill (H. R. 11217) granting a pension to David W. Craft; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 11218) granting an increase of pension to Lucinda Atwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11219) granting a pension to Charles C. Dougherty; to the Committee on Pensions.

By Mr. OLNEY: A bill (H. R. 11220) granting an increase of pension to Mary I. Toothaker; to the Committee on Invalid Pensions.

By Mr. POU (by request): A bill (H. R. 11221) granting a pension to George M. Griffith; to the Committee on Pensions.

Also, a bill (H. R. 11222) granting an increase of pension to Frederick M. Hood; to the Committee on Pensions.

By Mr. PRICE: A bill (H. R. 11223) for the relief of the heirs of William W. Quinn; to the Committee on War Claims.

By Mr. RUBEY: A bill (H. R. 11224) granting an increase of pension to Charles H. Shreeve; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 11225) granting an increase of pension to Harriet Francis; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 11226) granting a pension to Columba Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11227) granting a pension to Rosa Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11228) granting a pension to James Capehart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11229) granting a pension to E. G. Friend; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11230) granting an increase of pension to William R. Whittaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11231) granting a pension to Thomas Lathrop; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 11232) granting an increase of pension to Mary Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11233) granting a pension to Martin Fahey; to the Committee on Pensions.

Also, a bill (H. R. 11234) granting an increase of pension to Catherine Hogg; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 11235) granting an increase of pension to Anna Z. Monson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11236) granting an increase of pension to Kate M. Miller; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 11237) granting a pension to John C. Swalm; to the Committee on Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 11238) to repeal the act of January 1, 1889 (25 Stat. L., 639), entitled "An act granting to Citrous Water Co. right of way across Papago Indian Reservation, in Maricopa County, Ariz.,"; to the Committee on Indian Affairs.

By Mr. STINESS: A bill (H. R. 11239) granting an increase of pension to Amelia S. Smith; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Synod of the Episcopal Church of the Southwest, urging that more chaplains be provided for the Army and Navy; to the Committee on Military Affairs.

Also (by request), petition of Council of the Jefferson Street Presbyterian Church, of St. Charles, Mo., for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also (by request), memorial of Christian Endeavor Union, urging prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also (by request), memorial of Christian Endeavor Union of the District of Columbia, remonstrating against passage of House bill 10025; to the Committee on the District of Columbia.

Also (by request), memorial of Christian Endeavor of the District of Columbia, favoring Federal censorship of motion-picture films; to the Committee on Education.

By Mr. ALLEN: Memorial of Ohio State Association of Architects, relative to the Barber contract, Department of Justice; to the Committee on Public Buildings and Grounds.

By Mr. ASHBROOK: Evidence to accompany House bill 5839, for relief of Nancy J. Debolt; to the Committee on Invalid Pensions.

Also, petition of the Chatham (Ohio) Men's Club, the Fredericktown (Ohio) Methodist Episcopal Church, Rev. Alfred C. Kace and 37 other citizens, of Keene, Ohio, in favor of House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of L. B. Blackledge and 56 other citizens, of Fredericktown, Ohio, in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of Henry H. Carter and 19 other citizens of Hebron, Ohio, against House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. BACHARACH: Petition of firemen of Atlantic City, N. J., in re House bill 433; to the Committee on the District of Columbia.

By Mr. BAILEY: Petition of Johnstown (Pa.) branch of the German-American Alliance of Pennsylvania, in re the contemplated changes in the judicial code of the United States; to the Committee on the Judiciary.

Also, petition of Johnstown (Pa.) branch of German-American Alliance, favoring an embargo on arms and ammunition; to the Committee on Foreign Affairs.

Also, petition of Johnstown (Pa.) branch of German-American Alliance, opposing national prohibition; to the Committee on the Judiciary.

Also, petition of Johnstown (Pa.) branch of German-American Alliance, favoring House bill 702, the dyestuff bill; to the Committee on Ways and Means.

Also, petition of Fred C. Pate, M. E. Slagenhopt, W. H. Straub, J. F. Murdock, George T. Jacobs & Bro., Harold S. Smith Co., Blackburn Hardware Co., and John R. Dull, of Bedford; M. H. Kramer, William J. Sheavly, Diehl & Hershiser, Charles R. Rhodes, E. B. Bruner, E. W. Light, A. G. Crabbe, O. D. Blair, and H. H. Deaver, of Hyndman, all of the State of Pennsylvania, for the taxation of mail-order houses; to the Committee on Ways and Means.

By Mr. BROWNING: Petition of Castle Kid Co., manufacturers of leather, Camden, N. J., for passage of House bill 702, the dyestuff bill; to the Committee on Ways and Means.

By Mr. CANNON: Petition of sundry citizens of Oakland, Ill., in favor of national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, memorial of Local Union No. 335, International Union of the United Brewery Workmen of America, protesting against any national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. COOPER of Ohio: Petitions of sundry citizens of Mahoning and Columbiana Counties, and Methodist Episcopal Church of Barber Center, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Petition by B. B. Davis, N. L. Watton, and Nat. Holt, of Stockton, Cal., against Federal censorship of motion pictures; to the Committee on Education.

By Mr. DALE of New York: Petition of Foreign Service Camp, No. 87, United Spanish War Veterans, relative to Army field clerks and their pay; to the Committee on Military Affairs.

Also, petition of citizens in Cooper Union, relative to revenue by income tax upon large incomes; to the Committee on Ways and Means.

By Mr. DEWALT: Petition of the Allentown Manufacturing Co., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. DRUKKER: Petition of S. Garelich, George J. Lichenstein, John Roberts, Joseph Walls, Charles K. Lichenstein, Patrick J. O'Neill, and Manuel Miller, favoring a tariff on dyestuffs; to the Committee on Ways and Means.

By Mr. DYER: Petition of Missouri Grain Dealers' Association, Mexico, Mo., favoring the grain grades bill; to the Committee on Agriculture.

By Mr. ESCH: Petition of International Union of the United Brewery Workmen of America, against national prohibition; to the Committee on the Judiciary.

By Mr. FESS: Petitions of 51 citizens of Xenia and Center Monthly Meeting of Friends, of Wilmington, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FINLEY: Papers to accompany bill for the relief of James Henry Taylor and Angie Taylor, deceased; to the Committee on War Claims.

By Mr. FLYNN: Petition of Foreign Service Camp, No. 87, United Spanish War Veterans, relative to Senate bill 2526 and House bill 632, for Army field clerks; to the Committee on Military Affairs.

Also, petition of Schenectady (N. Y.) Board of Trade, relative to Federal waterway improvements in upper Hudson River; to the Committee on Rivers and Harbors.

Also, petition of Archibald M. Symons, of New York City, in re House bill 9814; to the Committee on the Public Lands.

Also, petition of Bertha M. Latham, of New York City, in re House bill 9814; to the Committee on the Public Lands.

Also, memorial of citizens in Cooper Union, N. Y., relative to raising additional revenue by income tax upon large incomes; to the Committee on Ways and Means.

By Mr. FOCHT: Evidence in support of House bill 10609, for the relief of Della A. Daubenspeck; to the Committee on Pensions.

Also, evidence in support of House bill 11029, for the relief of George Rhule; to the Committee on Invalid Pensions.

By Mr. FOSS: Petition of Indianapolis Life Insurance Co., favoring preparedness; to the Committee on Military Affairs.

Also, petition of sundry citizens of Wilmette, Ill., favoring the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Illinois Manufacturers' Association, favoring restoration of a protective tariff, to be followed by a permanent tariff commission; to the Committee on Ways and Means.

By Mr. GARNER: Memorial of the Synod of the Province of the Southwest of the Protestant Episcopal Church, relative to

chapels at all Army posts; to the Committee on Military Affairs.

Also, petition of business men of Cibola, Tex., relative to tax on mail-order houses; to the Committee on Ways and Means.

By Mr. GILLETTE: Petition of 47 citizens of Turners Falls, Mass., against tax on tooth paste as in war-revenue bill; to the Committee on Ways and Means.

By Mr. HOLLINGSWORTH: Petition of pastor and members of Slavic Presbyterian Church, of Mingo Junction, Ohio, for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of Epworth League of Bergholz, Ohio, for national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, petition of Rev. William Yenser and 11 citizens of Columbiana, Ohio, for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 35 citizens of East Liverpool, Ohio, and Chester, W. Va., against proposed emergency tax on tooth paste; to the Committee on Ways and Means.

Also, memorial of United Presbyterian Church and 32 citizens of St. Clairsville; Methodist Episcopal Church of Freeport; First Methodist Protestant Church and 38 citizens of Steubenville; Rev. Edwin A. Jester and 46 citizens of Wellsville, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, papers to accompany bill to pension Emory French; to the Committee on Pensions.

By Mr. HILL: Petition of George H. Meigs, of Rochester, and W. C. V. Duirin, of Olean, all in the State of New York, favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petition of Richards & Co., Celluloid Zapan Co., and Boston Artificial Leather Co., of Stamford, Conn., in favor of House bill 702, the dyestuff bill; to the Committee on Ways and Means.

By Mr. LONGWORTH: Petitions of Mount Lookout Methodist Episcopal Church, young men and women of First Presbyterian Church, and citizens of Cincinnati, and citizens of Newton, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LOUD: Petition of 17 members of Mount Vernon Grange, No. 992, of Isabella County, Mich., against preparedness; to the Committee on Military Affairs.

By Mr. MAGEE: Petition of F. E. Allen and others, of Syracuse, N. Y., favoring preparedness; to the Committee on Military Affairs.

By Mr. MATTHEWS: Petitions of Presbyterian Sunday School and 35 citizens of Delphos; First Methodist Episcopal Church and 58 citizens of Van Wert; First Baptist Church of Defiance; Methodist Episcopal Church and 46 citizens of Leipsic, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MEEKER: Petitions of the Phelan-Faust Paint Manufacturing Co. and California Tanning Co., of St. Louis, Mo., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petitions of International Brotherhood of Blacksmiths and Helpers, Local 12; George W. Davis; Fred Voss, jr.; Arthur Hoelzer; F. Klages; Charles W. Robbins; and William Friederich, all of St. Louis, Mo., praying for the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of 2,500 citizens of St. Louis, Mo., members of the United Brewery Workmen, against national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of St. Louis, Mo., favoring militia pay bill; to the Committee on Military Affairs.

Also, petition of 75 citizens of St. Louis, Mo., protesting against an emergency tax on tooth paste; to the Committee on Ways and Means.

Also, petition of the Koeber-Brenner Co., St. Louis, Mo., favoring Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Petitions of George Krents, August Snyder & Sons, and others, of Philadelphia, Pa., favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

By Mr. MILLER of Delaware: Evidence in support of House bill 11123, granting an increase of pension to Anna L. Cooper; to the Committee on Invalid Pensions.

By Mr. PAIGE of Massachusetts: Papers to accompany House bill 11128, for relief of Lorenzo Harris; to the Committee on Invalid Pensions.

By Mr. PHELAN: Petitions of Donohoe Bros. Tea Co. and Clinton G. Mills, of Lynn; Plymouth Mills, of Lawrence; and

Nathan H. Poor & Co., of Lawrence, Mass., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. ROWE: Petition of Central Union Label Council of Greater New York, in favor of the Booher bill (H. R. 6871); to the Committee on Interstate and Foreign Commerce.

Also, petition of Richard Young Co., of New York City, for House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, petitions of John T. Barry, of New York City, and William M. Carroll, also of New York, protesting against any curtailment of mail deliveries in New York; to the Committee on the Post Office and Post Roads.

By Mr. RUSSELL of Ohio: Petition of the Piqua (Ohio) Handle & Manufacturing Co., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petitions of United Brethren Church, of Piqua, and Lutheran Sunday School and 26 citizens of Tippecanoe City, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SHACKLEFORD: Memorial of D. C. Hardy and 150 other business men of Missouri, favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. SMITH of Idaho: Papers to accompany House bill 11060, granting an increase of pension to Henry F. Bailey; to the Committee on Invalid Pensions.

By Mr. STINESS: Memorial of Rockville (R. I.) Sabbath School, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Local Union No. 245, of Providence, R. I., International Union of the United Brewery Workmen of America, against national prohibition; to the Committee on the Judiciary.

Also, memorial of Rhode Island Retail Liquor Dealers' Association, against any additional tax on beer, etc.; to the Committee on Ways and Means.

Also, petition of Brown Bros. Co., of Providence, R. I., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. TILSON: Petition of citizens of Glenbrook, Conn., favoring preparedness; to the Committee on Military Affairs.

Also, petition of Pasquale Marcello and others, of New Haven, Conn., favoring the Kern-McGillcuddy workmen's compensation bill; to the Committee on the Judiciary.

By Mr. WASON: Resolutions of Mount Pleasant Council No. 7, Sons and Daughters of Liberty, of Nashua, N. H., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, February 10, 1916.

(Continuation of the legislative day of Wednesday, Feb. 9, 1916.)

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

After 5 hours and 25 minutes spent in executive session the Senate, in executive session (at 5 o'clock and 25 minutes p. m.), took a recess until to-morrow, Friday, February 11, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 10 (legislative day of February 9), 1916.

SOLICITOR FOR THE DEPARTMENT OF THE INTERIOR.

Alexander T. Vogelsang, of San Francisco, Cal., to be Solicitor for the Department of the Interior; vice Preston C. West, whose resignation takes effect at the close of business February 10, 1916.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

First Lieut. Richard W. Walker, Twelfth Cavalry, to be captain from February 9, 1916, vice Capt. Douglas H. Jacobs, Cavalry, unassigned, who died February 8, 1916.

Second Lieut. Elbert E. Farman, jr., Second Cavalry, to be first lieutenant from February 9, 1916, vice First Lieut. Richard W. Walker, Twelfth Cavalry, promoted.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Archibald D. Turnbull to be a lieutenant in the Navy from the 7th day of September, 1915.

Ensign Willard E. Cheadle to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

Paymaster's Clerk John J. Lynch to be a chief pay clerk in the Navy from the 1st day of July, 1915.